

THE STATE OF NEW HAMPSHIRE  
BOARD OF MANUFACTURED HOUSING

Concord Savings Bank

v.

Bangs Mobile Home Park

Board Docket No. 001-95

ORDER

This Order addresses four related issues: 1) The board's jurisdiction pursuant to RSA 205-A:27; 2) Concord Savings Bank's standing regarding definition of "Person"; 3) Concord Savings Bank's standing definition of "Tenant"; and 4) Bangs Mobile Home Park's standing regarding RSA 205-A:2 II.

The board has determined:

1. the board has jurisdiction as set forth in RSA 205-A:27 to hear matters concerning RSA 205-A:2 II. In this case the Concord Savings Bank has asserted that Bangs Mobile Home Park has unreasonably interpreted a park rule requiring the park owners' consent to the sale of a unit to allow the park owner to withhold consent. Although the park owner alleges that this claim involves the determination of an issue related to "rent," over which the board does not have authority, see RSA 205-A:27, II, the board finds that the Bank's claim is properly characterized as a claim relating to "rules," not "rent.";
2. Concord Savings Bank is a "Person" as set forth in RSA 205-A:1 III because it is a corporation;
3. Concord Savings Bank is a "Tenant" as set forth in RSA 205-A:1 IV, because it "owns" the manufactured housing unit at lot 49 in the Bangs Mobile Home Park and "pays rent or other consideration" to the park. See also RSA 205-A:4-a, III (Supp.1995); and
4. Bangs Mobile Home Park has unreasonably applied park rule section number 2-A to deny Concord Savings Bank the right to sell the manufactured home located at lot 49 in the Bangs Mobile Home to provide consent as set forth in RSA 477:44. The board finds that the Bank complied with its obligations under RSA 205-A:4-a to give the park notice of its lien on the unit located at lot 49, and elected to assume the responsibility to pay the rents due on the lot after the date that it took possession of the lot. Bangs Mobile Home Park admits that it did not provide the Bank with the notice required by RSA 205-A:4-a, II (Supp. 1995) that would have obligated the Bank to make a decision sooner about whether to assume the obligation to pay rent. Under these circumstances, the board finds that Bangs Mobile Home Park unreasonably withheld its consent under park rule 2-A to approve a proposed sale of the unit by the Bank. The board further finds that Bangs Mobile Home Park unreasonably held its consent "hostage" to its demand that the Bank go beyond the obligations imposed on it by RSA 205-A:4-a despite the fact that the park itself had not complied with the same requirements.

DECISION

The board therefore pursuant to RSA 205-A:2 II, orders Norman Bangs of Bangs Mobile Home Park to provide consent as set forth in RSA 477:44 within 10 days of the clerk's date below. Norman Bangs shall file with the board evidence of compliance within the 10 days.

The board incorporates in this Order the granted findings and rulings.

CONCORD SAVINGS BANK'S REQUEST FOR FINDINGS OF FACT

- 1) Granted.
- 2) Granted.
- 3) Granted.
- 4) Granted.
- 5) Granted.
- 6) Granted.

CONCORD SAVINGS BANK'S REQUEST FOR RULINGS OF LAW

- 1) Granted.
- 2) Granted.
- 3) Granted.
- 4) Granted.
- 5) Neither granted nor denied.
- 6) Granted.

A decision of the board may be appealed, by either party, by first applying for a rehearing with the board within 20 business days of the clerk's date below, not the date this decision is received, in accordance with Man 201.27 Decisions and Rehearings. The board shall grant a rehearing when: (1) there is new evidence not available at the time of the hearing; (2) the board's decision was unreasonable or unlawful.

SO ORDERED:

BOARD OF MANUFACTURED HOUSING

  
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Beverly A. Gage, Chairman

Members Present

Rep. Beverly A. Gage, Chairman  
Elizabeth Martin  
Jimmie D. Purselley  
Florence Quast  
Edward Santoro

**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the forgoing Order has been mailed this date, postage prepaid, to Andrew B. Eills, Esq., P. O. Box 1415, Concord, NH 03302-1415, counsel for the complainant: Concord Savings Bank, P. O. Box 739, Concord, NH 03302-0739; and Bangs Mobile Home Park, Norman Bangs, P. O. Box 1118, Derry, NH 03038-1118.

Dated: January 5, 1996

Anna Mae Mosley  
Anna Mae Mosley, Clerk  
Board of Manufactured Housing