



MANUFACTURED HOUSING DISPUTE RESOLUTION PROGRAM

2017 ANNUAL REPORT TO THE WASHINGTON STATE LEGISLATURE



MANUFACTURED HOUSING DISPUTE RESOLUTION PROGRAM

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EXECUTIVE SUMMARY

HISTORY

In 2007, the Legislature passed HB 1461, which directs the Attorney General’s Office (AGO) to create and administer a program to regulate and enforce the Manufactured/Mobile Home Landlord-Tenant Act, RCW 59.20, as well as Manufactured/Mobile Home Communities – Dispute Resolution and Registration, RCW 59.30. The law authorizes the Attorney General to resolve disputes informally and, where necessary, impose sanctions and issue orders to bring compliance with RCW 59.20. The Attorney General’s Office created the Manufactured Housing Dispute Resolution Program to implement this law.

MISSION STATEMENT

The mission of the Manufactured Housing Dispute Resolution Program (Program) is to enforce RCW 59.20, educate stakeholders about their rights and responsibilities, and foster good relationships between manufactured/mobile home community land owners and homeowners. The Program facilitates communication among the parties in an effort to resolve disputes and avoid evictions.

LEGISLATIVE INTENT

“The legislature finds that there are factors unique to the relationship between a manufactured/mobile home tenant and a manufactured/mobile home community landlord. Once occupancy has commenced the difficulty and expense in moving and relocating a manufactured/mobile home can affect the operation of market forces and lead to an inequality of the bargaining position of the parties. Once occupancy has commenced, a tenant may be subject to violations of the manufactured/mobile home landlord-tenant act without an adequate remedy at law. This chapter is created for the purpose of protecting the public, fostering fair and honest competition, and regulating the factors unique to the relationship between the manufactured/mobile home tenant and the manufactured/mobile home community landlord.” RCW 59.30.010(1).

Following the Legislature’s intent, the Program provides low-cost dispute resolution for tenants and landlords and enforces RCW 59.20. The Program advances the public interest by identifying possible violations of RCW 59.20 and works with interested parties to assure compliance with the law. Additionally, the Program produces and distributes educational materials regarding RCW 59.20 and RCW 59.30, and provides outreach to stakeholders and the public.

MANUFACTURED HOUSING DISPUTE RESOLUTION PROGRAM OVERVIEW

NEGOTIATION

Both homeowners and landlords may file a complaint with the Program if they believe there is a violation of RCW 59.20. Once the Program receives a complaint, staff will review the complaint for potential violations of RCW 59.20. If the complaint raises a potential violation of RCW 59.20, Program staff will contact the parties about the complaint, and specifically will give the party about whom the complaint is made the opportunity to respond. Once the Program receives a response, staff will contact each party to gain a better understanding of the situation, and may request additional information that may be useful in helping the parties negotiate a resolution to the complaint. In addition to helping the parties resolve the complaint, the negotiation process is a good opportunity for Program to inform both parties about the law as a way to bring compliance or compromise.

If a complaint raises a potential violation of RCW 59.20 and the violation is not resolved through negotiation, or if a party fails to cooperate with the Program, the Program staff will review the complaint and decide if further investigation is warranted. RCW 59.30 vests the Program with discretion to investigate complaints if the parties are unable to resolve violations through negotiation.

If a complaint raises an issue that is not a potential violation of RCW 59.20, Program staff will offer information to help the parties find a resolution. For example, Program staff may refer the parties to local dispute resolution centers for assistance with resolving the dispute through mediation, or refer the party to a private attorney.

INVESTIGATION AND DETERMINATION

The Program may investigate complaints, which may include, but is not limited to, comprehensive record reviews, site visits, and witness interviews. The Program is authorized to issue subpoenas to gather information regarding a violation of RCW 59.20. An investigation does not foreclose the parties from engaging in further negotiations to resolve the complaint. At the conclusion of an investigation, the Program will refer the investigation results to an Assistant Attorney General, who will recommend to the Attorney General or his delegee whether the AGO should issue a written determination of whether a violation of RCW 59.20 has occurred. The Attorney General's determination may include a written notice of violation or non-violation, an order to cease and desist or to take affirmative actions, fines, and penalties. Either party may appeal a notice of violation or non-violation and request a hearing before an administrative law judge (ALJ). As with other administrative decisions, a party may petition for judicial review of the ALJ's order.

