BEFORE THE ATTORNEY GENERAL
OF THE STATE OFWASHINGTON

MANUFACTURED HOUSING
DISPUTE RESOLUTION PROGRAM

In the Matter of:	**NOTICE OF NON-VIOLATION**
Richland Mobile Home Park,	**RCW 59.30.040**
Complainant,	**MHDRP Complaint No.: 367674**
v.	
Gary Bubb,	
Respondent.	

Following an investigation into the above-entitled matter pursuant to RCW 59.30.040, the Program Manager of 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 explains the procedures under RCW 59.30.040 for filing an appeal.

I. INTRODUCTION

1. In June 2010, Richland Mobile Home Park (Richland MHP), through its park manager Russ Smalley, filed a complaint under RCW 59.30.040 with the Manufactured/Mobile Home Dispute Resolution Program (MHDRP) of the Office of the Attorney General of Washington against park tenant Gary Bubb alleging violations of the Manufactured/Mobile Home Landlord Tenant Act (MHLTA), RCW 59.20. Richland MHP is a mobile home park for purposes of RCW 59.20.030(10), and is located in Richland, Washington. Mr. Bubb owns his mobile home and rents a mobile home space in Richland and is therefore considered a tenant under RCW 59.20.030(18).

2. In the complaint, Richland MHP complained that Mr. Bubb is in violation of the park's pet policy, which prohibits residents from owning more than two dogs and also prohibits certain breeds entirely. Richland also complained that Mr. Bubb maintained too many vehicles on his rented lot, including one without current registration and another on his lawn, in violation of park rules. Richland also complained that Mr. Bubb failed to keep his lot clean and free of debris. Staff for the MHDRP initiated the dispute resolution process by contacting the parties to

obtain preliminary information about Richland MHP's complaint. While Richland MHP was cooperative responsive to the MHDRP's requests, Mr. Bubb failed to respond to repeated telephone calls and mail from the MHDRP staff.

3. Because contact with both parties during the dispute resolution process was unsuccessful, the MHDRP conducted a formal investigation pursuant to RCW 59.30.040(3).

II. EXPLANATION AND INVESTIGATION

1. An investigator for the MHDRP conducted a site visit of Richland MHP and interviewed both parties. Through its investigation, MHDRP learned that Mr. Bubb regularly parks an Izuzu Trooper SUV on his front lawn. However, following discussions with MHDRP staff, Mr. Bubb agreed to park the vehicle in the street. Additionally, Mr. Bubb obtained valid registration for an unregistered El Camino vehicle and cleaned up the debris on his rented lot. Thus, because these issues are resolved, they are not part of this Notice of Non-Violation.

2. The MHDRP's investigation also revealed that Mr. Bubb owns three dogs and keeps them on his rented lot. Two of Mr. Bubb's dogs are small, lap-size dogs. The third dog is a mid-size dog, and appears to have some degree of German shepherd blood in it.

3. Mr. Bubb moved into Richland MHP in 1994 and signed a lease agreement agreeing to abide by all park rules.

4. Richland MHP has a park rule regarding pets within the mobile home park. The pet policy has several components stating, in relevant part:

a) No pets without Landlord approval. Anyone getting a pet without landlord approval will be required to remove the pet(s) from the property immediately.
b) Pit-bulls, American Bulldogs, Doberman Pinchers, Chow-Chows, Rotweilers, German Shepherds, Boxers, Akitas, Mastiffs, Dingos or Wolf Hybrids or any mixture of these breeds will not be permitted.
c) No more than 2 pets will be permitted per household (whether it is cats, dogs, or a mixture of both).

III. CONCLUSIONS

1. The MHLTA requires that landlords and tenants enter into a written rental agreement containing the rules and regulations of the park. RCW 59.20.060(1)(c).

2. A landlord is justified in taking steps to terminate a tenancy if a tenant commits a substantial, or repeated or periodic violation of the park rules. RCW 59.20.080.

3. Mr. Bubb is in violation of the park rule regarding pets, for two reasons. First, the rule prohibits park residents from having more than two dogs. Ms. Bubb has three dogs, and is therefore in violation of the rule. Second, the rule prohibits German shepherds or dogs that have "any mixture" of that breed. Mr. Bubb's mid-size dog appears to have some degree of German shepherd in it, and his continued possession of that dog on park premises violates the pet rule.

4. However, while Mr. Bubb may arguably be in violation of the park's pet policy, such behavior is not a direct violation of the MHTLA. While the MHLTA outlines a number of duties of the tenant (RCW 59.20.140), issues regarding dogs are not listed. The MHLTA does not impose a requirement on tenants to follow park rules that are not listed in the MHLTA. Thus, Mr. Bubb has not violated the MHLTA.

