

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Public Health**  
**Division of Public Health Protection and Safety**  
**(Amended After Comments)**

**902 KAR 15:010. Manufactured and mobile home communities~~[homes]~~.**

RELATES TO: KRS~~[Chapter 13B, 151.100(7),]~~ 219.310-219.410, 219.991(2), 227.570(2)

STATUTORY AUTHORITY: KRS 194A.050(1), 219.340, 219.360~~[-219.370]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires~~[authorizes]~~ the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 219.340(1) requires the cabinet to establish a schedule of fees that shall be paid for a permit to operate a manufactured or mobile home community. KRS 219.360 authorizes the cabinet to issue a permit for the new construction or alteration of a manufactured or mobile home community.~~[KRS 219.370 requires the Secretary of the Cabinet for Health Services to regulate and enforce the Kentucky Manufactured Home, Mobile Home, and Recreational Vehicle Community Act of 2002, KRS 219.310 to 219.410.]~~ This administrative regulation establishes standards for community construction and layout, sanitary standards for operation, the permitting and inspection fee schedule, and other matters necessary to insure a safe and sanitary manufactured or mobile home community operation.

Section 1. Definitions. (1) "Cabinet" is defined by KRS 219.320(2).

(2) "Community street" means the paved portion of a roadway between curbs or, if not paved, the surfaced area separating lots.

(3) "Flood plain" means the area in a watershed that is subject to flooding at least one (1) time every 100 years.

~~(4)~~~~(2)~~ "Footer" means that part of a manufactured or mobile home lot ~~that~~[which] supports the foundation for the placement of a manufactured or mobile home and appurtenant structures or additions.

~~(5)~~~~(3)~~ "Foundation" means the substructure placed on a footer for supporting a manufactured home or mobile home.~~[(4) "Community driveway" means a private driveway which affords principal means of access between the community street and individual manufactured home or mobile home lots.~~

~~(5)~~ "Community street" means the paved portion of a roadway between curbs or, if not paved, the surfaced area separating lots.

~~(6)~~ "Sewer connection" means the connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewer system serving the mobile home park.

~~(7)~~ "Water connection" means the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the manufactured home or mobile home.]

Section 2. Application for a Permit. (1) A person desiring to operate a manufactured or mobile home community shall complete and submit Form DFS-200, Application for a Permit, incorporated by reference in 902 KAR 10:040, to the local or district health department serving the county in which the community is located.

(2)(a) Upon receipt of an initial Application for a Permit, the cabinet shall inspect the manufactured or mobile home community to determine compliance with the provisions of this admin-

istrative regulation and KRS 219.310 ~~through~~<sup>to</sup> 219.410.

(b) If the inspection reveals **compliance with**~~[the applicable requirements of]~~ this administrative regulation~~[have been met]~~, a permit shall be issued to the applicant by the cabinet.

(3) The Application for a Permit to operate a manufactured or mobile home community shall be accompanied by:

(a) An application fee of \$150; and

(b) The inspection fee required by subsection (6) of this section.

(4) A permit to operate a manufactured or mobile home community shall be:

(a) Nontransferable from one (1) person to another; and

(b) Renewed annually by June 30 each year.

(5) A late **renewal**~~[penalty]~~ fee of seventy-five (75) dollars shall be assessed on all permit renewal applications not received or postmarked on or before July 31 each year.

(6) The fee assessed for the inspection of a manufactured or mobile home community shall be assessed according to the total number of spaces in the community:

(a) **Two (2)**~~[One (1)]~~ to ten (10) spaces - \$150;

(b) Eleven (11) to fifty (50) spaces - \$225;

(c) Fifty-one (51) to 100 spaces - \$300;

(d) 101 to 200 spaces - \$375;~~[or]~~

(e) 201 **to 300**~~[or more]~~ spaces - \$450;

(f) **301 to 400 spaces - \$525;**

(g) **401 to 500 spaces - \$600; or**

(h) **501 or more spaces - \$675.**

Section 3. Submission of Construction Plan. (1) A person desiring to construct or alter a manufactured or mobile home community shall complete and submit **a notarized Form DFS-317, Application for a Permit to Construct or Alter a Mobile Home Park or Recreational Vehicle Park**, to the local or district health department serving the county in which the community is located.

