

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

<b>Martin Fox</b>	)	<b>Docket No. 17-15</b>
<b>“Complainant”</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>Oriental Gardens MHP</b>	)	
<b>“Respondent”</b>	)	

Hearing held on June 9, 2017

**DECISION**

This matter came on for hearing before the Board of Manufactured Housing (hereinafter referred to as the Board) on the Complaint of Martin Fox (hereinafter referred to as Complainant) against Oriental Gardens MHP (hereinafter referred to as respondent) alleging the Respondent’s conduct to be in violation of RSA 205-A:2,IV and RSA 205-A:2, XI. The Board first conducted an initial review of the complaint under MAN 203.03 and voted unanimously to accept it. The parties were previously notified that after initial review, if the Board found that it had jurisdiction, the matter would proceed immediately to hearing. In accordance therewith a hearing was held. The Complainant appeared on his own behalf and Kellyann Vick appeared on behalf of the Respondent. After careful consideration of all the evidence presented, including the exhibits offered and the testimony adduced, the Board finds the following facts and makes the following rulings:

**FINDINGS OF FACT**

This complaint focuses on the Respondents denial of the Complainants request to add private storage space to his rented home site. Initially the Complainant wanted to add a canvas covered storage unit to his rented home site which was denied by the Respondent. The Complainant then requested to add 100 square feet to his existing shed which the Respondent also denied. The denial of this request is determined not to be unreasonable due to the lack of information regarding the additional square footage. The Complainant’s request provided no other details other than adding 100 square feet. The Respondent was reasonable in denying this request due to a lack of pertinent information including but not limited to: dimensions, materials,

sketch, and who would be doing the construction. The Complainant stated there was a misunderstanding in alleging the Respondent violated RSA 205-A:2 XI.

**RULING**

The Board is charged with hearing and determining matters involving manufactured housing park rules, specifically RSA 205-A:2, RSA 205-A:7, & RSA 205-A:8. (See RSA 205-A:27 I)

The Board is vested with the authority to determine whether a rule is reasonable as applied to the facts of a specific case. (See RSA 205-A:27 I-a)

RSA 205-A:2 IV provides in pertinent part. "...The park owner or operator may require skirting on the manufactured housing and may make rules governing the size and number of outbuildings and additions; but in such case, must provide the tenant with reasonable options as to the type of materials and construction".

Based upon the facts presented, there is no violation of RSA 205-A:2 IV. The Board finds UNANIMOUSLY in favor of the Respondent's denial of an additional 100 square feet to an existing storage shed. The Respondent operates under the rules of Oriental Gardens MHP which limits the number, size, and construction type of storage sheds, all of which is in accordance with RSA 205-A:2 IV. Further, the Complainant's request lacked a significant amount of material information as to what would be constructed on the Complainant's rented home site. For the forgoing reasons the Board UNAMIOUSLY finds for the Respondent.

**Man 211.01 Motions for rehearing, reconsideration, or clarification or other such post hearing motions shall be requested within 30 days of the date of the Board's order or decision. Filing a rehearing motion shall be a prerequisite to appealing the superior court in accordance with RSA 205-A:28 II.**

**SO ORDERED**

**BOARD OF MANUFACTURED HOUSING**

Dated: \_\_\_\_\_

9-28-17

By: \_\_\_\_\_

Mark H Tay, Esquire, Chairman

Members participating in this action:

Chair Mark Tay  
Lois Parris  
Kenneth Dame  
Adam Gidley  
Judy Williams  
Rep. Franklin Sterling  
Rep. Thomas Laware

CLERK'S NOTICE

I hereby certify that a copy of the foregoing Ruling of the Board of Manufactured Housing has been mailed this date, postage prepaid, to the parties.

Date: 11-1-17



\_\_\_\_\_  
Rick Wisler, Clerk  
Board of Manufactured Housing