



MANUFACTURED HOUSING DISPUTE RESOLUTION PROGRAM

2019 ANNUAL REPORT TO THE WASHINGTON STATE LEGISLATURE

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MANUFACTURED HOUSING DISPUTE RESOLUTION PROGRAM

EXECUTIVE SUMMARY

HISTORY

In 2007, the Legislature enacted RCW 59.30, which directs the Attorney General's Office (AGO) to administer a manufactured/mobile home dispute resolution program to provide landlords and tenants with a cost-effective and efficient process to resolve disputes regarding alleged violations of the Manufactured/Mobile Home Landlord-Tenant Act, RCW 59.20. The AGO is authorized to investigate complaints, facilitate negotiations between complainants and respondents, and, where necessary, order corrective action and impose fines and penalties to obtain compliance with RCW 59.20. The Attorney General's Office created the Manufactured Housing Dispute Resolution Program (Program) to implement this law.

MISSION STATEMENT

The Program's mission is to resolve landlord and tenant complaints by requiring compliance with 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

"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.

The Legislature directs the Attorney General to:

- Produce and distribute educational materials regarding the law and the Program;
- Resolve disputes through investigation, negotiation, determinations, and corrective action; and
- Collect data and submit annual reports about the data and the Program to the appropriate legislative committees.

MANUFACTURED HOUSING DISPUTE RESOLUTION PROGRAM OVERVIEW

DISPUTE RESOLUTION COMPLAINT PROCESS

Both homeowners and landlords may file complaints with the Program if they believe there is a violation of RCW 59.20. Once the Program receives a complaint, it reviews the complaint for allegations of potential violations of RCW 59.20.

If a complaint raises an issue that is not a violation of RCW 59.20, the Program will provide resource and referral information to the complainant, including referrals to other agencies, dispute resolution centers, or refer the party to a private attorney.

If the complaint raises a potential violation of RCW 59.20, the Program will investigate and, if appropriate, facilitate negotiations between the parties. The Program is authorized to issue subpoenas to gather information regarding a potential violation of RCW 59.20.

At all times during the Program's interaction with complainants and respondents, Program staff will inform the parties about the law.

INVESTIGATION AND ENFORCEMENT

Complainants and respondents must cooperate with the Program in the course of an investigation by responding to Program subpoenas, which may request documents or other information, or access to the park, if relevant to the investigation. Failure to cooperate with the Program in the course of an investigation is a violation of RCW 59.30.

When the Program initiates an investigation, the parties are not prevented from negotiating directly with each other to find a resolution independent from the Program.

Following an investigation and Program-facilitated negotiations, if the Program determines that the parties cannot reach an agreement, the Program will issue a Notice of Violation or a Notice of Non-violation. The Program may also issue an order requiring a party, to cease and desist from an unlawful practice and take affirmative actions that will carry out the purposes of RCW 59.30.

If the Program determines that a violation of RCW 59.20 has occurred, it will issue a written Notice of Violation to the party who committed the violation. The Notice of Violation will specify the corrective action required, the time within which the corrective action must be taken, any fines or penalties that will be imposed if corrective action is not taken within the specified time period, and the process for contesting the determination in the Notice of Violation through an administrative hearing.

The Program will provide the parties will all written notices issued to either party.

AUTHORITY TO IMPOSE FINES

The Program has had great success in achieving complaint resolution and compliance with RCW 59.20 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 have achieved compliance without imposing fines. However, in 2019, the Clark County Superior Court ordered a mobile home park pay a fine of \$11,000 for failure to comply with a Final Order issued by the

Office of the Administrative Hearings, affirming the Program’s Notice of Violation. This matter is pending appeal at the Court of Appeals.

Fines Issued in 2019

	Tenants	Landlords
# of fines issued	0	1

PROGRAM STATISTICS

The Program reports the following for the reporting period of **January 1, 2019 through December 17, 2019**.

1. The number of complaints received and the number closed

	Tenants	Landlords
Complaints received	343	10
Complaints closed	405	9

2. Communications with constituents.

The Program received approximately 656 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 caller a complaint form or directed him or her 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.

The Program mailed copies of RCW 59.29, RCW 59.30, complaint forms and informational brochures to approximately 304 constituents who requested the information.