(2)~~[In accordance with KRS 219.350,]~~ Each application for a permit to construct or alter a manufactured or mobile home community shall be accompanied by:

(a) A complete plan, drawn to scale, submitted in triplicate, of the proposed community or alteration; and

(b) **An application for**~~[A]~~ plan review fee of seventy (70) dollars.

(3) If the community is located within a flood plain~~[flood plain]~~, the plan shall be submitted in quadruplicate.

(4) The plan shall show existing and proposed facilities including:

~~(a)~~~~[(1)]~~ The area and dimensions of the tract of land being developed;

~~(b)~~~~[(2)]~~ The number, location, and size of all manufactured or mobile home lots;

~~(c)~~~~[(3)]~~ The area within each manufactured or mobile home lot intended for location of a manufactured or mobile home and setback distances;

~~(d)~~~~[(4)]~~ A detailed drawing of the manufactured or mobile home footer for the placement of the manufactured or mobile home stand within the mobile home lot;

~~(e)~~~~[(5)]~~ The location and width of roadways, driveways, and walkways;

~~(e)~~~~[(6)]~~ The number, location, and size of all off-street automobile parking spaces;

~~(f)~~~~[(7)]~~ The location of each community street lighting and electrical system;

~~(g)~~~~[(8)]~~ A detailed drawing of the water supply, if the source is other than public;

~~(h)~~~~[(9)]~~ A detailed drawing of the sewage disposal facilities, including specifications;

~~(i)~~~~[(10)]~~ A detailed drawing of the refuse storage facilities;

~~(j)~~~~[(11)]~~ The location and size of water and sewer lines, and riser pipes;

(k)~~(12)~~ The size and location of playground areas within the community, if provided; and  
(l)~~(13)~~ A separate floor plan of each building and other improvement constructed or to be constructed within the manufactured or mobile home community, including a plumbing riser diagram.

Section 4.~~3.~~ Location and General Layout Standards. (1) Every manufactured or mobile home and manufactured or mobile home community shall be located on a well-drained area~~, not in a flood plain~~. Each site shall be graded to prevent the accumulation of storm or other waters.

(2) If the location is in an area at high risk for flooding **as determined by the National Flood Insurance Program**, the applicant shall:

- (a) Submit an engineering study to the cabinet; and
- (b) Maintain flood insurance for the site.

(3) Each manufactured or mobile home or lot shall be numbered and displayed in a systematic order.

(4) Each manufactured or mobile home lot shall:

(a) Contain at least 4,000 square feet; and

(b) Be sized to ensure that spacing and setback requirements are met for any manufactured or mobile home placed on that lot.

(5) Manufactured or mobile homes shall be separated from each other and from other permanent buildings by at least fifteen (15) feet.

(6) A manufactured or mobile home shall be located at least twenty-five (25) feet from a community property boundary line abutting upon a public street or highway, and at least ten (10) feet from other community property boundary lines.

(7) There shall be at least twenty (20) feet between an individual manufactured or mobile home and the adjoining surface of a community street, or common parking area or other common areas.

(8) If a community provides a playground area, the area shall be easily accessible to all community residents and shall be fenced or otherwise rendered free of traffic hazards.

(9) Each lot shall abut a community street.

(a) The minimum width for a two (2) way community street with no parking shall be eighteen (18) feet.~~;~~

(b) The minimum width for a two (2) way community street with one (1) side parking shall be twenty-seven (27) feet.~~;~~

(c) The minimum width for a two (2) way community street with both sides parking shall be thirty-six (36) feet.~~;~~

(d) The minimum width for a one (1) way community street with no parking shall be fourteen (14) feet.~~;~~

(e) The minimum width for a one (1) way community street with one (1) side parking shall be twenty-three (23) feet.~~;~~

(f) The minimum width for a one (1) way community street with both sides parking shall be thirty-two (32) feet.

(10) Each community street, driveway, and walkway shall be:

(a) Of gravel, ~~or~~ asphalt, or concrete~~["all weather"]~~ construction;

(b) Maintained in good condition;

(c) Drained **so as not to allow water to pond or accumulate**~~naturally~~;

(d) Relatively free of dust; and

(e) Free of holes.

(11)~~(a)~~ The installation area of the manufactured or mobile home ~~[feet]~~ shall be suitable

for placement of a manufactured or mobile home foundation, in compliance with site preparation and installation requirements of 815 KAR Chapter 25. ~~[(12) The area intended for manufactured or mobile home placement shall be inspected by agents of the cabinet prior to placement to ensure all applicable setbacks are maintained. The cabinet shall be notified at least three (3) working days in advance of placement of the home]~~[:090.

