

902 KAR 45:120. Inspection and permit fees for recreational vehicle communities, youth camps, and private water supplies.

RELATES TO: KRS 194A.050, 211.180, 211.345, 219.340, 219.350, 219.991(2)

STATUTORY AUTHORITY: KRS 194A.050(3), 211.180(2), 211.345, 219.340(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(3) and 211.180(2) authorize the Secretary for the Cabinet for Health and Family Services to establish by administrative regulation a schedule of reasonable fees to be paid by recreational vehicle communities and youth camps to cover the cost of permitting and inspection activities carried out by the cabinet. KRS 211.345 authorizes the cabinet to establish a program for the sampling of private water supplies. This administrative regulation establishes the permit and inspection fees to be charged to recreational vehicle communities, youth camps, and for the sampling of private water supplies.

Section 1. Youth camps. An annual fee shall be assessed for an inspection conducted by the cabinet or its representative of a youth camp according to the following schedule:

- (1) Day youth camp - seventy-five (75) dollars;
- (2) Primitive youth camp - fifty (50) dollars; or
- (3) Residential youth camp with:
 - (a) Twenty (20) beds or fewer – seventy-five (75) dollars;
 - (b) Twenty-one (21) to fifty (50) beds - \$100; or
 - (c) Fifty-one (51) or more beds - \$125.

Section 2. Permit and Inspection Fees for Recreational Vehicle Communities. (1) An application for an annual permit to operate a recreational vehicle community shall be accompanied by a fee of \$150.

(2) The fee for an annual inspection of a recreational vehicle community shall depend on the number of spaces in the community as set forth in the following schedule:

- (a) Two (2) 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 or more spaces - \$450.

(3) An application for a permit to construct or alter a recreational vehicle community shall be accompanied by a fee of seventy (70) dollars.

Section 3. Private Water Supply Sampling. The fee for the sampling of a private water supply shall be fifty (50) dollars.

Section 4. Payment of Fees. Fees shall be paid to the local health department having jurisdiction. Fees received by local health departments shall be deposited in the Kentucky State Treasury. Inspection fees shall be submitted with the application for a permit to operate.

Section 5. Exemptions. (1) A facility operated by the Cabinet for Health and Family Services or the Justice and Public Safety Cabinet shall be exempt from the payment of inspection fees.

(2) If a local health department samples a private water supply as part of an investigation of illness, the sample shall be taken without charging a fee.

JEFFREY D. HOWARD, JR., M.D., Commissioner

ADAM M. MEIER, Secretary

APPROVED BY AGENCY: May 6, 2019

FILED WITH LRC: May 14, 2019 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on June 24, 2019, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 2019, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until June 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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

Agency Contact: 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 fee structure for permitting and inspecting recreational vehicle communities, youth camps, and the sampling of private water supplies.

(b) The necessity of this administrative regulation: This administrative regulation allows the cabinet to assess a fee for permitting and inspecting recreational vehicle communities, youth camps, and for sampling of private water supplies to help offset the cost to the cabinet.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 194A.050 (3), 211.180(2) and 219.340 authorize the cabinet to promulgate administrative regulations to establish a schedule of fees not to exceed the administrative costs to the cabinet for the issuance of a permit to operate a youth camp, and a recreational vehicle community. KRS 211.345 authorizes the cabinet to establish a program for the sampling of private water supplies.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assist the cabinet in recouping costs associated with permitting and inspecting recreational vehicle communities, youth camps, and private water supplies.

(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 removes the permit and inspection fees for hotels as those fees have been added to 902 KAR 7:010, and removes the permit and inspection fees for manufactured or mobile home communities as those fees have been added to 902 KAR 15:010. This amendment also adjusts the fee schedule for permitting and inspecting a recreational vehicle community to be consistent with the changes made in the fee structure for manufactured or mobile home communities.

