

ATTORNEY GENERAL  
OF THE STATE OF WASHINGTON

MANUFACTURED HOUSING  
DISPUTE RESOLUTION PROGRAM

In the Matter of

Linda Hartley,

Complainant,

v.

Golden Valley Estates,

Respondent.

NOTICE OF VIOLATION

RCW 59.30.040

MHDRP Complaint No. 406003

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.<sup>1</sup> 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.

I. INTRODUCTION

On March 27, 2012, Linda Hartley filed a complaint against Golden Valley Estates (Golden Valley) with the Manufactured Housing Dispute Resolution Program (MHDRP). Hartley alleged that Golden Valley violated the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA), RCW 59.20, by failing to prevent the accumulation of stagnant water and to prevent the detrimental effects of moving water. MHDRP contacted Golden Valley 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. As more fully set forth below, the MHDRP concludes that Golden Valley has violated RCW

<sup>1</sup> The issuance of this Notice does not limit the rights of either party to take other legal action.

59.20.130(2), by failing to prevent the accumulation of stagnant water and by failing to prevent the detrimental effects of moving water when such conditions are not the fault of the tenant.

## **II. FACTUAL BACKGROUND**

1. Golden Valley is a mobile home park for purposes of RCW 59.20.030(10), and is located in Buckley, Washington. Linda Hartley owns and resides in a manufactured/mobile home located on space rented from Golden Valley, and therefore is a tenant under RCW 59.20.030(18).
2. Hartley has lived at Golden Valley since February 2006.
3. In 2007, a manufactured home was placed on the space neighboring Hartley's home. The neighboring space sits approximately 1.5-2 feet higher than Hartley's lot.
4. In 2007, three to four inches of standing water began to accumulate in Hartley's yard year round where previously there had been none. Hartley noticed that settling issues began to occur: the front door would not close properly; the hardwood floor in the center of the house began to slant towards the NE corner; the seal in a double pane window broke; and floor molding popped off around the floor in several rooms.
5. Hartley spoke with Ben Huihui, Golden Valley property manager, regarding the water issues. However, Huihui did not take any action to resolve the standing water issues.
6. Hartley hired a structural engineer to assess her home. On September 12, 2011, Erik Ainsworth of The Land Developer's Engineered Solution, performed a structural inspection of Hartley's home and prepared a report of his findings.
7. Ainsworth reported that the differential settlement occurred when the soil under portions of the home became saturated thereby causing the load bearing capacity of the soil to be reduced. To limit further settlement, Ainsworth suggested that Hartley install a continuous strip drain along the east side of her home.
8. On October 13, 2011, Hartley wrote a letter to Golden Valley requesting permission to install a drain strip.
9. On October 20, 2011, Huihui wrote a response letter to Hartley stating that the Golden Valley maintenance department had inspected the area in question and believed the problems occurred due to the grading and landscaping work that was performed when Hartley placed her home on the rented space; he concluded that any repair or installation of any drain was Hartley's responsibility. However, Golden Valley partially approved Hartley's request to install a french drain at her own expense.
10. On November 28, 2011, Hartley's attorney, Mike Schmidt of Lombino Martino, P.S., wrote a letter to Huihui informing him that it is the landlord's duty to "prevent the accumulation of stagnant water," citing RCW 59.20.130(2).

11. On December 5, 2011, Huihui responded to Schmidt's letter and stated that his position remained unchanged.
12. Hartley procured two estimates for the installation of a French drain; Champion Landscaper submitted an estimate total of \$2,388.16 and Landwork Enterprises submitted an estimate of \$9,051.40.
13. On March 23, 2012, Huihui and Hartley met at her home to discuss the placement of the sump pump and trench. Huihui indicated the locations where the sump hole and the trench should be placed. Hartley communicated Huihui's requests to Champion Landscaper, who approved of the specifications.
14. On March 26, 2012, Huihui responded with two letters to Hartley, again stating that his position remained unchanged—the problems Hartley was facing as a result of stagnant and moving water were Hartley's responsibility. Huihui, however, approved the installation of the French drain.
15. Hartley hired Champion Landscaper to install the drain and trench. Hartley paid \$2,388.16 for installation of the drain and trench.

### III. VIOLATIONS

1. RCW 59.20.130(2), 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." Golden Valley violated RCW 59.20.130(2), when it failed to prevent the accumulation of stagnant water and the detrimental effects of water on Hartley's lot, as Hartley was not at fault for the condition.

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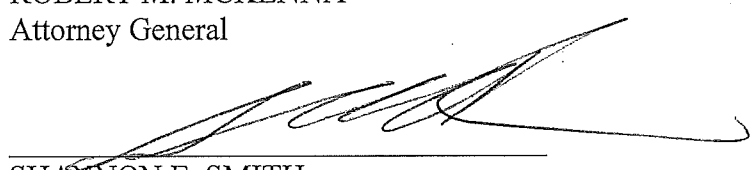
#### IV. CORRECTIVE ACTION

1. Golden Valley must, within thirty (30) days of receipt of this Notice, reimburse Hartley \$2,388.16, for the cost of installing the French drain on her lot. Golden Valley may not pass this expense on to Hartley.
2. A failure to take any of the corrective action as set forth above within thirty (30) days will result in the imposition of a \$100 fine per day thereafter, until compliance is achieved.

Signed this 18th day of September, 2012.

#### MANUFACTURED HOUSING DISPUTE RESOLUTION PROGRAM

ROBERT M. MCKENNA  
Attorney General

  
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SHANNON E. SMITH  
Senior Counsel

## 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 your own legal expenses. An administrative law judge will hear and receive pertinent evidence and testimony and decide whether a violation of the MHTLA 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 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:

Golden Valley Estates  
Attn: Pam and Benjamin Huihui  
6505 241<sup>st</sup> Avenue East  
Buckley, WA 98321

Linda Hartley  
24219 66<sup>th</sup> Street East #68  
Buckley, WA 98321

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

DATED this 19<sup>th</sup> day of September, 2012, at Seattle, Washington.

  
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MARY HARPER  
Legal Assistant II