(b) ~~The manufactured or mobile home footer shall not heave, shift, or settle unevenly under the weight of the manufactured or mobile home, due to forces acting on the superstructure, such as:~~

- ~~1. Frost action;~~
- ~~2. Inadequate drainage;~~
- ~~3. Vibration; or~~
- ~~4. Other forces].~~

Section 5. ~~[4.]~~ Lighting within Community. A minimum equivalent to a 100 watt high pressure sodium light or light emitting diode equivalent ~~[175-watt mercury vapor type light]~~, shall be provided at the community entrances, intersections, and at intervals of 200 feet within the community.

Section 6. ~~[5.]~~ Community Water Supply. (1)(a) The water supply shall be potable, adequate **for the size of the community**, and, **if available, from a** ~~[from an approved]~~ public supply of a municipality or water district **in compliance with 401 KAR Chapter 8** ~~[, if available]~~.

(b) If a public water supply of a municipality or a water district is not available, the supply for the community shall be developed and approved in accordance with the applicable requirements of 401 KAR Chapter 8 ~~[pursuant to the requirements of the Natural Resources and Environmental Protection Cabinet]~~.

(c) If a public water supply of a municipality or water district subsequently becomes available, connections shall be made to it and the community supply shall be discontinued.

(2) The water supply shall be capable of supplying at least 150 gallons per day per manufactured or mobile home lot.

(3) A physical connection shall not be made between an approved public water supply and unapproved water supply.

(4) Water distribution lines and connections shall comply with 815 KAR Chapter 20 ~~[the state plumbing code]~~.

Section 7. ~~[6.]~~ Community Sewage and Waste Disposal. (1)(a) Sewage and waste matter shall be disposed of into a **municipal** ~~[public]~~ sewer system, if available.

(b) If a **municipal** ~~[public]~~ sewer system is not available, disposal shall be made into a private sewage disposal system designed, constructed, and operated in accordance with the requirements of 815 KAR Chapter 20 and 902 KAR Chapter 10 ~~[the cabinet or the Natural Resources and Environmental Protection Cabinet]~~.

(c) If a **municipal** ~~[public]~~ sewer system subsequently becomes available, connections shall be made to it and the **private** ~~[community]~~ sewer system shall be discontinued.

(2) ~~[The sewer service connection between the manufactured or mobile home and the sewer riser opening shall have an inside diameter of at least three (3) inches and a slope of at least one-fourth (1/4) inch per foot. All joints shall be watertight.~~

~~(3)]~~ The sewer outlet shall be capped **while** ~~[when]~~ not in use.

~~(3)]~~ ~~(4)]~~ Manufactured or mobile home community sewer system ~~[systems]~~ connections shall comply with 815 KAR Chapter 20 ~~[the state plumbing code]~~.

Section 8. ~~[7.]~~ Storage, Collection, and Disposal of Community Refuse. (1) The permit holder

shall be responsible for storage and disposal of refuse in common containers.

(2) The storage, collection, and disposal of refuse in the community area shall not create:

- (a) A health, safety, or fire hazard;
- (b) Rodent harborage;
- (c) Insect breeding area;
- (d) Air pollution; or
- (e) Other public or private nuisance.

(3) Refuse shall be stored in insect-proof, watertight, rodent-proof common containers, which shall be located near each manufactured or mobile home lot. Common containers shall be provided in sufficient number and capacity to properly store all refuse deposited by community residents.

(4) A common container storage location shall be provided, designed, and maintained **so as** not to create a nuisance.

(5) Refuse ~~[containing garbage]~~ shall be collected at least once a week or more often, if necessary.

**(a)** If suitable collection service is not available from municipal or private agencies, the owner or operator of the community shall provide this service.

**(b)** All refuse shall be collected and transported in covered, leak-proof containers or vehicles.

(6) Refuse ~~[and waste]~~ collected at a community shall be disposed in a safe and sanitary manner approved ~~[by the Natural Resources and Environmental Protection Cabinet]~~ in accordance with 401 KAR Chapter 47.

(7) Open burning shall be prohibited in a manufactured or mobile home community.

Section ~~9.[8-]~~ **Insect, Rodent, and Vegetative Nuisance** ~~[and Rodent]~~ Control within the Community. (1) Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Approved extermination methods and other measures to control insects and rodents shall be used.