(b) The necessity of the amendment to this administrative regulation: House Bill 327 removed the permitting and inspection fee structure for hotels and motels from KRS 219.021 and for manufactured and mobile home communities from KRS 219.340. Adding the fee structure for permitting and inspecting hotels and motels to 902 KAR 7:010, and manufactured or mobile home communities to 902 KAR 15:010 made it necessary to amend this administrative regulation. The increase in the fee structure for permitting and inspection of recreational vehicle communities is necessary to help offset the administrative costs to the cabinet.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 219.340 authorizes the secretary to promulgate regulations to establish the fee structure for permitting and inspecting a recreational vehicle community that does not exceed the costs to the cabinet.

(d) How the amendment will assist in the effective administration of the statutes: This amendment removes information related to permitting and inspecting a hotel or motel, and manufactured or mobile home community. This will help to avoid conflicting information between the statute and program regulations. The change in the fee structure for permitting and inspecting a recreational vehicle community will help to offset cabinet costs 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 223 recreational vehicle 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: Hotel and motel owners will need to be aware that the fee structure removed from this regulation has been reestablished in 902 KAR 7:010 to ensure they provide the correct fee associated with permit renewal and inspection. Manufactured and mobile home community owners will also need to be aware of the changes in the fee structure established in 902 KAR 15:010. Recreational vehicle community owners will need to be aware of the changes in fee structure in this administrative regulation. 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.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): The annual inspection fee for a recreational vehicle community will cost each community owner an additional seventy-five (75) dollars each year. The annual permit to operate a recreational vehicle community will increase between \$100 and \$270 depending on the number of spaces in the community. The fee required for plan review is increased by 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): Current owners of a hotel or motel, or a manufactured or mobile home community will only have to reference one (1) administrative regulation for all information regarding operating such a facility.

(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 recreational vehicle communities, youth camps, and private water supplies 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 recreational vehicle community to the maximum amount previously allowed by statute. The fee structure for a hotel or motel, and manufactured or mobile home community being removed from this administrative regulation has been incorporated into the applicable administrative regulations.

(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 recreational vehicle 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 recreational vehicle 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 recreational vehicle communities.

Inspection fee	10 or less spaces	11 to 50 spaces	51 to 100 spaces	101 to 200 spaces	More than 200 spaces
Avg. Hourly Rate (including FY-18 KERS, FICA, health & life, indirect)	\$150	\$150	\$150	\$150	\$150
Number of hours/inpection including travel	2	3	4	5	6
Minimum number of routine in-	1	1	1	1	1

spec- tions/ye ar.					
Current Permit Fee	\$75	\$75	\$75	\$75	\$75
Current Inspec- tion Fee	\$50	\$150	\$160	\$170	\$180
Current total from permit- ting and inspec- tion fee	\$125	\$225	\$235	\$245	\$255
Pro- posed Permit Fee	\$150	\$150	\$150	\$150	\$150
Pro- posed Inspec- tion Fee	\$150	\$225	\$300	\$375	\$400
Number of per- mitted facilities	43	97	47	29	7
Pro- posed fee total	\$12, 900	\$36, 375	\$21, 150	\$15, 225	\$3,8 50
Actual ex- pendi- ture	\$12, 900	\$43, 650	\$28, 200	\$21, 750	\$6,3 00

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. A youth camp program will pay a fee based on the type of camp offered and the number of beds associated with a residential youth camp. The permit fee structure for a recreational vehicle community is dependent on the number of spaces in the community. (9 Ky.R. 300; eff. 12-1-1982; Am. 14 Ky.R. 2083; eff. 8-3-1988; 16 Ky.R. 2787; eff. 7-8-90; 17 Ky.R. 528; eff. 9-19-1990; 19 Ky.R. 302; eff. 8-28-1992; 27 Ky.R. 1940; 2481; eff. 3-6-2001; 34 Ky.R. 424; 762; eff. 10-17-2007; 41 Ky.R. 2672; 42 Ky.R. 780; 1207; eff. 11-6-2015; 45 Ky.R. 3571; eff. 8-19-2019.)