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

NOTICE OF NONVIOLATION

Date: August 19, 2009

Complainant: Diona Neely & Nick Abbate
[REDACTED]

Respondent: Everett RV Park
Attn: Toshi Owa
[REDACTED]

RE: Complaint # 344740 – Diona Neely & Nick Abbate

Pursuant to RCW 59.30.040, the Manufactured Housing Dispute Resolution Program (MHDRP) 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 59.20.070(6)—Charging Utility Fee in Excess of Actual Cost

The Complainants, Diona Neely and Nick Abbate, complained that Everett RV Park overcharged for electricity. After completing a preliminary investigation to determine jurisdiction, the MHDRP has determined that Everett RV Park is a recreational vehicle (RV) park and not a mobile home park or manufactured housing community. As such, the MHDRP does not have jurisdiction to continue its investigation. Therefore, Everett RV Park has not violated the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA).

The MHLTA defines “mobile home park” as “any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.”

Recreational vehicles are not manufactured or mobile homes and are defined in the MHLTA as "a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as a temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot."

The MHLTA also defines "park model" as a "recreational vehicle intended for permanent or semi-permanent installation and is used as a primary residence." The Act does not define "permanent or semi-permanent installation." The MHDRP has interpreted this section to require something more than the standard connections made within RV parks. While there is no bright line rule, "permanent or semi-permanent installation" requires that the RV be immobile, requiring effort at least roughly similar to that required to move a mobile home, be connected to utilities in a manner such that an untrained individual could not easily detach connections and leave, and have skirting, permanently affixed steps, or similar appurtenant structures indicating some intention by the parties to allow for permanent installation.

The MHDRP has determined that Everett RV Park is not a mobile home park and that the Complainant does not rent a "mobile home space" as defined in RCW 59.20.030 because the Complainant's RV does not fit within the definition of "park model."


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. **The request must be signed by the appealing party.** 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 19 day of August, 2009

Manufactured Housing Dispute Resolution Program

ROBERT M. MCKENNA
Attorney General



CATHIE CALDWELL
Program Manager