(2) Communities shall be maintained free of accumulations of debris that could ~~[which]~~ **[may]** provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

(3) Storage areas shall be maintained to prevent rodent harborage. Lumber, pipe, and other building materials shall be stored at least one (1) foot above the ground.

(4) Within forty-five (45) days of placement, each manufactured or mobile home shall have underpinning ~~[underskirting]~~ of vinyl, metal, masonry, or pressure-treated lumber.

(5) **(a)** A community shall be maintained to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health.

**(b)** A community shall be free of heavy vegetative growth of any description.

**(c) Pesticide application for the control of vegetative growth shall be in accordance with 302 KAR Chapter 28.**

Section ~~10.[9-]~~ Community Electrical Distribution Systems. Every community shall contain an electrical system consisting of wiring, fixtures, equipment, and appurtenances installed and maintained pursuant to the requirements of 815 KAR Chapter 7 ~~[35:020]~~ ~~[the Public Protection and Regulation Cabinet]~~.

Section ~~11.[40-]~~ Community Fire Protection. Each community shall comply with fire safety codes applicable to manufactured or mobile home ~~[and recreational vehicle]~~ communities, including:

(1) Spacing and setback requirements for attached or unattached accessory buildings or

structures;

- (2) State Fire Marshal requirements **established in 815 KAR Chapter 10**; and
- (3) Local fire codes regarding fuel supply storage and fuel connections.

Section ~~12.[44-]~~ Community Maintenance and Registration of Occupants. The person to whom a permit to operate a community is issued shall:

- (1) Maintain the community, **the community's[its]** facilities, and equipment in good repair and in a clean and sanitary condition;
- (2) Notify community occupants of relevant provisions of this administrative regulation, including occupants' duties and responsibilities;
- (3)(a) Assign proper orientation and location of each community home; and  
(b) Assure proper installation and set up of each manufactured or mobile home, in compliance with the provisions established [by the Public Protection and Regulation Cabinet, as embodied] in KRS 227.570(2)~~[(3)]~~ and 815 KAR Chapter 25[:010]; and
- (4) Maintain a register containing the names of community occupants, to be made available to a person authorized to inspect the community.

Section ~~13[42]~~. Communities Holding a Valid Operation Permit and Constructed Prior to December 18, 2002~~[the Adoption of this Administrative Regulation]~~. (1) A community with a valid operating permit issued between January 12, 1973 and December 18, 2002~~[the date of adoption of this administrative regulation]~~ shall be eligible for a permit to continue operation if it meets:

- (a) The requirements of the 1973 administrative regulations; or
- (b) The site plan approved by the cabinet at the time of permit issuance.
- (2) A manufactured or mobile home community with a valid operating permit, constructed on or before January 12, 1973, shall be eligible for a permit to continue operation if:
  - (a) The community does not meet the design and construction requirements of this administrative regulation; but
  - (b)1. Community facilities are capable of being maintained in a safe and sanitary manner, in compliance with this administrative regulation; and
  - 2.[(e)] The community does not present a public health nuisance.
- (3) **A manufactured or mobile home community with a valid operating permit, constructed on or before January 1, 1956, shall be eligible for a permit to continue operation if:**

**(a) The community does not meet the design and construction requirements of this administrative regulation; but**

**(b) 1. Community facilities are capable of being maintained in a safe and sanitary manner, in compliance with this administrative regulation; and**

**2. The community does not present a public health nuisance.**

~~(4)[A manufactured or mobile home community with a valid operating permit, constructed on or before January 1, 1956, shall be eligible for a permit to continue operation if:~~

~~(a) The community does not meet the design and construction requirements of this administrative regulation; but~~

~~(b) Community facilities are capable of being maintained in a safe and sanitary manner, in compliance with this administrative regulation; and~~

~~(c) The community does not present a public health nuisance.~~

~~(4)] A manufactured or mobile home currently in place at a community shall be allowed to continue to be situated on that lot. If the home is removed, it shall be replaced only by a home:~~

- ~~(a) The same size as the home being removed; or~~

(b) That preserves the set back and spacing requirements in effect at the time the community was constructed. A setback from an interior street shall be the maximum achievable for the replacement home.

Section ~~14.~~~~[13.]~~ Inspection of Communities. (1) At least once every twelve (12) months, the cabinet shall inspect each community and shall make as many additional inspections and reinspections as are necessary for the enforcement of this administrative regulation.

