



Rob McKenna
ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue #2000 • Seattle, WA 98104-3188

Manufactured Housing Dispute Resolution Program
•Consumer Protection Division•
1-866-924-6458

NOTICE OF NONVIOLATION

Date: March 25, 2009

Complainant: Katherine Gonzales
[REDACTED]

Respondent: West Anchor Mobile Home Park
Attn: Debra Goethals
[REDACTED]

RE: Complaint # 325910 – Katherine Gonzales

Pursuant to RCW 59.30.040, the Manufactured Housing Dispute Resolution Program has found there to be NO VIOLATION of the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA) with regard to the above referenced complaint. This notice is based upon information gathered to date.

Explanation

(1) *RCW 59.20.135—Maintenance of Permanent Structures*

The Complainant, Katherine Gonzales, complained that West Anchor MHP (Respondent) failed to maintain the shed located on Ms. Gonzales's rented lot in violation of RCW 59.20.135. After completing an investigation, the MHDRP has determined that West Anchor has not violated the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA).

The MHLTA provides that a landlord may not transfer the responsibility for maintenance of a permanent structure to a tenant. However, any structure built or affixed by a tenant is not considered a permanent structure by definition. The MHDRP's investigation determined that the shed located on Ms. Gonzales's rented lot was built by a previous tenant. Therefore, the shed is not considered a permanent structure and West Anchor is not required to maintain it.

Appeal of this Notice

You may appeal this Notice by requesting a hearing before an Administrative Law Judge. Such a request ***must*** be made ***in writing*** to this office within ***15 business days*** of your receipt of this notice, otherwise this decision is final. This request must be mailed to: Attorney General of Washington, Manufactured Housing Dispute Resolution Program, 800 Fifth Avenue Suite 2000, Seattle, WA 98104-3188. This office will then coordinate with the Office of Administrative Hearings to schedule a hearing. The ALJ is authorized by statute to hear and receive pertinent evidence and testimony, and decide, by a preponderance of the evidence, whether a violation of the MHTLA has occurred. The ALJ's decision will constitute the final order of the Attorney General and may be appealed to Superior Court via instructions to be included in the ALJ's decision.

Signed this 25 day of March, 2009

Manufactured Housing Dispute Resolution Program

ROBERT M. MCKENNA

Attorney General



CATHIE CALDWELL

Program Manager