



MANUFACTURED HOUSING DISPUTE RESOLUTION PROGRAM

2013 ANNUAL REPORT TO THE WASHINGTON STATE LEGISLATURE

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EXECUTIVE SUMMARY

HISTORY

In 2007, the Legislature passed HB 1461, which directs the Attorney General's Office (AGO) to create and administer a program to regulate and enforce the Manufactured/Mobile Home Landlord-Tenant Act, RCW 59.20. The law authorizes the Attorney General to resolve disputes informally and, where necessary, impose sanctions and issue orders to bring compliance with RCW 59.20. RCW 59.30, Manufactured/Mobile Home Communities – Dispute Resolution and Registration. The Manufactured Housing Dispute Resolution Program was created to implement this legislation and began its operation in July of 2007.

MISSION STATEMENT

The mission of the Manufactured Housing Dispute Resolution Program (Program) is to enforce RCW 59.20, educate stakeholders, and foster relationships between manufactured/mobile home community land owners and homeowners. The Program facilitates communication among the parties in an effort to resolve disputes and avoid evictions.

LEGISLATIVE INTENT

“The legislature finds that there are factors unique to the relationship between a manufactured/mobile home tenant and a manufactured/mobile home community landlord. Once occupancy has commenced, the difficulty and expense in moving and relocating a manufactured/mobile home can affect the operation of market forces and lead to an inequality of the bargaining position of the parties. Once occupancy has commenced, a tenant may be subject to violations of the manufactured/mobile home landlord-tenant act without an adequate remedy at law. This chapter is created for the purpose of protecting the public, fostering fair and honest competition, and regulating the factors unique to the relationship between the manufactured/mobile home tenant and the manufactured/mobile home community landlord.” RCW 59.30.010(1).

Following the Legislature's intent, the Program provides low-cost dispute resolution for tenants and landlords and enforces RCW 59.20. The Program advances the public interest by identifying possible violations of RCW 59.20 and works with interested parties to assure compliance with the law. Additionally, the Program produces and distributes educational materials regarding RCW 59.20 and RCW 59.30, and provides outreach to stakeholders and the public.

MANUFACTURED HOUSING DISPUTE RESOLUTION PROGRAM OVERVIEW

NEGOTIATION

Both homeowners and landlords may file a complaint with the Program if they believe there is a violation of RCW 59.20. Once the Program receives a complaint, staff will review the complaint for potential violations of RCW 59.20. If the complaint raises a potential violation of RCW 59.20, Program staff will contact the parties about the complaint, and specifically will give the party about whom the complaint is made the opportunity to respond. Once the Program receives a response, staff will contact each party to gain a better understanding of the situation, and may request additional information that may be useful in helping the parties negotiate a resolution to the complaint. In addition to helping the parties resolve the complaint, the negotiation process is a good opportunity for Program to inform both parties about the law as a way to bring compliance or compromise.

If the parties are unable to resolve the issue through negotiation or if the issue does not raise a potential violation of RCW 59.20, Program staff will refer the parties to in-person mediation services offered by local Dispute Resolution Centers that can help facilitate resolution of the issue. If it appears that a party requires private legal advice, Program staff will provide them with contact information for the Washington State Bar Association and Northwest Justice Project's CLEAR service, or recommend that the party contact their private attorney.

If negotiation fails to satisfactorily resolve a violation of RCW 59.20 or if a party fails to cooperate with the Program, the Program staff will review the complaint and decide if further investigation is warranted. RCW 59.30 vests the Program with discretion to investigate complaints if the parties are unable to resolve them through negotiation.

INVESTIGATION AND DETERMINATION

The Program may formally investigate complaints, which may include, but is not limited to, comprehensive record reviews, site visits, and witness interviews. The Program is authorized to issue subpoenas to gather information regarding a violation of RCW 59.20. An investigation does not foreclose the parties from engaging in further negotiations to resolve the complaint. At the conclusion of a formal investigation, the AGO will make a written determination of whether a violation of RCW 59.20 has occurred. In making this determination, the AGO will consider the Legislature's intent, the plain language of RCW 59.20, case law, and previous Program determinations. The AGO's determination may include a written notice of violation or non-violation, an order to cease and desist or to take affirmative actions, fines, and penalties. Either party may appeal a notice of violation or non-violation and request a hearing before an administrative law judge (ALJ). As with other administrative decisions, a party may petition for judicial review of the ALJ's order.