(2)(a) A cabinet inspector shall record the inspection findings on the DFS-318, Mobile Home and Recreational Vehicle Park Inspection Report; and

~~(b)[in writing. The inspector shall]~~ Provide a copy of the report to the permit holder or the permit holder's~~[his]~~ designee.

(3) The findings shall:

(a) ~~State~~~~[Set forth]~~ the specific violations if found;

(b) Establish a specific and reasonable period of time for the correction of ~~[the]~~ violations if found; and

(c) State that failure to comply with any notice issued pursuant to the provisions of this administrative regulation may result in suspension or revocation of the permit.

Section ~~15.~~~~[14.]~~ Suspension, Reinstatement, and Revocation of Permits. In addition to penalties established in KRS 219.991(2), the cabinet may suspend or revoke a permit, in accordance with KRS 219.380(2).

(1) The cabinet shall, upon notice to the permit holder, immediately suspend the permit if:

(a) There is reason to believe that an imminent public health hazard exists; or

(b) The holder or an employee has interfered with the cabinet in the performance of the cabinet's~~[its]~~ duties.

(2) In all other instances of violation of the provisions of this administrative regulation the cabinet shall:

(a) Serve on the permit holder or the permit holder's~~[his or her]~~ designee, a written notice stating~~[specifying]~~ the violation; and

(b) Afford the holder a reasonable opportunity for correction.

(3) The cabinet shall notify, in writing, a permit holder ~~[or operator]~~ who fails to comply with a written notice issued under the provisions of this section~~[,]~~ that the permit shall be suspended at the end of ten (10) days following service of the notice.

~~(4)[Section 15. Reinstatement of Suspended Permits.]~~ A person whose permit has been suspended may, at any time, submit Form DFS-215, Application for Reinstatement, incorporated by reference in 902 KAR 45:005,~~[make application for a reinspection]~~ for the purpose of reinstatement of the permit.

~~(5)[Within ten (10) days following receipt of a written request, including a statement signed by the applicant that the conditions causing suspension of the permit have been corrected, the cabinet shall make a reinspection. If the applicant is found to comply with the requirements of this administrative regulation, the permit shall be reinstated.]~~

~~Section 16. Revocation of Permits.]~~ A permit shall be permanently revoked for:

~~(a)[(1)]~~ Serious or repeated violations of a requirement of this administrative regulation; or

~~(b)[(2)]~~ Interference with an agent of the cabinet in the performance of his or her duties.

~~(6)~~ Prior to the action, the cabinet shall notify the permit holder or the permit holder's~~[his]~~ designee, in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) days following service of the notice.

~~(7)[Section 17. Permit Renewal. (1) A permit to operate a manufactured or mobile home community shall be renewed annually, in the month of July. A permit fee shall be assessed pursuant to 902 KAR 45:120, Section 2(2).~~

~~(2) If the cabinet or **the cabinet's[its]** agent is on notice that a manufactured or mobile home community is in violation of another agency's lawful requirement, the permit shall not be renewed until the permit holder or **the permit holder's[his]** designee demonstrates to the cabinet or its agent that the violation has been corrected.~~

~~Section 16.[18.] Appeals. [(4)] A permit holder, **a permit holder's[his]** designee, or an applicant aggrieved by a decision of the cabinet may request an appeal pursuant to 902 KAR 1:400.~~[a conference or administrative hearing. The request shall be submitted within ten (10) days of receipt of a written notice of:~~~~

- ~~(a) A violation;~~
- ~~(b) Suspension or revocation of a permit;~~
- ~~(c) Denial to renew a permit; or~~
- ~~(d) Denial of an initial application.~~

~~(2) Conference hearings.~~

~~(a) A conference hearing shall be conducted in accordance with 902 KAR 1:400, Administrative hearings, with the following exceptions:~~

~~1. The hearing shall be less formal than an administrative hearing;~~

~~2. The matter at issue shall be discussed before a representative of the Department for Public Health; and~~

~~3. Participants in the discussion shall be:~~

~~a. An agent of the cabinet; and~~

~~b. The permit holder, his designee, or the applicant.~~

~~(b) A request for a conference hearing shall be:~~

~~1. In writing;~~

~~2. Submitted or addressed to the cabinet's agent at the local health department that issued or gave notice of the violation, suspension, or revocation.~~