AUTHORITY TO IMPOSE FINES

The Program has had great success in achieving compliance without issuing notices of violation or imposing fines. At this juncture, the Program does not foresee fines as a significant source of revenue for the Program because our efforts to arrive at negotiated settlements successfully have achieved voluntary compliance without imposing fines.

PROGRAM STATISTICS

The Program reports the following for the reporting period of **January 1, 2017 through December 8, 2017.**

1. The number of complaints received.

	Tenants	Landlords
Complaints received from	233	11

2. Communications with constituents.

The Program received approximately 912 telephone calls during this reporting period. Program staff provided the callers with information about RCW 59.20 and 59.30, the Program, and the dispute resolution process. If a caller indicated the desire to file a complaint, Program staff sent the callers a complaint form or directed them to the AGO website to file a complaint online. In addition, Program staff assisted callers with problem solving and self-help strategies surrounding issues that were outside the parameters of RCW 59.20 and 59.30 and the Program.

Approximately 172 constituents requested and were mailed information, including copies of RCW 59.20, RCW 59.30, complaint forms, and brochures.

3. Complaints by the numbers.

Issue	Tenants	Landlords	Issue	Tenants	Landlords
Rules & enforcement	52	2	Infestation	7	0
General maintenance	51	2	Rent receipts	6	0
Utilities	48	0	Duty to comply with laws & codes	5	2
Rent raise	41	0	Other/Miscellaneous	5	0
Rental agreements	31	0	Failed communication attempts	5	0
Unlawful eviction	26	0	Lot description	3	0
Fees	25	0	Guests	3	0
Trees	19	0	Pets	3	0
Permanent structures	17	0	Title of MH	3	0
Screening/ denial of sale or tenancy	16	0	Tenant to tenant dispute	3	0
Road maintenance	15	0	Notice of rent increase	2	0
Spanish language complaints	12	0	Repair timeline	2	0
Closing community	12	0	Deposits	2	0
Health, safety or sanitation	9	2	Live-in care providers	2	0
Non-payment of rent	8	0	Lack of landlord enforcement	2	0
Landlord/Tenant - Residential	8	0	Privacy issues	2	0
Towing vehicles	7	0	Permanent residence RVs	1	0
LL/T personality conflicts	7	0	Retaliation	1	0
			Discrimination	1	0

1. Complaints often allege multiple issues including some that are outside the scope of RCW 59.20. The Program tracks all of the issues alleged in a complaint, but usually focuses on the primary issue for purposes of dispute resolution.

