

ATTORNEY GENERAL
OF THE STATE OF WASHINGTON

MANUFACTURED HOUSING
DISPUTE RESOLUTION PROGRAM

In the Matter of the

Complaint of Kara Carlson Against
Mobile Haven Mobile Home Park.

NOTICE OF VIOLATION

RCW 59.30.040

MHDRP Complaint No. 456301

Following an investigation into the above-entitled matter pursuant to RCW 59.30.040, the Manufactured Housing Dispute Resolution Program of the Office of the Attorney General of Washington has found there to be a VIOLATION of the Manufactured/Mobile Home Landlord-Tenant Act, RCW 59.20. If you disagree with this decision, your attention is directed to the section entitled APPEAL RIGHTS at the end of this Notice, which outlines the procedures under RCW 59.30.040 for filing an appeal.

This Notice does not limit the rights of any party to take other legal action.

I. INTRODUCTION

- 1.1 On October 5, 2015, Kara Carlson filed a complaint against Mobile Haven Mobile Home Park (Mobile Haven) with the Manufactured Housing Dispute Resolution Program (Program). Ms. Carlson alleged that Mobile Haven violated the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA), RCW 59.20, by failing to maintain the sewer lines connected to her home. The Program contacted Mobile Haven in an attempt to facilitate negotiations between the parties to resolve the dispute. However, the parties were not able to negotiate a resolution to this matter and the Program concluded that an agreement could not be reached between the parties. As a result, the Program conducted a formal investigation pursuant to RCW 59.30.040. As more fully set forth below, the Program concludes that Mobile Haven has violated RCW 59.20.130(6) and RCW 59.20.200, by failing to maintain and protect the sewer lines in good working condition and by failing to repair the defective condition within the time required by statute.

II. FACTUAL BACKGROUND

- 2.1 Mobile Haven is a mobile home park for purposes of RCW 59.20.030(10), and is located in Marysville, Washington. Ms. Carlson owns and resides in a manufactured/mobile home located on space rented from Mobile Haven, and therefore is a tenant under RCW 59.20.030(18).
- 2.2 In October 2014, and then again in October 2015, Ms. Carlson filed separate complaints with the Program alleging that Mobile Haven was failing to maintain the sewer connected with her home.
- 2.3 Ms. Carlson's plumbing clogged up approximately every six months. The clogs were alleviated by snaking or jetting the sewer lines leading from Ms. Carlson's unit.
- 2.4 Various plumbing companies have worked on the sewer lines connected with Ms. Carlson's home. Plumbers have stated that the sewer lines are old, that there was a break in the concrete pipe and belly of the drainage system, and that there is sediment in the pipes which snags items and prevents the sewage from flowing through the pipes.
- 2.5 Ms. Carlson paid plumbers to alleviate the clogged sewer in October 2015 and March 2016. Mobile Haven has not reimbursed Ms. Carlson for these costs.
- 2.6 Mobile Haven continuously asserted that Ms. Carlson's toilet was causing the plumbing issues. In October 2015, Ms. Carlson added an adapter to her toilet to increase the water flow when flushing. However, the plumbing issues continued.
- 2.7 In early November 2016, Ms. Carlson's toilet began bubbling when she was doing laundry. By late November 2016, Ms. Carlson's toilet and bathtub backed up when she tried to wash dishes. Ms. Carlson was unable to shower and could only flush the toilet if no other water sources in the home were being used. In early December 2016, sewage backed up into the bath tub when Ms. Carlson tried to do dishes or run the washing machine.
- 2.8 In early December 2016, plumbers were again called to Ms. Carlson's home. The plumbers jetted the sewer line so that Ms. Carlson could use the facilities. The plumbers also located a break in the sewer line. Later the same day, after the lines had been jetted, Ms. Carlson's toilet and bath tub bubbled and backed up after she started the washing machine.
- 2.9 Mobile Haven responded and informed Ms. Carlson that the plumbers were coming to replace the broken sewer line. However, almost a week passed and no plumbers came.
- 2.10 After contact from the Attorney General's Office investigator, Mobile Haven stated it was in the process of immediate and permanent repair to the broken sewer line. Mobile Haven agreed to provide Ms. Carlson with an alternative place to live until the plumbing

was repaired. Ms. Carlson moved out of her home and into a different manufactured home in the park. Mobile Haven furnished the home for Ms. Carlson.

