



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

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October 10, 2012

SENT VIA US MAIL AND EMAIL

Tracy Hall
4550 Birch Bay Lynden #1134
Blaine, WA 98230

Birch Bay Resort
Attn: Kevin Olsen
8080 Harbor View Road
Blaine, WA 98239

**Re: Voluntary Compliance of Hall v. Birch Bay Resort
MHDRP Complaint No. 405783**

Dear Ms. Hall and Mr. Olsen:

The Manufactured Housing Dispute Resolution Program (MHDRP) received a complaint against Birch Bay Resort, a manufactured housing community, from Tracy Hall, a tenant of Birch Bay, on March 26, 2012. Ms. Hall complained that Birch Bay failed to prevent the accumulation of stagnant water, in violation of the Manufactured/Mobile Home Landlord Tenant Act, RCW 59.20. MHDRP contacted Birch Bay in an attempt to facilitate negotiation 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 MHDRP therefore concluded that an agreement cannot be reached between the parties. As a result, the MHDRP conducted a formal investigation pursuant to RCW 59.30.040.

During the investigation Birch Bay admitted that during the winter months there are locations within the resort that have standing water. In a letter dated May 9, 2012, Kevin Olsen, Birch Bay Owner Representative, conceded that "Surface water problems occur at [Birch Bay] starting in November and running through April depending on the weather."

The Manufactured/Mobile Home Landlord-Tenant Act (MHLTA) requires a landlord to "[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." Birch Bay violated RCW 59.20.130(2), when it failed to prevent the accumulation of stagnant water on Hall's lot, as Hall was not at fault for the condition.

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However, Birch Bay has made numerous attempts to address the surface water issues. Birch Bay has installed pumps that automatically operate when water reaches a certain level. Every fall, Birch Bay hires a vendor to clean all storm drain lines to keep them open so the water may flow away from the property. Birch Bay also hires a vendor to use smoke detection to identify any leaks in the sewer lines that need repairing. Birch Bay is working to extend the current storm drain lines so that additional standing water can be evacuated from the property. Birch Bay brings in additional clean fill in the spring and summer to low areas. Birch Bay placed permeable asphalt in some parking areas. And Birch Bay has renovated several areas of the park and has plans to renovate additional areas where standing water is a problem. The renovations include placing catch basins (French drain and/or storm water lines) that collect the water and move it out of the area.

Due to Birch Bay's remedial measures to address the standing water issue, the MHDRP determines that Birch Bay has voluntarily complied with the MHLTA. However, if any party falls out of compliance with the law, the MHDRP may issue a Notice of Violation to ensure compliance.

We appreciate your cooperation with the MHDRP's investigation. This matter is now closed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer S. Steele", written in dark ink.

Jennifer S. Steele
Assistant Attorney General
(206) 389-2106