

*****DRAFT - NOT FOR FILING*****

4781-11-17 Manufactured housing dealer business establishment.

- ~~(A) A manufactured housing dealer shall have an established place of business that shall include an office that is permanent in nature, with office equipment and supplies that are sufficient to assist in conducting the business of selling manufactured housing year-round. The office shall have, at minimum, a landline telephone number (not a cellular phone) in service at all times, that is listed in the local telephone directory as, and answered in the name of, the manufactured housing dealer, electric lighting, and heating that is sufficient and reasonable for a retail office environment. An established place of business that is used for selling manufactured housing shall be considered used exclusively for that purpose even though its facility is located in a manufactured home park or office complex, and even though rent and other activities related to operating a manufactured home park take place at the same location. The dealer's established place of business in a manufactured home park shall be staffed by someone licensed and regulated under this chapter who could reasonably assist any retail customer, with or without an appointment, but such established place of business need not satisfy office, size, display lot size, and physical barrier requirements as referenced in this chapter.~~
- ~~(B) The office shall be clearly identified, easily accessible, and open to the public, a minimum of thirty hours a week, at least six of which shall occur Monday through Friday. The office shall be kept neat and orderly at all times, and shall not be used as storage or other utility area. The office shall be separate from a personal residence. If the dealership is located in a manufactured home park, posted office hours must be adhered to, however, the salesperson is allowed to be out of the office during posted office hours if there are instructions on the door on how to reach the salesperson. The salesperson must be available to reasonably assist customers with or without an appointment. The office for dealerships located in manufactured home parks can be in a model home or an office. If, however, the commission's investigation reveals that the dealer applicant's local area would be better served, the commission may grant the applicant a manufactured housing dealer license if the applicant has substantially complied with the provisions laid forth in this chapter.~~
- ~~(C) The business hours shall be legible and posted in a conspicuous place near the entrance of the office.~~
- ~~(D) An established place of business which shall include a lot of at least three thousand five hundred square feet, not including driveways, with adequate ground cover of a hard surface (gravel, concrete, etc.) to prevent the collection of dust, mud, water, or other unsightly conditions.~~
- ~~(E) The display lot must be separated from any other business or residence with a permanent physical barrier that is sufficient to deter normal vehicular and pedestrian traffic. The barrier may not be able to be moved or removed.~~
- ~~(F) A permanent office of at least one hundred eighty square feet of usable office area, located on the display lot, which shall be kept in a neat and orderly fashion. The office must include the following:~~
- ~~(1) Desk;~~
 - ~~(2) Chair;~~
 - ~~(3) Filing cabinet;~~
 - ~~(4) Electric lighting sufficient for an office;~~
 - ~~(5) Heating sufficient for an office;~~

*****DRAFT - NOT FOR FILING*****

- (6) Telephone, in service at all times, listed and answered in the dealership's name;
- ~~(G) A sign showing the exact name of the business as it appears on the application. In the event the manufactured housing dealer is located in a manufactured home park, the signage can be in the name of the manufactured home park. The manufactured housing dealer shall also provide sufficient disclosure to all purchasers and potential purchasers that the manufactured housing dealer is licensed by the commission to deal in manufactured homes. This disclosure shall include the actual name of the authorized licensee as provided by the applicant to the commission. At the time of application, the applicant must provide clear photographs (via mail or email) of the location showing: (1) the lot, (2) the office (inside and outside), and (3) business name sign, including any registered trade names. No applicant shall be issued a license unless their application shall show the business for which the license is sought is equipped with a suitable sign, property maintained and prominently displayed, and permanent, identifying the ownership of said business in the same name in which the application is filed. Sign letters identifying the business shall be no less than six inches high.~~
- ~~(H) The office shall be staffed at all posted hours by an owner, partner, officer or licensed salesperson.~~

A manufactured housing dealer shall have an easily recognizable established place of business and meet all of the following requirements:

- (A) An office that is permanent in nature, of a size and with office equipment and supplies that are sufficient to assist in conducting the business of selling at retail, displaying, offering for sale or dealing in manufactured housing year-round. The office shall include, at minimum, a business telephone in service at all times that is generally available to the public and shall be answered in the name of the manufactured housing dealer. The business telephone number shall be legible and posted in a conspicuous place in public view. A manufactured housing dealer shall notify the superintendent of real estate and professional licensing in writing within fifteen days of any change in the business location, mailing address and/or telephone number.
- (B) The office shall include adequate electric lighting, electrical service, heating and ventilation that is sufficient, secure and safe for a retail office environment. The entire premises, including any plumbing fixtures, shall not be in violation of any applicable building or zoning requirements. The dealer shall provide evidence to show building and zoning requirements have been met upon request of the superintendent. Upon request of the dealer, the superintendent shall consider, and may approve, reasonable variances to these requirements except for variances to the building and zoning requirements;
- (C) Except as provided in division (E) of this rule, the office shall:
- (1) Be clearly identified, easily accessible, and open to the public a minimum of thirty hours a week, at least six of which shall occur Monday through Friday. The business hours shall be legible and posted in a conspicuous place near the entrance of the office;
 - (2) Be kept neat and orderly at all times and shall not be used as storage or other utility area. The office shall be separate from a personal residence;
 - (3) Include a lot of at least three thousand five hundred square feet, not including driveways, with adequate ground cover of a hard surface (gravel, concrete, etc.) to prevent the collection of dust, mud, water, or other unsightly conditions; and
 - (4) Separate the display lot from any other business or residence with a permanent physical barrier that is

*****DRAFT - NOT FOR FILING*****

sufficient to deter normal vehicular and pedestrian traffic. The barrier may not be able to be moved or removed.

- (D) An established place of business that is used for selling at retail, displaying, offering for sale or dealing in manufactured housing shall be considered used exclusively for that purpose even though its office is located in a manufactured home community or office complex, and even though rent and other activities related to operating a manufactured home park take place at that same location. The dealer's office in a manufactured home park shall be staffed by someone licensed and regulated under this chapter who could reasonably assist any retail customer, with or without an appointment, but such established place of business need not satisfy office size, display lot size, and physical barrier requirements as referenced in this chapter.
- (E) A manufactured homes dealer located in an actively licensed manufactured home park shall not be required to meet the following requirements:
- (1) Maintain a lot for the established place of business of at least three thousand five hundred square feet; and
 - (2) Strictly adhere to holding the office open to the public at least thirty hours per week. To meet this exception, during the required thirty hours per week, the dealer shall:
 - (a) Ensure that readily identifiable contact information for the owner, partner, officer or licensed salesperson is posted in a way which makes it clearly visible and readable from the exterior of the office during times that the owner, partner, officer or licensed salesperson is away;
 - (b) Ensure that the posted contact information includes a telephone number marked in a conspicuous manner so that a consumer may contact the office staff for assistance; and
 - (c) Ensure that, if absent from the office, the owner, partner, officer or licensed salesperson is able to return to the office in a reasonable period of time to assist the consumer.
- (F) In all cases, the office shall be staffed at all posted hours by an owner, partner, officer or licensed salesperson.
- (G) A model manufactured home located on the manufactured housing dealer's lot or site may be used as an office provided all other requirements under the Ohio Revised Code and Ohio Administrative Code are met.