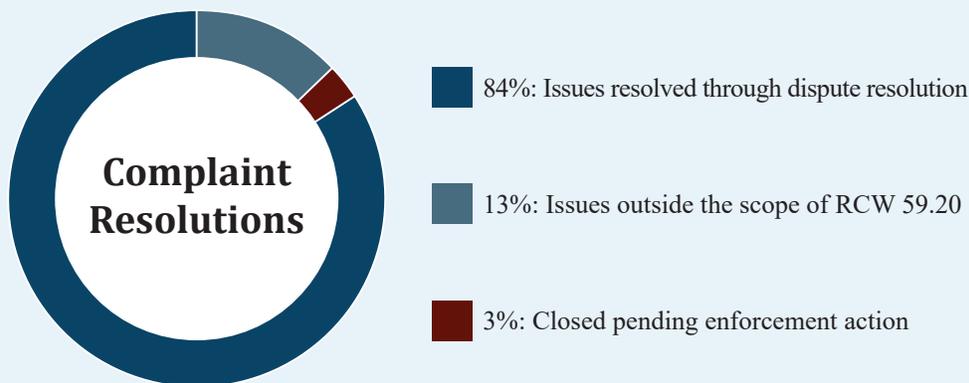
3. Top Ten Issues Raised in Complaints

Issue ¹	# of Complaints
Duties of Landlord	102
Utilities	64
Rental Agreements	60
Landlord Prohibited Acts	54
General Maintenance	51
Eviction Issues	46
Road Maintenance	36
Permanent Structures	34
Rules & Enforcement	31
Notice of Rent Raise	17

1. Complaints often raise 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. Complaint Resolutions

Complaint Resolutions	# of Complaints
Issues resolved through dispute resolution	348
Issues outside the scope of RCW 59.20	53
Closed Pending enforcement action	13



Enforcement Actions	Tenants	Landlords
Notice of Violation	0	3
Notice of Non-violation	0	0
Voluntary Compliance	0	0
Administrative Closure	0	0
Order to Cease and Desist or Affirmative Action	0	0

5. Administrative Appeals

Appeals to the Office of Administrative Hearings	Tenants	Landlords
Appeals of Violations to Office of Administrative Hearings	0	0
Appeals of Non-Violations to Office of Administrative Hearings	0	0

6. Court of Appeal Decision:

Edna Allen & Washington State Attorney General's Office v. Dan and Bill's RV Park, 6 Wn. App. 2d 349, 428 P.3d 376 (2018), *rev. denied* 2019 WL 6608912 (Sup. Ct. Wash., Dec. 4, 2019)

The Court of Appeals affirmed the Program's (2014) determination that Dan and Bill's RV Park was subject to the Manufactured/Mobile Home Landlord Tenant Act, RCW 59.20, because the RV park contained two or more "park models" and as such, is a mobile home park. Although the RCW 59.20's definition of "recreational vehicle" conflicts with the definition of "park model," the Court harmonized the definitions to give effect to the legislature's intent. The Court defined "park model" as (1) a recreational vehicle fixed or intended to be fixed in position for use or lasting for an indefinite time in position for use and (2) is used as a primary residence. The Court concluded that Dan and Bill's is subject to RCW 59.20. In 2019, the Washington Supreme Court denied review of this matter.

OUTREACH

OUTREACH TO REFERRAL AGENCIES AND ORGANIZATIONS

The Program receives numerous requests to attend events and provide outreach and education from a network of landlord and tenant organizations, and legal services providers from around the state.

The Program presented at several events organized by tenants and landlords and provided information about the Program and RCW 59.20. The Program hosted events regarding program services in both Spanish and English throughout the state in 2019.

The Program strives to provide quality educational materials and outreach for the benefit of landlords, tenants, and other stakeholders. The Program will continue with its outreach activities.

The Program also 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 1,230 registered manufactured/mobile home communities and 58,705 rented mobile home lots throughout the Washington state.

The Program will inform the Department of Revenue when it discovers a community that is not registered.

The Program produces and distributes to landlords, respondents and tenants, educational materials concerning RCW 59.20 and the Program as required by RCW 59.30.030(3)(a), (b) and (c), including the Tenants' Rights and Responsibilities poster that must be posted by all landlords pursuant to RCW 59.30.030(2)(b)(i). All educational materials are available in English and Spanish.

RECOMMENDATIONS TO LEGISLATURE

The Program does not currently have recommendations for legislation during the 2020 Legislative Session but may consider legislative changes in the future should the need arise.

PROGRAM STAFF

- Bradley Furer, Program Services Supervisor
- Ian Anderson, Program Compliance Specialist
- Julian Gannt, Program Dispute Resolution Specialist
- Bau Vang, AGO Investigator designated to Program investigations
- Shidon Aflatooni, Assistant Attorney General
- Cynthia Lockridge, Program Director

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
Attorney General's Office
800 5th Avenue, Suite 2000
Seattle, WA 98104



OFFICE OF ATTORNEY GENERAL BOB
FERGUSON

800 Fifth Ave, Suite 2000
Seattle, WA 98104
1-866-924-6458
206-464-6049

<http://www.atg.wa.gov/manufactured-housing-dispute-resolution-program>