5. The Attorney General's jurisdiction under RCW 59.30 is limited to determining whether a violation of the MHLTA has occurred. Thus, in cases involving mobile home park rules, the Attorney General only has the power to decide whether a rule is enforceable under RCW 59.20.045. Mr. Bubb contends that the park's pet rules are illegal and therefore unenforceable. Mr. Bubb's is essentially arguing that Richland MHP has violated the MHLTA by attempting to enforce an unenforceable rule.

6. Under RCW 59.20.045, rules are enforceable against a tenant, subject to five (5) qualifications:

> (1) the purpose of the rule is to promote the convenience, health, safety, or welfare of the residents, protect and preserve the premises from abusive use, or make a fair distribution of services and facilities made available for the tenants generally;
>
> (2) the rules are reasonably related to the purpose for which they were adopted;
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> (3) the rules apply to all tenants in a fair manner;
>
> (4) they are not for the purpose of evading an obligation of the landlord; and
>
> (5) they are retaliatory or discriminatory in nature.

7. Richland MHP's pet policy is an enforceable rule under RCW 59.20.045. First, park rules must "promote the convenience, health, safety, or welfare of the residents." Richland MHP's pet rule meets this requirement as the presence of dogs in a mobile home park poses a safety risk as well as hygienic issues. However, there are obvious benefits to a tenant to owning a pet. Richland MHP's rules strikes a delicate balance between these interests, and allows residents to own up to two dogs, but prohibits breeds that may pose a safety threat to residents. This limits hygiene issues to a reasonable level, and also curbs the possibility of an attack by

limiting breeds that are believed to be dangerous. Second, Richland MHP's rule is reasonably related for the purpose for which it was enacted, namely resident safety. Some dog breeds are more dangerous than others, and prohibiting these breeds is likely to diminish dog bites. Also, prohibiting the number of dogs in a park limits hygienic concerns. Third, the rule in this case applies to all tenants in a fair manner. There is no evidence that Mr. Bubb was singled out for a rule violation. Fourth, Richland MHP's rule is not designed to evade an obligation of the landlord, as pet ownership is not a requirement for landlords under the MHLTA. Fifth, the pet policy at Richland MHP does not appear to be retaliatory or discriminatory in any way. Rather, pet policies are common and contemplated under the MHLTA, and many parks have rules related to pets. RCW 59.20.080(1)(a) Thus, because the pet rule at Richland MHP meets these five requirements, it is valid and enforceable. Richland MHP has not violated the MHTLA.

IV. CORRECTIVE ACTION REQUIRED

Because the Attorney General has determined that NO VIOLATION of the Manufactured/Mobile Home Landlord-Tenant Act has occurred, the parties are not required to take corrective action at this time.

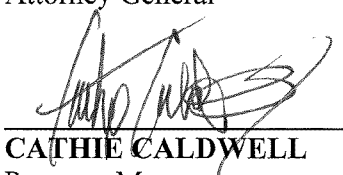
V. ORDER

Now, based on the foregoing, it is therefore ORDERED that this NOTICE OF NON-VIOLATION be issued and served upon all parties in this matter pursuant to RCW 59.30.040,

Signed this 20 **day of** December**, 2010**

Manufactured Housing Dispute Resolution Program

ROBERT M. MCKENNA
Attorney General



CATHIE CALDWELL
Program Manager

APPEAL OF THIS NOTICE

You may appeal this Notice by requesting a hearing before an administrative law judge. RCW 59.30.040. Your appeal must be submitted in writing and must be signed. The administrative law judge has authority to receive evidence and testimony in order to decide whether the evidence supports the MHDRP's decision by a preponderance of the evidence. If you would like to appeal this Notice, your appeal must be made within fifteen (15) days of receiving Notice and must be sent to the following address:

Attorney General of Washington
Manufactured Housing Dispute Resolution Program
800 Fifth Avenue Suite 2000
Seattle, WA 98104-3188

NOTE: If you do not submit a signed, written appeal within fifteen (15) days of receiving this Notice, this Notice will become final and binding on all parties. For more information on your rights and responsibilities with regard to this Notice, consult RCW 59.30.

A copy of this Notice has been mailed to the following parties:

Richland Mobile Home Park — Complainant
Russ Smalley
[redacted]

Gary Bubb — Respondent
[redacted]

The Office of the Attorney General of Washington prohibits the use of its name to promote any business practice or service.