4. The outcome for each complaint received.

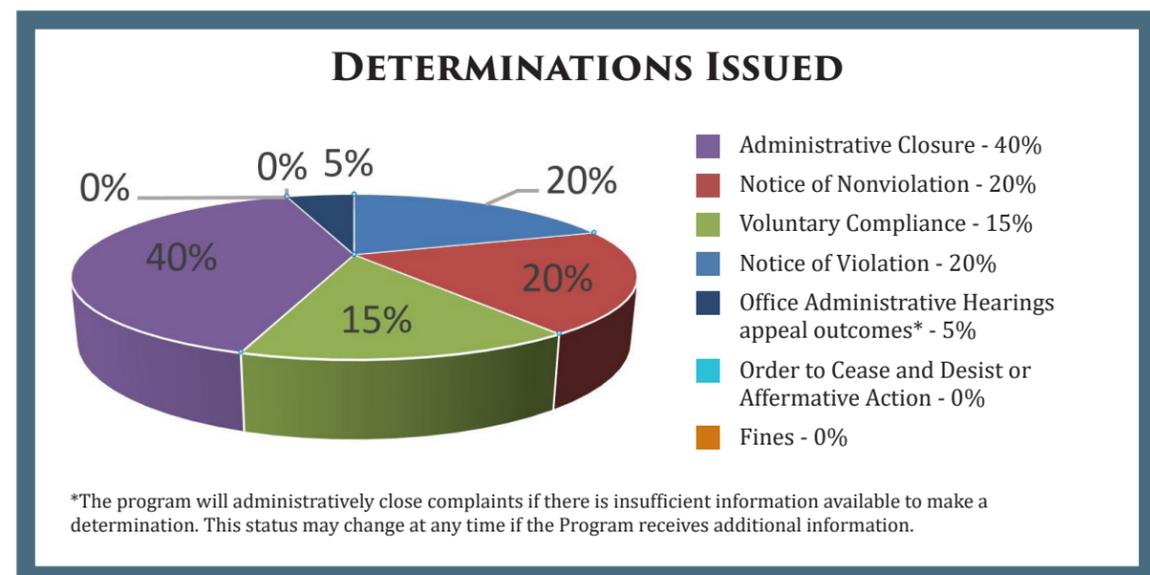
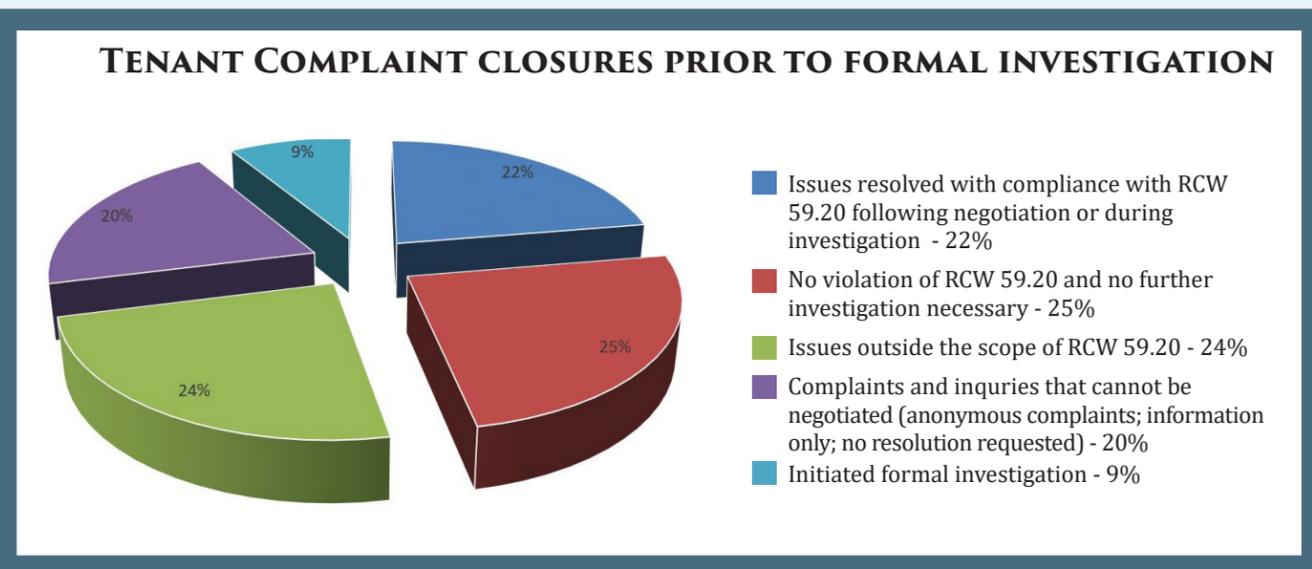
Complaints Closed (prior to investigation)	Tenants	Landlords
Issues resolved with compliance with RCW 59.20 following negotiation or during investigation	51	0
No violation of RCW 59.20; no further investigation necessary	56	0
Issues outside the scope of RCW 59.20	55	6
Complaints and inquiries that cannot be negotiated (e.g. anonymous complaints; information only; no resolution requested)	46	0
Initiated formal investigation	20	2