FINING AUTHORITY

The Program has had great success in achieving compliance without issuing notices of violation, litigating the issues, or imposing fines. To date, the Program has issued a total of three fines. At this juncture, the Program does not foresee fines as a significant source of revenue for the Program because our efforts to arrive at negotiated settlements have achieved voluntary compliance without imposing fines.

PROGRAM STATISTICS

The Program reports the following for the reporting period of **December 1, 2012 through November 30, 2013.**

1. The number of complaints received.

	TENANTS	LANDLORDS
Complaints received from	238	12

2. Telephone, Web and Mail Communications.

The Program received approximately 1,105 calls from “first time callers” during this reporting period. Program staff provided the callers with information about RCW 59.20 and 59.30, the Program, and the dispute resolution process. If a caller indicated the desire to file a complaint, Program staff sent the callers a complaint form or directed them to the AGO website to file a complaint on-line. In addition, Program staff assisted callers with problem solving and self-help strategies surrounding issues that were outside the parameters of RCW 59.20 and 59.30 and the Program.

Approximately 461 constituents requested and were mailed information, including copies of RCW 59.20, RCW 59.30, complaint forms, and brochures.

The Program also received approximately 60 general requests for information about manufactured housing issues.

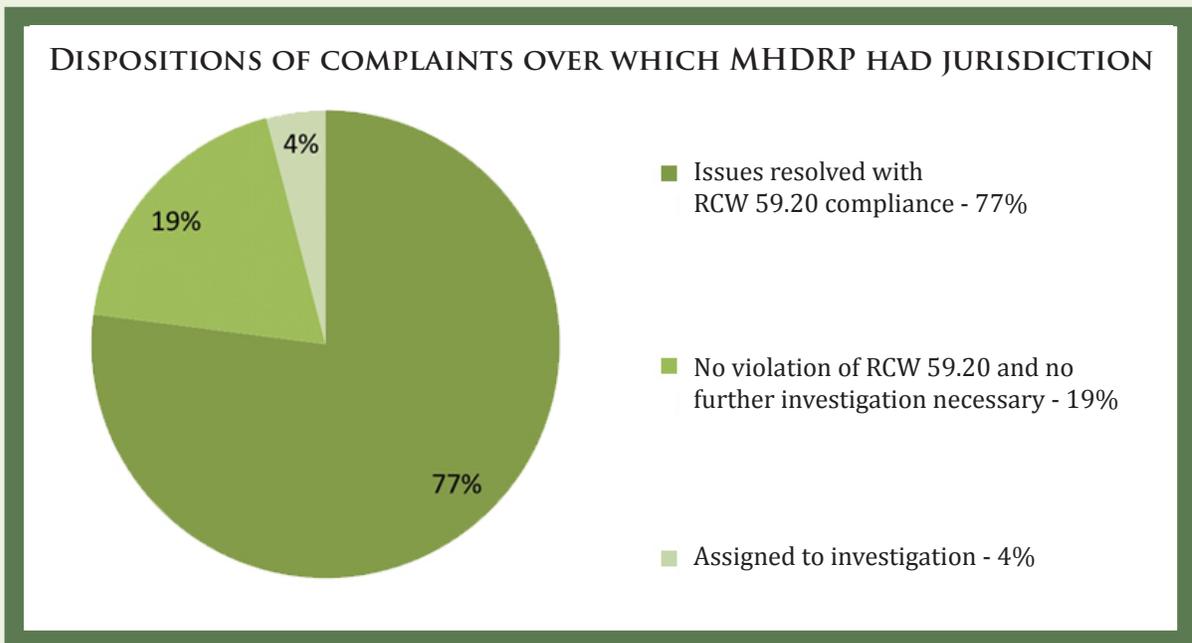
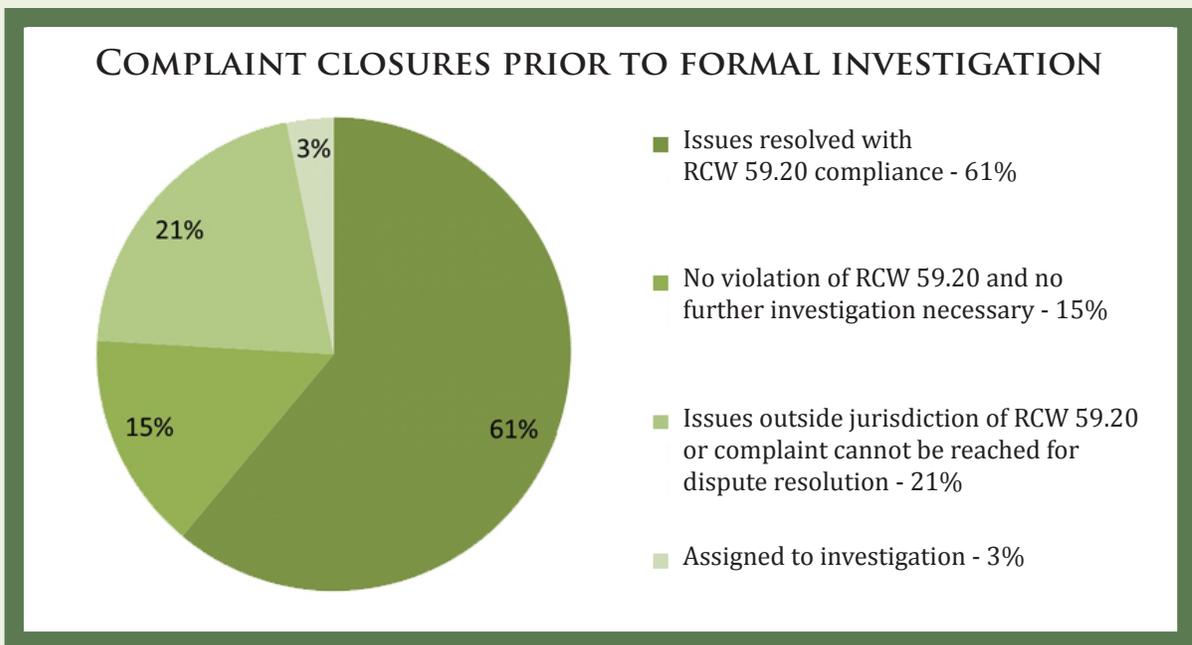
3. The nature and extent of the complaints received and issues complained of.

