



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

800 Fifth Avenue #2000 • Seattle, WA 98104-3188

Manufactured Housing Dispute Resolution Program

•Consumer Protection Division•

1-866-924-6458

NOTICE OF NONVIOLATION

Date: December 30, 2009

Complainant: Kenneth Binkley
[REDACTED]

Respondent: Salmon Shores RV Park
Attn: Stephen Young
c/o John Woodring
[REDACTED]

RE: Complaint # 316894 – Kenneth Binkley

Pursuant to RCW 59.30.040, the Manufactured Housing Dispute Resolution Program (MHDRP) has found there to be **NO VIOLATION** of the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA) with regard to the above referenced complaint. This notice is based upon information gathered to date.

Alleged violations:

- (1) *RCW 59.20.070(6) – Charging Utility Fees in Excess of Actual Rates*
 - (a) The charging of utility fees in excess of actual rates is a violation of RCW 59.20.070(6).
- (2) *RCW 59.20.130(1) – Failure to comply with codes, statutes, and other administrative rules applicable to the mobile home park.*

Background and Investigation:

Mr. Kenneth Binkley complained that Salmon Shores RV Park overcharged him for electricity. The Complainant filed a request for dispute resolution with the Manufactured Housing Dispute Resolution Program (MHDRP) on May 8, 2008. The MHDRP attempted to negotiate a settlement between Mr. Binkley and Salmon Shores RV Park. Negotiations were not successful.

During the time this matter was pending, the MHDRP further considered whether the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA) applies to RV parks in a separate complaint (In Re Complaint of Edward and Barbara Allen). In the Allen complaint matter, the MHDRP formally concluded that the MHDRP does not have jurisdiction over RV Parks. The MHDRP's conclusion that the MHLTA does not apply to RV parks was affirmed by the Administrative Law Judge in the Allen matter on December 11, 2009.

The MHDRP does not have jurisdiction over Mr. Binkley's complaint because the MHLTA does not apply to RV Parks like Respondent Salmon Shores. Salmon Shores is an RV Park, not a mobile home park or manufactured housing community.

The MHLTA defines "mobile home park" as "any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy."

Recreational vehicles ("RVs") are not manufactured or mobile homes. The MHLTA defines recreational vehicle as "a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as a temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot."

The MHLTA also defines "park model" as a "recreational vehicle intended for permanent or semi-permanent installation and is used as a primary residence." The Act does not define "permanent or semi-permanent installation." The MHDRP interprets this section to require something more than the standard connections made within RV parks.

The MHDRP has determined that Salmon Shores RV Park is not a mobile home park and that the Complainant does not rent a "mobile home space" as defined in RCW 59.20.030 because the Complainant's RV does not fit within the definition of "park model."

Appeal of this Notice

You may appeal this Notice by requesting a hearing before an Administrative Law Judge. Such a request ***must*** be made ***in writing and signed*** to this office within ***15 business days*** of your receipt of this notice, otherwise this decision is final. This request

must be mailed to: Attorney General of Washington, Manufactured Housing Dispute Resolution Program, 800 Fifth Avenue Suite 2000, Seattle, WA 98104-3188. This office will then coordinate with the Office of Administrative Hearings to schedule a hearing. The ALJ is authorized by statute to hear and receive pertinent evidence and testimony, and decide, by a preponderance of the evidence, whether a violation of the MHLTA has occurred. The ALJ's decision will constitute the final order of the Attorney General and may be appealed to Superior Court via instructions to be included in the ALJ's decision.

Signed this 30 day of December, 2009

Manufactured Housing Dispute Resolution Program

ROBERT M. MCKENNA
Attorney General



CATHIE CALDWELL
Program Manager