

**THE STATE OF NEW HAMPSHIRE
BOARD OF MANUFACTURED HOUSING**

Richard and Belinda Gleason)	
“Complainants”)	
)	
v.)	Docket No. 17-09
)	
Pine Knoll Village)	
“Respondent”)	

Hearing held on October 21, 2016, at Concord, New Hampshire.

DECISION

This matter came before the Board of Manufactured Housing (hereinafter referred to as the Board) on the complaint of Richard and Belinda Gleason (hereinafter referred to as the Complainants) against Pine Knoll Village (hereinafter referred to as the Respondent) alleging Respondent’s conduct to be in violation of RSA 205-A:2, X (a) and (b) and XI. At the hearing, Complainants, Richard and Belinda Gleason, appeared and represented themselves and Jean Howe appeared for the Respondent. After careful consideration of the evidence presented, including the exhibits offered and the testimony presented, the Board finds the following facts and makes the following rulings:

FINDINGS OF FACT

The Complainants are residents of Pine Knoll Village, a manufactured housing community in Lee, New Hampshire, known as Pine Knoll Village. The Complainants presented a copy of park rules dated October 1, 2013 and claimed that, despite repeated requests, the Respondent has failed to provide a copy of updated park rules. During the hearing, the Complainants conceded that they had ultimately received a copy of the updated park rules and, therefore, that the issue was moot.

The Complainants, on multiple occasions involving emergencies, have called the telephone number provided by the park for emergencies, but only reached voice mail. They indicate that the Respondent does not respond to those messages quickly, sometimes waiting up to three weeks. In one of the emergencies, the Complainants had no water supply for four hours, and they were not informed as to the cause or when the water supply would be reestablished.

The Complainants further testified that water outages happen in the park up to five times per year, and the Respondent does not post water shut-off dates and times. The telephone number provided to tenants was for Toby Jenson, Park Manager. The Complainants indicated that for three years the voice mailbox for Mr. Jenson was full and messages could not be left.

Jean Howe testified that the Complainant's yard is posted with "No Trespassing" signs, and that the Complainants have brought ten cases in Court against the Respondent. She indicated that the Complainants make excessive calls to both the Respondent and to the Lee Police Department. Belinda Gleason sends a complaint or letter to the Respondent at least every month, and she calls Mr. Jenson about three times per day. Ms. Howe indicated that, during the water outage referred to by the Complainants, Mr. Jenson had been at a concert and had turned off his telephone. She also stated that, at times, Mr. Jenson simply chooses not to answer because the Complainants call so often. The office telephone is also available for tenants to call; however, Ms. Howe was unable to say how often those messages are checked. Ms. Howe did indicate that Mr. Jenson was authorized to make or arrange for repairs.

RULING

The Board is charged with hearing and determining matters involving manufactured housing parks, specifically RSA 205-A:2, RSA 205-A:7 and RSA 205-A:8. (See RSA 205-A:27, I.) The Board is further vested with the authority to determine whether a rule is reasonable as applied to the facts of a specific case. (See RSA 205-A:7, I(a).)

RSA 205-A:2, X (a) and (b) state as follows:

205-A:2 Prohibition. — No person who owns or operates a manufactured housing park shall:

X. Fail to provide each tenant with the name, address and telephone number of a manager or agent who resides within 10 miles of the park, if the park owner or operator does not reside within 25 miles of the park, which manager or agent shall:


(a) Be reasonably available in person, by means of telephone, or by telephone recording device checked at least twice daily to receive reports of the need for emergency repairs within the park;

(b) Be authorized to make or contract emergency repairs without specific authorization from the park owner or operator.

The park rules in this matter do not address the issue of tenant contacts with the park; however, the evidence presented at the hearing in this matter demonstrated that the Respondent had at least some policy in place to address the statutory requirements. Nevertheless, the Board finds and rules that the Respondent's implementation of the policies regarding the Complainants' ability to reach the park owner or manager was unreasonable. Neither the owner nor the park manager were reasonably available in person, by means of telephone, or by telephone answering device to receive reports of the need for emergency repairs in the park. Accordingly, the Board UNANIMOUSLY finds and rules that Respondent is in violation of RSA 205-A:2, X (a) and that its rules are unreasonable as applied to the facts on this case. The Board UNANIMOUSLY finds and rules that Respondent is not in violation of RSA 205-A:2, X (b). The Board does not rule on the issue of the provision of park rules because the issue is moot.

Man 211.01 Motions for rehearing, reconsideration or clarification or other such post-hearing motions shall be filed within 30 days of the date of the Board's order or decision. Filing a rehearing motions shall be a prerequisite to appealing to the superior court in accordance with RSA 204-A:28, II.

**SO ORDERED
BOARD OF MANUFACTURED HOUSING**

By: 
Robert D. Hunt, Esq., Secretary

Members participating in this action:

Peter Graves, Vice Chair
Judy Williams
Lois Parris
Rep. Franklin Sterling
Kenneth Dame
Robert D. Hunt, Esq.

Members not participating in this action:

Mark Tay, Esq., Chair

CERTIFICATION OF SERVICE

I hereby certify that a copy of the forgoing Order has been mailed this date, postage prepaid, to the parties.

Dated: _____

Rick Wisler, Clerk
Board of Manufactured Housing