

ATTORNEY GENERAL
OF THE STATE OF WASHINGTON

MANUFACTURED HOUSING
DISPUTE RESOLUTION PROGRAM

In the Matter of the

**Complaint of Jan White Against Serene
Terrace Mobile Home Park.**

NOTICE OF NON-VIOLATION

RCW 59.30.040

MHDRP Complaint No. 460180

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 or about January 20, 2015, Jan White filed a complaint against Serene Terrace Mobile Home Park (Serene Terrace) with the Manufactured Housing Dispute Resolution Program (the Program). Ms. White alleged that Serene Terrace violated the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA), RCW 59.20, in several respects including the maintenance of a large tree, an infestation of ants, and protection of utility lines. The Program contacted Serene Terrace 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 Serene Terrace has not violated the MHLTA.

II. FACTUAL BACKGROUND

2.1 Serene Terrace is a mobile home park for purposes of RCW 59.20.030(10), and is located in Lynnwood, Washington.

- 2.2 Ms. White owns and resides in a manufactured/mobile home located on space rented from Serene Terrace, and therefore is a tenant under RCW 59.20.030(18).
- 2.3 In January 2015, Ms. White filed a request for dispute resolution with the Program asking for assistance with several issues. The issues that implicate the Manufactured/Mobile Home Landlord-Tenant Act include a potentially hazardous tree, a potential ant infestation, and exposed cable and telephone lines.

Tree:

- 2.4 Ms. White expressed concern regarding a large tree located next to her home. The tree roots have grown under her front porch causing some damage. The tree is quite tall and Ms. White was concerned it could fall onto her home in a storm.
- 2.5 Serene Terrace regularly employs a tree expert to walk around the park and assess the status of the trees and to determine whether any need to be removed. A tree expert conducted an assessment in August 2015, and the tree located next to Ms. White's home, that she was concerned about, was identified as a tree to be removed. Serene Terrace removed the tree.
- 2.6 Serene Terrace also hired a contractor to repair damage to the porch and stairs to the porch of Ms. White's home that was caused by the tree. Ms. White continues to believe that the stairs are unsafe. Serene Terrace and Ms. White are communicating regarding any additional repairs.

Ants:

- 2.7 There are many ants around and in Ms. White's home. The ants are most common in Ms. White's kitchen and bathroom. Ms. White has taken measures to deter and prevent ants from coming into her home but to little avail.
- 2.8 Serene Terrace acknowledges that there are ants in the park and as such arranges for a pest control company to spray the park, specifically common areas, multiple times each year.
- 2.9 There does not appear to be any specific area where ants might be congregating in a common area. There were no signs of an infestation.

Cable and Telephone Lines:

- 2.10 The cable and telephone lines to Ms. White's home are above ground, though not elevated. Ms. White believes that the phone and cable lines pose a hazard would like the lines to be buried.

- 2.11 The cable and phone lines lay on the ground, sometimes running along next to the home. The cable and phone lines do not run across heavily trafficked areas and are largely out of the way and easily avoided. The cable and phone lines of Ms. White's neighbors are similarly on the ground.

III. NON-VIOLATIONS

- 3.1 Any issue regarding the tree located on Ms. White's lot is moot because Serene Terrace removed the tree.
- 3.2 RCW 59.20.130(5), provides that a landlord shall

Exterminate or make a reasonable effort to exterminate rodents, vermin, or other pests dangerous to the health and safety of the tenant whenever infestation exists on the common premises or whenever infestation occurs in the interior of a mobile home, manufactured home, or park model as a result of infestation existing on the common premises

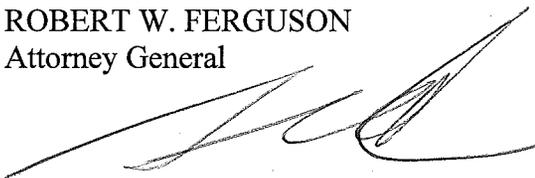
There is no evidence of an ant infestation in any common area or on the common premises. Furthermore, Serene Terrace makes reasonable efforts to exterminate ants. Therefore, park is not in violation of RCW 59.20.130(5).

- 3.3 RCW 59.20.130(6) requires a landlord to "[m]aintain and protect all utilities provided to the mobile home, manufactured home, or park model in good working condition. Maintenance responsibility shall be determined at that point where the normal mobile home, manufactured home, or park model utilities "hook-ups" connect to those provided by the landlord or utility company." The cable and utility lines may be esthetically unpleasing, but do not appear to cause any hazard. Moreover, the cable and utility lines are maintained in good working condition.

Signed this 13th day of May, 2016.

MANUFACTURED HOUSING DISPUTE RESOLUTION PROGRAM

ROBERT W. FERGUSON
Attorney General



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 you 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 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

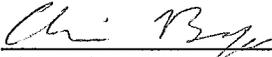
TO:

Hampton West Properties
Attn: Kirk Mulfinger
227 Bellevue Way NE Ste. 65
Bellevue, WA 98004

Jan White
14322 Admiralty Way #2
Lynnwood, WA 98087

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

DATED this 13th day of May, 2016, at Seattle, Washington.



CHRIS BUNGER
Legal Assistant