

ATTORNEY GENERAL
OF THE STATE OF WASHINGTON

MANUFACTURED HOUSING
DISPUTE RESOLUTION PROGRAM

In the Matter of the

Complaint of Susan Northup against
Mountain Villa Estates.

NOTICE OF VIOLATION

RCW 59.30.040

MHDRP Complaint No. 450053

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 June 2014, Susan Northrup filed a complaint against Mountain Villa Estates (Mountain Villa) with the Manufactured Housing Dispute Resolution Program (MHDRP). Northrup alleged that Mountain Villa violated the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA), RCW 59.20, by failing to maintain the shed and carport on her rented lot. MHDRP contacted Mountain Villa in an attempt to facilitate negotiation between the parties and resolve the dispute through an informal dispute resolution process. The parties were not able to negotiate a resolution to this matter and the MHDRP therefore concluded that an agreement could not 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 Mountain Villa has violated RCW 59.20.135 by failing to maintain permanent structures.

II. FACTUAL BACKGROUND

- 2.1 Mountain Villa is a manufactured/mobile home park located in Enumclaw, Washington.
- 2.2 Northrup owns and resides in a manufactured/mobile home located on lot rented from Mountain Villa. Northrup is a tenant under RCW 59.20.030(18).
- 2.3 Northrup has lived at Mountain Villa since 2006.
- 2.4 There is a shed and a carport located on the lot that Northrup rents from Mountain Villa.
- 2.5 The shed and carport were originally constructed by Mountain Villa.
- 2.6 The shed and the carport each has a flat roof. Each structure also has gutters that carry the water to downspouts.
- 2.7 The roof on the shed began leaking several years ago.
- 2.8 The floor boards in the shed are rotting. Some press board shelves and a wooden cabinet are warped from water damage.
- 2.9 A previous tenant installed Styrofoam insulation sheets on the walls and ceiling, which are falling down.
- 2.10 The carport is supported by beams that attach to support blocks at the base of the carport. These support blocks are deteriorating. One of the blocks near the downspout from the gutter appears to be crumbling from the base.
- 2.11 Northrup is concerned that the deteriorating support blocks could cause the carport to become unstable and that the roof could collapse.

- 2.12 Northrup has asked Mountain Villa to fix the leaking roof of the shed and the support blocks on the carport on multiple occasions. Mountain Villa has not repaired either the leaking roof or the support blocks.

III. VIOLATIONS

- 3.1 RCW 59.20.135 requires landlords to maintain permanent structures.
- 3.2 "A 'permanent structure' for purposes of this section includes the clubhouse, carports, storage sheds, or other permanent structure. A permanent structure does not include structures built or affixed by a tenant. A permanent structure includes only those structures that were provided as amenities to the park tenants." RCW 59.20.135(3).
- 3.3 The shed and the carport are permanent structures that Mountain Villa is required to maintain.
- 3.4 The Styrofoam insulation on the walls and ceiling of the shed were installed by a previous tenant, therefore, Mountain Villa is not required to maintain the Styrofoam insulation.
- 3.5 Mountain Villa violated RCW 59.20.135 when it failed to repair the roof on the shed.
- 3.6 Mountain Villa's failure to repair the shed roof allowed water to seep in and cause permanent water damage to shelves and a wooden cabinet inside the shed.
- 3.7 Mountain Villa violated RCW 59.20.135 when it failed to repair the support blocks of the carport.

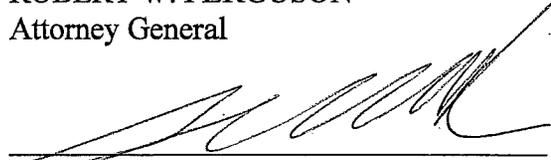
IV. CORRECTIVE ACTION

- 4.1 Mountain Villa must, within thirty (30) days of the date of this Notice, repair the leaking roof on the shed on Northrup's space.
- 4.2 Mountain Villa must, within thirty (30) days of the date of this Notice, replace the shelves and wood cabinet that are water damaged as a result of the leaking roof, with comparable shelves and wood cabinet.
- 4.3 Mountain Villa must, within forty-five (45) days of the date of this Notice, repair or replace the deteriorating support blocks on the carport on Northrup's space.
- 4.5 A failure to take the corrective action set forth above will result in the imposition of a \$100 fine per day thereafter, until compliance is achieved.

Signed this 14th day of October, 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.