

ATTORNEY GENERAL
OF THE STATE OF WASHINGTON

MANUFACTURED HOUSING
DISPUTE RESOLUTION PROGRAM

In the Matter of the

**Complaint of Howard Bishop Against
Pleasant Valley Manor.**

NOTICE OF NON-VIOLATION

RCW 59.30.040

MHDRP Complaint No. 454349

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 NO 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 September 16, 2014, Howard Bishop filed a complaint against Pleasant Valley Manor (Pleasant Valley) with the Manufactured Housing Dispute Resolution Program (the Program). Mr. Bishop alleged that Pleasant Valley violated the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA), RCW 59.20, by failing to prevent detrimental effects of moving water. The Program contacted Pleasant Valley in an attempt to facilitate negotiations between the parties and resolve the dispute through an informal dispute resolution process. 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. Therefore, the Program conducted a formal investigation pursuant to RCW 59.30.040. As more fully set forth below, the Program concludes that Pleasant Valley did not violate the MHLTA.

II. FACTUAL BACKGROUND

- 2.1 Pleasant Valley is a mobile home park for purposes of RCW 59.20.030(10), and is located in Kent, Washington.
- 2.2 Mr. Bishop owns and resides in a manufactured/mobile home located on space rented from Pleasant Valley, and therefore is a tenant under RCW 59.20.030(18).
- 2.3 In his September 2014 complaint, Mr. Bishop stated that in heavy rains there is a drainage issue that affects a rock wall that separates his lot from the neighboring, uphill parcel. In heavy rains, the water pools at the top of the rock wall, then flows through the wall and onto his property. This is the second complaint Mr. Bishop has filed with the Program regarding water drainage. In March 2010, Mr. Bishop alleged that a drain pipe was aimed at his lot and water was flowing onto it. The 2010 complaint was resolved through voluntary compliance when Pleasant Valley constructed an earthen berm and installed ecology blocks to redirect water.
- 2.4 Mr. Bishop believes that there has always been a problem with the park's drainage system. Currently, he states that the drainage system does not work because a drain pipe or French drain was not properly installed. Mr. Bishop claims that the lack of proper drainage has caused damage to the rock wall, the foundation of his home, and has caused his storage shed to shift.
- 2.5 Mr. Bishop has attempted to resolve the drainage issues by digging a ditch at the bottom of the rock wall to divert the water away from the foundation of his home.
- 2.6 The Program investigator contacted Craig Hislop with the Storm Water Services Section of the Water and Land Resources Division in the King County Department of Natural Resources and Parks. In the fall of 2014, Mr. Hislop had conducted an engineering review of Mr. Bishop's lot. The Program investigator met with Mr. Hislop to discuss his observations and report. Mr. Hislop opined that the rock wall has not shifted to such a degree that would indicate heavy water run off.
- 2.7 Pleasant Valley has pumped out the storm drains to ensure they are clean and working properly.
- 2.8 The Program investigator visited Pleasant Valley multiple times in 2016: in January, twice in March, in April, and in May. The investigator did not see any excess water on Mr. Bishop's lot during any of these visits.

III. NON-VIOLATION

- 3.1 RCW 59.20.130(2) provides that landlords must “[m]aintain the common premises and prevent the accumulation of stagnant water and to prevent the detrimental effects of moving water when such condition is not the fault of the tenant.”
- 3.2 At this time, Pleasant Valley is meeting its obligation pursuant to RCW 59.20.130(2) regarding Mr. Bishop’s lot. Pleasant Valley is in compliance with RCW 59.20.130(2).

Signed this 17 day of March, 2017.

MANUFACTURED HOUSING DISPUTE
RESOLUTION PROGRAM

ROBERT W. FERGUSON
Attorney General

A handwritten signature in black ink, appearing to read 'Shannon E. Smith', is written over a horizontal line.

SHANNON E. SMITH
Senior Counsel
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 Non-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, the Manufactured Housing Dispute Resolution Program (the Program) will coordinate with the Office of Administrative Hearings to schedule a hearing. In an appeal you will bear the cost of your own legal expenses. An administrative law judge will hear and receive pertinent evidence and testimony and decide whether a violation of chapter 59.20 RCW has occurred by a preponderance of the evidence. The administrative law judge's decision will constitute the final agency order of the Program. A final order may be appealed to superior court according to instructions included in 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: Howard D. Bishop
28454 168th Ave. SE, #199
Kent, WA 98042-9405

Pleasant Valley Manor
28454 168th Ave. SE, #36
Kent, WA 98042

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

DATED this 17th day of March, 2017, at Seattle, Washington.


P. JOSEPH DROUIN
Legal Assistant