ISSUE ¹	TENANTS	LANDLORDS	ISSUE ¹	TENANTS	LANDLORDS
Rental agreements	55	1	Deposits	5	0
Utilities	52	4	Trees	5	3
General maintenance	51	7	Pets	5	0
Rules & enforcement	40	1	Retaliation	4	1
Rental agreements	33	0	Guests	4	0
Failed communication attempts	30	0	Permanent residence RVs	4	0
Rent raise	30	1	Live-in care providers	4	0
Health, safety or sanitation	24	0	Lot Description	3	0
Screening / denial of sale or tenancy	23	1	Repair timeline	3	0
Fees	21	0	Infestation	3	0
Permanent structures	20	1	Landlord/Tenant - Residential	3	1
Non-payment of rent	15	0	Abandonment of MH	2	0
Spanish Language Complaints	11	0	Prevention of meetings	2	0
Tenant to tenant dispute	9	0	Restriction/choice of goods or services	1	0
Duty to comply with laws & codes	8	0	Other/Miscellaneous	1	0
Unlawful eviction	7	0	Purchase/Sale Agreement	1	0
LL/T personality conflicts	7	0	Prevent entry/require removal of MH	1	0
Privacy Issues	7	0	Road Maintenance	1	0
Rent receipts	7	0	Lack of landlord enforcement	1	0
Notice of rent increase	6	0	Closing community	1	0
			Discrimination	1	1