- 2.11 In mid December 2016, digging began to reach the sewer line. However, by mid January 2017 the repair was still not complete. Mobile Haven asserts that it is not yet complete because the park has undertaken a larger repair project that involves replacing the main sewer line and main water line to the park.
- 2.12 On February 3, 2017, Mobile Haven reported that the main sewer lines and branch lines had been replaced to each home within the park. However, Ms. Carlson was not allowed to return to her home because the road needed to be asphalted.
- 2.13 On February 12, 2017, Ms. Carlson was for the first time since December 8, 2016, allowed full access to return to her home.

III. VIOLATIONS

- 3.1 RCW 59.20.130(6) requires a landlord to “maintain and protect all utilities provided to the mobile home, manufactured home or park model in good working condition.”
- 3.2 Mobile Haven violated RCW 59.20.130(6) with respect to the sewer facilities provided to Ms. Carlson’s home.
- 3.3 RCW 59.20.200 establishes that a reasonable time for a landlord to repair a defective condition related to sewer is “not more than forty-eight hours.” If circumstances beyond the landlord’s control prevent repair within that time limitation “the landlord shall endeavor to remedy the defective condition with all reasonable speed.”
- 3.4 Mobile Haven violated RCW 59.20.200 with respect to providing sewer to Ms. Carlson’s home by failing to maintain the sewer line for over two years and for not remedying the severe backups that began in November 2016 with all reasonable speed. While Mobile Haven undertook a large scale repair to the sewer system at the park generally, its response to the problems at Ms. Carlson’s home violated the law.

IV. CORRECTIVE ACTION

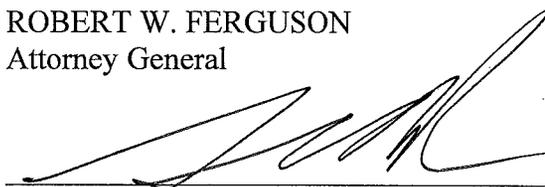
- 4.1 Mobile Haven must reimburse Ms. Carlson \$250.56 for plumbing services that she paid for. Mobile Haven must provide this full reimbursement by February 17, 2017.
- 4.2 Mobile Haven shall not attempt to seek reimbursement from Ms. Carlson for the sewer repairs or furniture rentals or cost of utilities of the home Ms. Carlson resided in from December to the date she was allowed to return to her home.

- 4.3 A failure to take the corrective action set forth above within the specified time periods will result in the imposition of a \$150.00 fine per day thereafter, until compliance is achieved.

Signed this 16th day of February, 2017.

MANUFACTURED HOUSING DISPUTE
RESOLUTION PROGRAM

ROBERT W. FERGUSON
Attorney General



SHANNON E. SMITH
Senior Counsel
Division Chief, Consumer Protection Division

APPEAL RIGHTS

Either party may appeal this Notice by requesting a hearing before an administrative law judge. If neither party appeals this Notice, the Notice of Violation becomes a final order of the Attorney General and is not subject to review by any court or agency.

RCW 59.30.040 governs the parties' appeal rights. A copy of RCW 59.30.040 is attached. An appeal of this Notice requesting a hearing must be:

- In writing, stating the basis for the appeal and the specific remedy sought
- Signed by the appealing party
- Received by Manufactured Housing Dispute Resolution Program within fifteen (15) business days of the party's receipt of this notice
- Mailed or delivered to:
 - Attorney General's Office
 - Manufactured Housing Dispute Resolution Program
 - 800 Fifth Avenue, Suite 2000, TB-14
 - Seattle, WA 98104-3188

If a timely appeal is received, MHDRP will coordinate with the Office of Administrative Hearings to schedule a hearing. In an appeal you will bear the cost of you own legal expenses. An administrative law judge will hear and receive pertinent evidence and testimony and decide whether a violation of the MHLTA has occurred by a preponderance of the evidence. The administrative law judge's decision will constitute the final agency order of MHDRP. A final order may be appealed to superior court according to instructions included a decision.

PROOF OF SERVICE

I certify that I served a copy of this document on all parties or their counsel of record on the date below as follows:

Certified and Regular US Mail

TO: Kara Carlson
4000 76th St. NE #94
Marysville, WA 98270

Mobile Have Mobile Home Park
c/o WPI Real Estate
9500 Roosevelt Way NE, Ste. 100
Seattle, WA 98115

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 16th day of February, 2017, at Seattle, Washington.


P. JOSEPH DROUIN
Legal Assistant