Investigation and Determination	Tenants	Landlords
Notice of Violation	4	0
Notice of Non-violation	4	0
Voluntary Compliance	3	0
Administrative Closure	8	1
Order to Cease and Desist or Affirmative Action	0	0
Fines	0	0
Office Administrative Hearings appeal outcomes*	1	0

***Published Opinion Regarding Rainier Vista Mobile Home Park Appeal**

The Court of Appeals agreed with the Program that a landlord cannot charge tenants more than the actual utility cost charged by, or paid to, the utility provider for providing the utility to the tenants. The Court also held that the Program has authority to afford relief to all affected tenants of a complained-of violation, not just those who submitted a complaint to the Program.

The Court did not agree that the Office of Administrative Hearings has the authority to impose its own remedy and require a refund to tenants in excess of what the Program ordered in its notice of violation.



5. Top issues reported in complaints:

By Tenants

1. Rules & enforcement
2. General maintenance
3. Utilities
4. Rent raises

By Landlords

1. Health, safety or sanitation
2. General maintenance
3. Rules & enforcement
4. Duty to comply with laws & codes

OUTREACH

OUTREACH TO REFERRAL AGENCIES AND ORGANIZATIONS

The Program receives referrals from a network of landlord and tenant organizations, and legal service providers from around the state.

Program staff attended several events organized by tenants and landlords and provided information about the Program and RCW 59.20. Notably, the Program participated in a statewide Community Management training program sponsored by MHCW (Manufactured Housing Communities of Washington) and coordinated events with MHOA (Manufactured Home Owners of America), AMHO (Association of Manufactured Home Owners of Washington) and the Legal Action Center. The program hosted events regarding program services in both Spanish and English. The Program strives to provide quality educational outreach events for the benefit of landlords, tenants and related stakeholders. The Program intends to continue outreach events throughout the next reporting period.

In 2017, program staff coordinated with Spanish radio stations throughout the State to promote public service announcements and informative interviews regarding RCW 59.20 and the Program.

The Program will continue to reach out to municipal and county agencies in order to promote awareness about the Program and encourage referrals.

MANUFACTURED/MOBILE HOME COMMUNITY REGISTRATION

The Department of Revenue administers the annual registrations of all manufactured/mobile home communities. This includes maintaining a database of all the communities, collecting annual fees, and enforcing penalties for delinquent registration, as required by RCW 59.30. The Department of Revenue has identified approximately 1,273 registered manufactured/mobile home communities and 58,721 rented mobile home lots throughout the Washington state.

Program staff will inform the Department of Revenue when they discover a community that is not registered. Additionally, the Program provides the educational notice required by RCW 59.30.030(3)(a) in both English and Spanish staff to provide information about the Program and RCW 59.20.

RECOMMENDATIONS TO LEGISLATURE

The Program does not have recommendations for legislation during the 2018 Legislative Session but may consider legislative changes in the future should the need arise.

STAFFING FOR THE DISPUTE RESOLUTION PROGRAM

- Bradley Furer is the Program Administrator.
- Toy Rodriguez is the Dispute Resolution Specialist for the Program.
- Leona Hill is the Program Coordinator for the Program.
- Bau Vang is the designated AGO Investigator/Analyst for the Program.
- Shidon Aflatooni is the designated Assistant Attorney General for the Program.

The Program is a unit within the Consumer Protection Division of the Attorney General's Office. Cynthia Lockridge is the Director of Public Service Programs and Shannon Smith is Chief of the Consumer Protection Division.

To contact the Manufactured Housing Dispute Resolution Program:

Statewide toll-free: 1-866-924-6458

King County: 206-464-6049

E-mail: MHDR@atg.wa.gov

Mail: Manufactured Housing Dispute Resolution Program
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<http://www.atg.wa.gov/manufactured-housing-dispute-resolution-program>