

ATTORNEY GENERAL
OF THE STATE OF WASHINGTON

MANUFACTURED HOUSING
DISPUTE RESOLUTION PROGRAM

In the Matter of the

**Complaint of Richard Asmussen Against
Firwest Mobile Home Park.**

NOTICE OF VIOLATION

RCW 59.30.040

MHDRP Complaint No. 433802

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. 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 In July 2013, Richard Asmussen filed a complaint against Firwest Mobile Home Park (Firwest) with the Manufactured Housing Dispute Resolution Program (MHDRP). Asmussen alleged that Firwest violated the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA), RCW 59.20, by, among other things, failing to provide boundary lines for rented lots. MHDRP contacted Firwest in an attempt to facilitate negotiation between the parties and resolve the dispute through an informal dispute resolution process. While the parties were able to resolve several of the issues, the parties were not able to negotiate a resolution to the boundary issue and the MHDRP concluded that the parties could not resolve the issue through negotiation. 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 Firwest has violated RCW 59.20.060(1)(j).

II. FACTUAL BACKGROUND

- 2.1 Firwest is a mobile home park for purposes of RCW 59.20.030(10), and is located in Port Angeles, Washington.
- 2.2 Asmussen owns and resides in a manufactured/mobile home located on space rented from Firwest, and therefore is a tenant under RCW 59.20.030(18).
- 2.3 Asmussen filed a request for dispute resolution with the MHDRP requesting assistance in resolving multiple issues. Several issues were resolved through dispute resolution,¹ and the MHDRP lacked sufficient evidence to make any determination on another issue.² A Notice of Non-Violation has been issued simultaneously with this Notice regarding Asmussen's request for dispute resolution regarding Firwest's enforcement of park rules and alleged retaliation.
- 2.4 Section 8 of the signed lease between Firwest and Asmussen, identifies the boundary lines of the rented space as follows:

“The power posts mark the boundary of the space rented.”

- 2.5 Firwest provided a blank copy of a lease that identifies the boundary lines of the rented property as:

Landlord leases to Tenant and Tenant leases from Landlord, Space Number _____ (hereafter, the “lot”) in the Firwest Mobile Home Park (hereafter, the “Park”), located at 2003 West 16th Street, Port Angeles, WA 98363, and legally described as S2 SUB LOT 76 FIRWEST MH PARK. *The power posts mark the boundary of the lot.* The park is zoned for its current use.

(emphasis added). Attached to the blank lease is a hand drawn map of Firwest that identifies the width of each lot in feet. The map identifies north, east, south, and west, as well as the house number associated with each lot.

- 2.6 Many homes and porches extend over the boundary line as marked by the power posts.

¹ The parties resolved an issue regarding maintenance of a shed and an issue regarding Firwest's inability to regulate parking on the public street through dispute resolution.

² Asmussen alleges that Firwest or its employees removed or destroyed plants and shrubs that he had planted. Firwest denies the allegation. Physical evidence neither supports nor refutes the allegation. Thus, there is insufficient evidence to make a determination.

III. VIOLATIONS

- 3.1 RCW 59.20.060(1)(j) requires that rental agreements contain “[a] written description, picture, plan, or map of the boundaries of a mobile home space sufficient to inform the tenant of the exact location of the tenant’s space in relation to other tenants’ spaces.” Firwest has not sufficiently informed tenants of the exact location of the rented space in relation to other tenants’ spaces and thus has violated RCW 59.20.060(1)(j). The description that the boundary runs from power pole to power pole is insufficient because the invisible line/boundary created runs through multiple homes and porches. Similarly, the hand drawn map contains measurements but no marker as the starting point or end point that would allow tenants to measure their rented space. Therefore, neither the written description nor the map are sufficient to inform the tenant of the exact location of the tenant’s space as required by RCW 59.20.060(1)(j). In addition, the written description and the map are inconsistent. Firwest has violated RCW 59.20.060(1)(j).

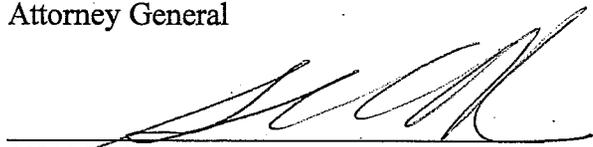
IV. CORRECTIVE ACTION

- 4.1 Firwest must, within thirty (30) days of receipt of this Notice, come into compliance with RCW 59.20.060(1)(j) by providing tenants with a “written description, picture, plan, or map of the boundaries of a mobile home space sufficient to inform the tenant of the exact location of the tenant’s space in relation to other tenants’ spaces.” Firwest may not pass this expense on to Asmussen.
- 4.2 A failure to take the corrective action set forth above within thirty (30) days of receipt of this Notice will result in the imposition of a \$50 fine per day thereafter, until compliance is achieved.

Signed this 5th day of November, 2015.

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 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 MHLTA 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

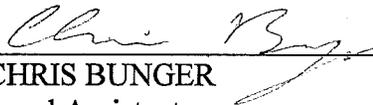
TO:

Firwest Mobile Home Park
Attn: Shirley Baublits
PO Box 1073
Port Angeles, WA 98362

Richard Asmussen
2025 West 16th St.
Port Angeles, WA 98363

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

DATED this 5th day of November, 2015, at Seattle, Washington.



CHRIS BUNGER
Legal Assistant