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ATTORNEY GENERAL OF THE STATE OF WASHINGTON
MANUFACTURED HOUSING DISPUTE RESOLUTION PROGRAM

IN THE MATTER OF:
DAN & BILL'S RV PARK

ORDER TO CEASE AND DESIST
RCW 59.30.040(7)
MHDRP Complaint No. 447862

TO: DAN HAUGNESS
Dan & Bill's RV Park
15612 116th St. E,
Puyallup, WA 98374

Under the authority of RCW 59.30.040(7), SHANNON E. SMITH, Senior Counsel, duly authorized designee of the Attorney General of the State of Washington, enters these Findings of Fact, Conclusions of Law, and **ORDER TO CEASE AND DESIST** (Order) and gives **NOTICE OF OPPORTUNITY FOR HEARING**:

I. FINDINGS OF FACT

1.1 Dan & Bill's RV Park (Dan & Bill's) is located at 15612 116th St. E, Puyallup, WA 98374.

1.2 Dan Haugness (Haugness) is the owner of Dan & Bill's.

1.3 On November 17, 2014, the Manufactured Housing Dispute Resolution Program (MHDRP) issued a Notice of Violation against Dan & Bill's, concluding that Dan &

1 Bill's violated several sections of the Manufactured/Mobile Home Landlord-Tenant Act, RCW
2 59.20. Attached as Exhibit A. Dan & Bill's appealed the Notice; the appeal is pending at the
3 Office of the Administrative Hearings.

4 1.4 In addition to several other violations, the MHDRP concluded that Dan & Bill's
5 violated RCW 59.20.060(2)(c), RCW 59.20.080, and RCW 59.20.090(2) when it increased
6 tenant rent more frequently than annually and when it failed to provide three months' written
7 notice of the increase.

8 1.5 Edna Allen (Allen) owns and resides in a manufactured/mobile home or park
9 model located on space rented from Dan & Bill's.

10 1.6 Allen filed the initial complaint that eventually resulted in the Notice of
11 Violation.

12 1.7 Dan & Bill's hired an attorney who responded to the MHDRP's investigation
13 and eventually appealed the Notice of Violation.

14 1.8 In January 2015 Haugness verbally informed Allen that monthly rent was being
15 increased. Haugness explained that the increase was due to attorney fees.

16 1.9 On February 2, 2015, Haugness hand-delivered a Rate Change Notice (attached
17 as Exhibit B) to Allen.

18 1.10 The Rate Change Notice is dated February 2, 2015, and states that effective
19 April 1, 2015, "rents shall change to \$490."

20 1.11 Allen's rent was \$460 per month before Dan & Bill's improperly increased it to
21 \$480 as detailed in the Notice of Violation.

22 II. CONCLUSIONS OF LAW

23 2.1 Dan & Bill's is a mobile/manufactured home park under RCW 50.20.030(10).
24 See Attachment A.

25 2.2 The MHDRP issued a Notice of Violation against Dan & Bill's on November 17,
26 2014; the appeal of the Notice is pending.

1 2.3 RCW 59.20.080 requires landlords “seeking to increase the rent upon expiration
2 of the term of a rental agreement of any duration [to] notify the tenant in writing three months
3 prior to the effective date of any increase in rent.” And RCW 59.20.090(2) requires that any
4 rent increase be communicated in writing three months prior to the increase. Allen was
5 provided notice of a rent increase on February 2, 2015 for an increase to begin on April 1,
6 2015—this is less than three months’ notice. Dan & Bill’s is in violation of these statutes by
7 failing to provide three months’ written notice of a rent increase.

8 2.4 RCW 59.20.070(5) prohibits landlords from increasing rental or other tenant
9 obligations in retaliation for a tenant’s good faith complaint to a government authority:

10 A landlord shall not:

11 (5) Evict a tenant, terminate a rental agreement, decline to renew a rental
12 agreement, increase rental or other tenant obligations, decrease services, or
13 modify park rules in retaliation for any of the following actions on the part of a
14 tenant taken in good faith:

15 (a) Filing a complaint with any federal, state, county, or municipal
16 governmental authority relating to any alleged violation by the landlord of an
17 applicable statute, regulation, or ordinance.

18 RCW 59.20.070(5).

19 2.5 RCW 59.20.075 provides that if a landlord increases tenant obligations within
20 120 days of a government agency proceeding, it is presumed that the action is a reprisal or
21 retaliatory (the presumption is rebuttable):

22 Initiation by the landlord of any action listed in RCW 59.20.070(5) within one
23 hundred twenty days after a good faith and lawful act by the tenant or within
24 one hundred twenty days after any inspection or proceeding of a governmental
25 agency resulting from such act, shall create a rebuttable presumption affecting
26 the burden of proof, that the action is a reprisal or retaliatory action against the
tenant...

 RCW 59.20.075.

 2.6 The Notice of Violation was issued on November 17, 2014. The Notice of
Violation is a proceeding of a governmental agency. Dan & Bill’s provided a notice regarding

1 increased tenant obligations on February 2, 2015. There are 77 days between November 17,
2 2014 and February 2, 2015.

3 2.7 Dan & Bill's is not acting in good faith as evidenced by his statement to Allen
4 that the increase in rental obligations was due to attorney fees.

5 2.8 Dan & Bill's violated RCW 59.20.070(5) when it increased Allen's rent in
6 retaliation for Allen's good faith complaint to a government authority.

7 2.9 Under RCW 59.30.040(7), the Attorney General may issue an order requiring
8 the respondent, or its assignee or agent, to cease and desist from an unlawful practice and take
9 affirmative actions that in the judgment of the Attorney General will carry out the purposes of
10 this RCW 59.30.

11 **III. TEMPORARY ORDER TO CEASE AND DESIST**

12 IT IS HEREBY ORDERED that Dan & Bill's cease and desist from:

13 3.1 Increasing Allen's rental obligations in violation of RCW 59.20.080 and RCW
14 59.20.070(5).

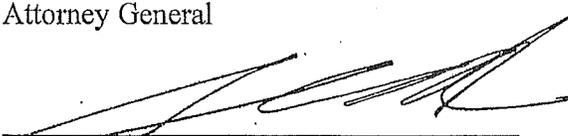
15 3.2 This Order shall take effect when received by the Respondent, Dan & Bill's.

16 3.3 This Order shall become permanent by operation of law if the Respondent Dan
17 & Bill's does not request a hearing within fifteen (15) business days of receipt of this Order, as
18 required by RCW 59.30.040.

19 DATED this 26 day of February, 2015.

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21 MANUFACTURED HOUSING DISPUTE
22 RESOLUTION PROGRAM

23 ROBERT W. FERGUSON
24 Attorney General

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26 SHANNON E. SMITH
Senior Counsel
Chief, Consumer Protection Division

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NOTICE OF OPPORUNITY FOR HEARING

You may appeal this Order to Cease and Desist by requesting a hearing before an administrative law judge. RCW 59.30.040. Any appeal must be made within fifteen (15) business days of receipt of this Order and sent to the following address:

Attorney General of Washington
Manufactured Housing Dispute Resolution Program
800 Fifth Avenue Suite 2000
Seattle, WA 98104-3188

Your appeal must be submitted in writing.

If you do not submit a written appeal within fifteen (15) business days of receiving this Order, this Order will constitute a Final Order of the Attorney General and will not be subject to review by any court or agency.