

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

Richard and Belinda Gleason)	
“Complainants”)	
)	
v.)	Docket No. 18-05
)	
Pine Knoll Village)	
“Respondent”)	

Hearing held on August 17, 2018, 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)-(c). At the hearing, Complainants, Richard and Belinda Gleason, appeared and represented themselves. Jean Howe, owner of Pine Knoll Village, appeared and represented 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 in Lee, New Hampshire. During the winter of 2017, a tree in their lot fell over and left a large hole in the ground. Complainants waited until spring of 2018 to call the Respondent to seek to have the hole filled. Although the tree itself was removed within weeks of it falling, the hole was filled later, sometime within three months of Complainants’ call to the park to report it.

The Complainants presented testimony and exhibits to support their assertions that they repeatedly attempted to contact the Respondent by telephone and by letter, to no avail. They complained that the phone number they were given for the park office did not work half the time or that they were required to leave messages. The Complainants further stated that they left voice messages that were ignored and that sometimes the voice mail box was full. The Complainants did not present any exhibits consisting, for example, of documentation recording or logging phone calls or of repeated letters.

Jean Howe, for the Respondent, testified that she has owned the park since 1983, and that the Complainants have resided there for most of that time. Ms. Howe submitted to the Board a list of prior complaints made by the Complainants as to other issues over the years. She testified that the Complainants have made such a multitude of complaints over the years that she is “tired

of it.” The Complainants have called the police about the park 49 times and has sued the park. Ms. Howe testified that the park’s phone always works, that there is an emergency number and that the park manager is made available to answer calls, respond to voice messages and to be available to tenants in emergencies. That park manager resides in the park and checks the voice mail twice per day. Ms. Howe indicated a high level of frustration with the multitude of complaints, police calls, and legal actions taken by the Complainants; however, she also described the methods she and the park manager have for addressing the numerous issues.

The Board finds that there was insufficient evidence presented establishing that the Respondent failed to be available for emergency or non-emergency repairs or to have a park manager available who is authorized to make such repairs. The Complainants simply failed to sufficiently corroborate or substantiate their claims of unavailability with, for example, records or logs of their calls to the park or copies of repeated letters to the park. It was, therefore, their word against the Respondent’s word as to the history of such efforts. The Board also finds that the Respondent’s testimony was credible, and that it demonstrated sufficient mechanisms to allow tenants access to the park manager, who resides in the park, by telephone or telephone recording device for emergency and non-emergency repairs and other issues.

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, X(a)-(c) states that no person who owns or operates a manufactured housing park shall:

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; and
- (c) Be authorized to make or contract to make necessary non-emergency repairs if the park owner or operator cannot be reached within a reasonable amount of time.

Although the Complainant presented some evidence regarding their concerns about the Respondent being non-responsive to their complaints, the evidence they presented was insufficient to meet their burden of proof in the face of the Respondent’s evidence to the contrary. The Respondent presented credible and reliable evidence that the park manager was

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. The Respondent also provided credible and reliable evidence that the park manager was authorized to make and contract to make emergency and non-emergency repairs without specific authorization from the park owner and if the park owner cannot be reached within a reasonable amount of time.

Accordingly, the Board UNANIMOUSLY finds and rules that Respondent is not in violation of RSA 205-A:2, X(a)-(c) and that Respondent's application of its Park Rules in satisfying this statute is not 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 motion 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 Hunt, Esq., Secretary

Members participating in this action:

Lois Parris
Rep. Franklin Sterling
Kenneth Dame
Robert D. Hunt, Esq.
Anna Mae Twigg
Judy Williams


Members not participating in this action:

Mark Tay, Esq., Chair
Adam Gidley
Rep. Thomas Laware

CERTIFICATION OF SERVICE

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

Dated: 10-5-18


Rick Wisler, Clerk
Board of Manufactured Housing