~~(c) A permit holder, his designee, or an applicant who does not agree with the conference report issued after the conference hearing may appeal by requesting an administrative hearing.~~

~~(3) Administrative hearing.~~

~~(a) A request for an administrative hearing waives the right to request a conference hearing.~~

~~(b) The administrative hearing shall be conducted in accordance with 902 KAR 1:400, Administrative hearings.~~

~~(c) A request for an administrative hearing shall be:~~

~~1. In writing;~~

~~2. Submitted or addressed to the Commissioner, Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621; and~~

~~3. Accompanied by a copy of the notice of violation, notice to suspend or revoke, letter denying an application, or the conference hearing report.]~~

~~Section 17.[19.] Incorporation by Reference. (1) The following material is incorporated by reference:~~

~~(a) ["]DFS-317, "Application for a Permit to Construct or Alter a Mobile Home Park or Recreational Vehicle Park," Rev 10-18; and~~

~~(b) DFS-318, "Mobile Home and Recreational Vehicle Park Inspection Report," 10-18[(Rev. 5-91)" is incorporated by reference].~~



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JEFFREY D. HOWARD, JR., M.D., Commissioner  
ADAM M. MEIER, Secretary

APPROVED BY AGENCY: July 12, 2019

FILED WITH LRC: July 15, 2019 at 10 a.m.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746, fax 502-564-7091, CHFSregs@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Persons: Julie Brooks, (502) 564-3970, julied.brooks@ky.gov, or Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the standards for manufactured or mobile home community construction and layout, sanitary standards for operation, and other matters necessary to ensure a safe and sanitary manufactured or mobile home community operation.

(b) The necessity of this administrative regulation: This administrative regulation allows the cabinet to assess a fee for permitting and inspecting manufactured or mobile home communities to help offset the cost to the cabinet.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 219.340 authorizes the cabinet to promulgate administrative regulations to establish the requirements for issuing a permit to operate a manufactured or mobile home community and to establish a schedule of fees not to exceed the administrative costs to the cabinet for the issuance of a permit to operate a manufactured or mobile home community.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes a uniform standard for all manufactured or mobile home communities and assist the cabinet in recouping costs associated with permitting and inspecting manufactured or mobile home communities.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment adds the permit application process to operate a manufactured or mobile home community; adds the permitting and inspection fee structure for a manufactured or mobile home community; adds the requirement for an inspection of the placement of a manufactured or mobile home before placement; updates the community lighting requirements; adds the prohibition of open burning within the community; updates references to application administrative regulation and revised statutes for the design and construction of the community, and the water and sewage systems; and clarifies the appeals process when an application has been denied, suspended, or revoked. The Amended After Comments version of this administrative regulation removes the requirement for a cabinet inspection prior to placement of a new manufactured or mobile home. Through the public comment process, it was determined that requiring this type of inspection would place an undue burden on community owners and local health department inspectors. Additional changes in this administrative regulation include updating the title of this administrative regulation to differentiate between other mobile home related administrative regulations, reinstating the grandfather clause for communities constructed prior to 1956, ad-

justing the schedule of fees to cover larger communities, clarifying that two (2) or more residential lots constitute a manufactured or mobile home community, clarifying the process for requesting a reinstatement of a suspended or revoked permit, correcting citations to other administrative regulations, and making additional drafting and formatting changes to comply with KRS Chapter 13A drafting rules.

(b) The necessity of the amendment to this administrative regulation: House Bill 327, enacted during the 2018 legislative session, removed the permitting and inspection fee structure for manufactured and mobile home communities from KRS 219.340. This amendment is necessary to add the required permitting and inspection fees to this administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 219.340 authorizes the secretary to promulgate administrative regulations to establish the fee structure for a permit to operate a manufactured or mobile home community. This amendment establishes that fee structure. KRS 219.370 authorizes the secretary to promulgate administrative regulations for the standards for community construction and layout, sanitation, water supply, sewage disposal, lighting, inspections, issuance, suspension and revocation of permits, and other matters as may be necessary to insure a safe and sanitary community operation. This amendment ensures those standards are up to date.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will incorporate all information related to operating a manufactured and mobile home community into one (1) administrative regulation. This will help to avoid conflicting information between the statute and program regulations. The change in the fee structure for manufactured and mobile home communities will help to offset cabinet cost associated with implementing the provisions of KRS 219.340.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will impact 1,782 manufactured and mobile home communities in the Commonwealth. In addition, this administrative regulation will impact 120 local health departments and sixty-one (61) district health departments.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in questions (3) will have to take to comply with this administrative regulation or amendment: Manufactured and mobile home community owners will need to be aware of the application process and the changes in the fee structure. Local and district health departments will need to be aware of the changes in the fee structure to ensure they are collecting the correct amounts. By including the reference to the DFS-215 form, community owners who have had a permit suspended or revoked will know how to submit an Application for Reinstatement.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The annual inspection fee for a manufactured or mobile home community will cost each community owner an additional seventy-five (75) dollars each year. The annual permit to operate a manufactured or mobile home community will increase between \$100 and \$270 for communities with two (2) to 200 spaces. The larger communities will have increased costs, up to an additional \$425, as those communities require much longer inspection time due to the size of the community. The change in the schedule of fees is consistent with surrounding states. The fee amount for submitting construction plans for review will increase ten (10) dollars. There is no anticipated costs for the local or district health departments.

