

THE Open Door News

A publication of the Manufactured Housing Dispute Resolution Program of the Washington State Attorney General's Office

WINTER QUARTER 2010-11

Featured

PROGRAM MANAGER CATHIE CALDWELL IS MOVING ON

After three and a half years with the Manufactured Housing Unit, Cathie is leaving the AGO. Cathie has been with the program since its start in 2007 and leaves it in a good place. The MHU staff will continue to work hard to respond to the concerns of landlords and tenants in manufactured/mobile home communities across the state, so continue to address your calls, concerns and requests for dispute resolution to Amanda and Toy. Cathie's last day in the office is Wednesday, January 26, 2011.

2010 ANNUAL REPORT TO THE LEGISLATURE

MHU produced its annual report in December 2010. It was distributed to the members of the Senate Financial Institutions, Housing & Insurance Committee and the House Community Development & Housing Committee. You can find a copy on our [website](#). Some of the topics in the report include statistics on the amount and types of complaints received, outreach efforts, survey results of those who used the program, and budget information. Please let us know if you have questions about any of the information listed in this report.

SNOW: WHOSE PROBLEM IS IT?

The Manufactured/Mobile Home Landlord-Tenant Act (MHLTA) requires landlords to "maintain roads within the mobile home park in good condition". [RCW 59.20.130(9)] MHU would consider "good condition" to mean the ability to pass easily along the road without causing damage to the car. Additionally, the landlord is required to keep any shared or common premises reasonably safe from accident. [RCW 59.20.130(3)] Therefore, the landlord needs to keep the common roads within the community free from ice and snow that would interfere with the ability of cars, including emergency vehicles, to travel safely. However, keeping these roads perfectly clear in the face of inclement weather is not what is required by the law. What is required is a reasonable, competent plan and response. We suggest that landlords have a plan for snow and ice removal and that they share this plan with their tenants.

WHO IS RESPONSIBLE TO CARE FOR HAZARDOUS TREES IN A TENANT'S RENTED LOT?

This question is difficult to answer. The MHLTA requires landlords to maintain large trees when they are located in the community "common areas" and are hazardous. However, the MHLTA does not directly address whose duty it is to maintain trees on a rented lot.

The MHU receives many requests for dispute resolution from tenants who have large trees on their rented lots that they did not plant, and the landlords expect the tenants to maintain or remove at the tenant's expense. These tenants complain that they are elderly or low income, so they can neither do the maintenance themselves and/or

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Mission

The Manufactured Housing Dispute Resolution Program (MHDRP) enforces the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA), educates stakeholders and fosters relationships between manufactured/mobile home community land owners and homeowners. We facilitate communication among parties in an effort to resolve disputes and avoid evictions.

The MHDRP is committed to:

- Providing accessible, friendly, and efficient service;
- Ensuring fair and balanced administration of the law; and
- Increasing community awareness of the landlord/tenant rights and responsibilities assigned by the law.

Future Newsletter Topics:

- 55+ park
- Eviction
- 15 day Notice to Comply or Vacate

Contact Us

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ACCORDING TO THE DEPT OF LICENSING

As of October 2, 2010, there are 62,394 manufactured/mobile home units and 1,407 parks that are registered in Washington state.

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HAZARDOUS TREES IN A TENANT'S RENTED LOT (CONT.)

afford to hire a tree maintenance service company. A landlord may expect tenants to ask for, but do not always give permission to remove a tree on their rented lot.

Some landlords expect tenants to bear the cost when these trees fall and damage homes, cars, or other personal property. Some tenants expect the landlord to cover these costs. There are legal theories other than the MHLTA that *may* place liability on landlords, such as land use or negligence law; on the other hand, the tenant *may* be responsible if the lease language gives responsibility for the trees to the tenant. In any event, the MHU understands that these legal remedies do not help a tenant to *prevent* such damage when they are not granted permission to remove a dangerous tree on their lot or cannot do the work because of physical health or financial limitations, or simply because they think it should be the landlord's duty and expense. The MHU has not been successful in resolving many of these disputes involving trees *on rented lots* because the MHLTA does not address the issue and the MHU's scope of authority is restricted to violations of the MHLTA.

Did You Know...

Landlords are required by law to hang a poster about the MHU in a clearly visible location in all common areas of the community? In addition to English, MHU provides one in Spanish, too. Please contact us if you need one to be mailed to your community.

WHAT INFORMATION SHOULD I INCLUDE WHEN FILING A REQUEST FOR DISPUTE RESOLUTION WITH THE AG'S OFFICE?

It depends on the issue you are trying to resolve, but here are some tips:



- If possible, layout your issue in a short "problem statement". For instance, "I received a notice for a rent increase in November to take effect in December and I don't think that is legal."
- Include information about what you have done to try to resolve the issue and how that worked. Such as, "I went to the manager and told him I didn't think this was legal but he said he's only passing out the notices the landlord sent to him."
- What resolution you think would be fair. "I would like to get a proper notice in line with the law."
- Please stay on point with the facts and try not to veer off topic.
- Only include statements that you wouldn't mind the other party reading. Avoid speculation about the other party's motivation.
- Provide *copies* of documents relevant to your issue. In this scenario, that would include a copy of your rental agreement and the notice of rent raise.
- Other documents that may be helpful to other types of complaints could be park rules and regulations, photos, notices, invoices, correspondence from another government agency, bills, receipts, bids for service, correspondence between parties, etc.
- Submit only documents relevant to the issue at hand. We do not need every document you have collected since working with the other party.

If you have questions on completing the request for dispute resolution form or what documents you should include, please feel free to call us.

Online Videos

Check our our [short educational videos](#) on the following topics:

- Overview of the Manufactured Housing Disput Resolution Program
- Eviction from a Manufactured Housing Community
- Retaliation and Discrimination