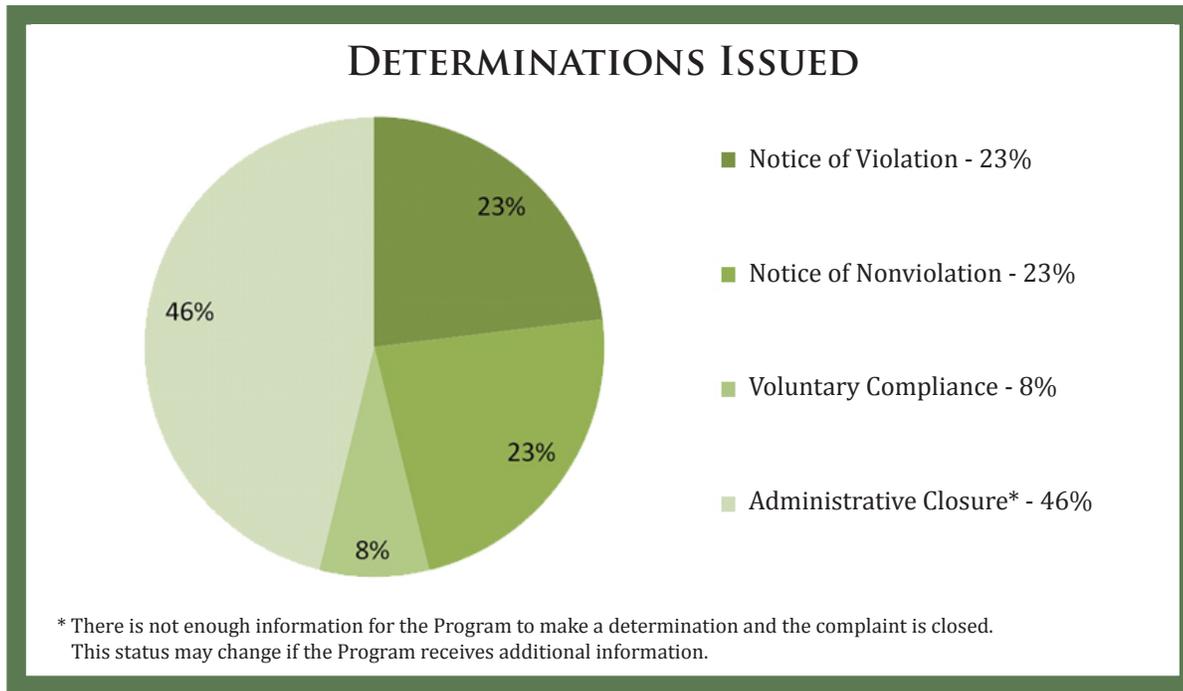
1. Complaints often allege multiple issues including some that are outside the scope of RCW 59.20. The Program tracks all of the issues alleged in a complaint, but usually focuses on the primary issue for purposes of dispute resolution.

4. The outcome for each complaint received.

COMPLAINTS CLOSED (PRIOR TO INVESTIGATION)	TENANTS	LANDLORDS
Issues resolved with compliance of RCW 59.20 following negotiation or during investigation	149	2
No violation of RCW 59.20; no further investigation necessary	32	5
Issues outside jurisdiction of RCW 59.20	52	0
Complaints and inquiries that cannot be negotiated (e.g. anonymous complaints; information only; no resolution requested)	24	1
Complainant cannot be reached for dispute resolution.	20	0
Not a manufactured housing community	5	1
Initiated formal investigation	8	0



INVESTIGATION AND DETERMINATION	TENANTS	LANDLORDS
Notice of Violation	3	0
Notice of Nonviolation	3	0
Voluntary Compliance	1	0
Administrative Closure	6	0
Order to Cease and Desist or Affirmative Action	0	0
Fines	0	0



5. Recoveries

During this reporting period, the Program recovered \$91,323.77 for complainants (\$2,402 through negotiations and \$88,921.77* through investigations and determinations). The above recoveries involved the following violations of RCW 59.20: improper rent increases, utility fees in excess of actual utility costs, improper assessments of fees, security deposits, maintenance of utilities, and maintenance of permanent structures.

*The Final Administrative Order awarding \$88,455.77 in restitution to tenants has been appealed to Superior Court.