(c) As a result of compliance, what benefits will accrue to the entities identified in question

(3): By complying with this administrative regulation owners of a manufactured or mobile home community, or those interested in developing a new community, can ensure the community is operating in a safe and sanitary manner.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This is an ongoing program, there will be no additional costs for implementation.

(b) On a continuing basis: This is an ongoing program, there will no additional ongoing costs associated with implementation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds and revenue received from permitting and inspecting manufactured or mobile home communities are the sources of funding for this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change, if it is an amendment: This amendment increases the fees for permitting and inspecting a manufactured or mobile home community.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. This administrative regulation does increase the fee structure for permitting and inspecting a manufactured or mobile home community. The administrative cost to the cabinet is approximately \$150 per hour for environmental management inspectors. This cost includes the salary of the inspector, fiscal year 2018 Kentucky Employee Retirement System (KERS) and Federal Insurance Contributions Act (FICA) contributions, and health and life insurance cost.

The number of spaces in the manufactured or mobile home community has an impact on the length of time required to conduct an inspection. The table below outlines the proposed changes in the fee structure for manufactured or mobile home communities.

Inspection fee	10 or less spaces	11 to 50 spaces	51 to 100 spaces	101 to 200 spaces	201-300 spaces	301-400 spaces	401-500 spaces	501 or more spaces
Avg. Hourly Rate (including FY-18 KERS, FICA, health & life, indirect)	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150
Number of hours/inspection including travel	2	3	4	5	6	7	8	9
Minimum number of routine inspections/year	1	1	1	1	1	1	1	1
Current Permit Fee	\$75	\$75	\$75	\$75	\$75	\$75	\$75	\$75

Current Inspection Fee	\$50	\$150	\$160	\$170	\$180	\$180	\$180	\$180
Current total from permitting and inspection fee	\$125	\$225	\$235	\$245	\$255	\$255	\$255	\$255
Proposed Permit Fee	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150
Proposed In-Inspection Fee	\$150	\$225	\$300	\$375	\$450	\$525	\$600	\$675
Number of permitted facilities	901	651	118	66	30	10	5	1
Proposed fee total	\$270,300	\$244,125	\$53,100	\$34,650	\$18,000	\$6,750	\$3,750	\$825
Actual expenditure	\$270,300	\$292,950	\$70,800	\$49,500	\$27,000	\$10,500	\$6,000	\$1,350

The hours required for inspection does not include travel time to and from the manufactured or mobile home community. The inspection fee is based on routine inspection only. It does not include the costs associated with doing follow-up inspections for the correction of identified non-compliance or for complaint investigations. On average one (1) re-inspection is required for every twenty (20) inspections due to identified noncompliance issues.

(9) TIERING: Is tiering applied? Tiering is applied. The permit fee structure for a manufactured or mobile home community is dependent on the number of spaces in the community.

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will impact the Environmental Management Branch within the Department for Public Health as well as local, district, and independent health departments throughout the Commonwealth.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(1), 219.340(1), 219.360.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The changes in permitting and inspection fees will generate approximately \$631,500 in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The changes in permitting and inspection fees will continue to generate approximately \$631,500 in subsequent years.

(c) How much will it cost to administer this program for the first year? The current costs to

permit and inspect mobile and manufactured home communities is approximately \$710,550. There is no anticipated increase in costs in the first year.

(d) How much will it cost to administer this program for subsequent years? There is not anticipated increase in costs to administer in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: