

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

<b>Jerry and Ruth Devorss</b>	)	
<b>“Complainants”</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. 18-01</b>
	)	
<b>Granite Post Green MHC, LLC</b>	)	
<b>“Respondent”</b>	)	

Hearing held on November 3, 2017, at Concord, New Hampshire.

**DECISION**

This matter came before the Board of Manufactured Housing (hereinafter referred to as the Board) on the complaint of Jerry and Ruth Devorss (hereinafter referred to as the Complainants) against Granite Post Green MHC, LLC. (hereinafter referred to as the Respondent) alleging Respondent’s conduct to be in violation of RSA 205-A:2, VIII(d) and RSA 205-A:2, XI. At the hearing, Complainant, Jerry Devorss, appeared and represented himself and his spouse, Ruth Devorss. Joseph Roy, III appeared for the Respondent, and Respondent was represented by Attorney Daniel Hartley. 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 Complainant is a resident of Granite Post Green MHC in North Hampton, New Hampshire. The Complainant was presented with a new set of Park Rules from the Respondent soon after the Respondent purchased the park from the prior owner. The new Park Rules require tenants to sign a form waiving the tenants’ “homestead rights” and they restrict tenants to parking only 2 vehicles in the tenant’s driveway in the park. The Complainant has resided in the park for 42 years. Prior to receiving the new Park Rules, the Complainant had been permitted to have more than 2 vehicles in his driveway and was never required to sign a form waiving homestead rights.

The Respondent asserted that the homestead waiver will only apply if the manufactured home is abandoned and left in the park by the tenant/home owner. It is necessary to allow the park to take appropriate action regarding the manufactured home in situations where the park is left with the responsibility of having the abandoned manufactured home on its property. The Complainant simply asserted that the requirement for such a waiver is unreasonable under the circumstances of this case.

The Complainant presented evidence, including prior Park Rules, that more than 2 vehicles had been permitted in tenants' driveways in the past. Mr. Devorss testified that there was "no 2-car" limit when he moved into the park and that he believed he had been "grandfathered in." There was no dispute that the Complainant's driveway was large enough to accommodate more than 2 vehicles, as were other driveways in the park. Mr. Devorss stated that it was unreasonable to make he and his family "get rid of a car," especially given that his adult son resides with he and his wife. The Complainant also called a witness, Holly St. Peter. Ms. St. Peter testified that she and her family reside in the park and had previously had 4 cars parked in their driveway. She indicated that the prior rule was for only 2 cars but that the prior owner decided on a case-by-case basis.

The Board finds that there was insufficient evidence presented establishing the basis for the requirement that tenants sign waivers of their homestead rights. No evidence was presented by the Respondent that the absence of such a waiver had ever presented the Respondent (or any other park owner) with a problem. The Board also finds that the new 2-car rule is not reasonable, under the circumstances of this case, especially given the history of tenants having the right to park more than 2 vehicles in their respective driveways so long as their driveways could accommodate more than two vehicles.

### 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).)

Pursuant to RSA 205-A:2, VIII(d) no person who owns or operates a manufactured housing park shall:

Require a tenant to sell or otherwise dispose of any personal property, fixture, or pet which the tenant had prior permission from the park owner or former park owner to possess or use; provided, however, that such a rule may be made and enforced if it is necessary to protect the health and safety of other tenants in the park.

The Complainant presented credible and reliable evidence that his family and other tenants had permission from former park owners to possess or use more than 2 vehicles in driveways located in the park that accommodate more than 2 vehicles. Application of the new Park Rules, in this case, would result in the Complainant being required to dispose of at least one vehicle in violation of the applicable statute.

Regarding the homestead waiver requirement, the Complainant presented sufficient evidence to demonstrate that such a requirement is unreasonable as applied to this Complainant.

Accordingly, the Board UNANIMOUSLY finds and rules that Respondent is in violation of RSA 205-A:2, VIII(d) and that the 2-car rule at issue is unreasonable as applied to

the facts on this case. The Board also finds and rule requiring waiver of the homestead right is unreasonable as applied to this Complainant.

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., Vice-Chairman

**Members participating in this action:**

Thomas Laware  
Adam Gidley  
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: 12-28-17

  
Rick Wisler, Clerk  
Board of Manufactured Housing