6. Top 5 issues reported in complaints:

BY TENANTS

1. Utilities, including maintenance of or overcharging for
2. General maintenance of common areas, shared areas, and vacant lots
3. Landlord not enforcing park rules and regulations, per RCW 59.20.045
4. Issues regarding rental agreements
5. Issues surrounding rent raises and/or fees, including improper notice

BY LANDLORDS

1. Tenant not complying with park rules and regulations
2. General maintenance of rented lot
3. Issues surrounding pets
4. Tenant not complying with laws or local codes
5. Unauthorized guests

OUTREACH

OUTREACH TO REFERRAL AGENCIES AND ORGANIZATIONS

The Program receives referrals from a network of landlord and tenant organizations, and legal service providers from around the state. This year the Program hosted its annual stakeholders meeting designed to elicit feedback about the Program. This meeting provided an opportunity for interested parties to learn about the Program, ask questions, and inform the Program on how it better serve our constituents.

Program staff attended several events organized by tenants and landlords and provided information about the Program and RCW 59.20. Additionally, Program staff hosted events across Washington in a continuous effort to inform the public about the Program and educate constituents about the Program and the laws governing manufactured housing communities. These events were very successful and the Program intends to continue them into the next reporting period.

The Program continues to reach out to municipal and county agencies in order to promote awareness about the Program and encourage referrals.

MANUFACTURED/MOBILE HOME COMMUNITY REGISTRATION

In July 2011, the Department of Revenue was designated to administer the annual registrations of all manufactured/mobile home communities. This includes maintaining a database of all the communities, collecting annual fees, and enforcing penalties for delinquent registration, as required by RCW 59.30. The Department of Revenue has identified approximately 1,371 registered manufactured/mobile home communities and 62,224 rented mobile home lots throughout the Washington state.

This year, Program staff met with Department of Revenue staff to provide information about the Program and RCW 59.20. This meeting was very beneficial in understanding each agency's roles and responsibilities with manufactured housing communities relating to RCW 59.30.

Additionally, the Program updated the educational notice required by RCW 59.30.030(3)(a), to include recent changes in RCW 59.20. The notice was provided in English and Spanish to all known manufactured/mobile home communities.

RECOMMENDATIONS TO LEGISLATURE

The Program does not have recommendations for legislation during the 2014 Legislative Session but may consider legislative changes in the future should the need arise.

PROGRAM SUCCESS STORIES

In spring 2013, the Program received a request for dispute resolution regarding past due rent and septic issues. The Program successfully assisted the parties to reach a negotiated result. In addition, through the MHDRP's negotiation phase, the landlord agreed to install a new septic system and to properly maintain the utility, per RCW 59.20.130(6). As a result of the Program's dispute resolution activities, the tenant was current on all monetary dues to the park and was successfully connected to the utility.

Throughout 2013, numerous landlords sought the assistance of the Program to oblige tenants to maintain their rented lots in a clean and sanitary manner, as required by RCW 59.20. During the summer, a landlord filed a request for dispute resolution regarding an uncooperative tenant concerning the lack of maintenance to the mobile home and rented lot. This included, but was not limited to, necessary repairs to the home and the removal of excess garbage and other debris from the rented lot. The Program was able to educate the tenants on their duties and obligations under the RCW 59.20. Subsequently, the tenants complied and responded with improvements to their home and individual lot; both parties were satisfied.

The Program received complaints from many tenants in a single community in Eastern Washington concerning both safety and the enforcement of the park's rules. Through our negotiation process, the Program resolved these matters by educating the parties of their rights and obligations under RCW 59.20. The park owner informed the Program that a new management company was hired to improve the overall mobile home living affairs. As a result of the Program's dispute resolution between the parties, the tenants complied with their duty to maintain the rented lot in a clean and sanitary manner and the landlord resolved the safety concerns on the common and shared premises, as required by the RCW 59.20.

In July 2013, a tenant complained to the Program that they did not receive the proper notice for a rent increase as set forth in RCW 59.20.090. The Program successfully facilitated dispute resolution between the parties by educating the parties on the legal requirement for notice of rent increases. The parties reached an agreement that included reimbursement to the tenant in the amount of \$1,125, for excess rent paid to the park as a result of the improper notice. By facilitating communication, the Program assisted to avoid a potential eviction.



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