

THE STATE OF NEW HAMPSHIRE

BOARD OF MANUFACTURED HOUSING

Sandra S. Fenwick	)	
	)	
v.	)	Docket No. 002-95
	)	
Bangs Mobile Home Park	)	

Hearing held on December 15, 1995 at Concord, New Hampshire.

**ORDER**

This Order addresses four related issues: 1) This board’s jurisdiction pursuant to RSA 205-A:27; 2) Sandra S. Fenwick’s standing regarding RSA 205-A:2 IX; 3) Bangs Mobile Home Park’s standing regarding RSA 205-A:2 IX; 4) Bang’s Mobile Home Park’s standing regarding Board of Manufactured Housing Administrative Rule Man 202.04(c) and (h).

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 and the Rules & Regulations of Bangs Mobile Home Park, dated October 26, 1987.
2. Sandra S. Fenwick’s complaints 1, 2 and 3 are relevant to RSA 205-A:2 IX and that complaint 5 is relevant to Park Rules and Regulations, SECTION #1: Motor Vehicles, paragraph D and SECTION #8 General Conduct and Miscellaneous, paragraph P.
3. Bangs Mobile Home Park is subject to the provisions of RSA 205-A:2 IX.
4. Bangs Mobile Home Park is subject to the provisions of Board of Manufactured Housing Administrative Rule Man 202.04(c) and (h).

**BOARD’S RULINGS AND FINDINGS**

The board convened December 15, 1995 to hear 5 complaints filed by Sandra S. Fenwick who appeared to testify on her own behalf. The respondent, Norman Bangs, Bangs Mobile Home Park, Derry, New Hampshire, failed to appear before the board. The

respondent having failed to file a statement of nonattendance as required by Man 202.04(c) to have defaulted and, therefore, under the provisions of Man 202.04(h) heard the evidence and arguments, reviewed the file and issued a decision based on the complainant's case and file.

The board found:

1. in complaint 1, Sandra S. Fenwick testified she had to continually replace electrical fuses because the 30 amp source of electrical power was insufficient to operate her appliances. Derry's Building Code (1975) required a minimum 50 amp electrical service. She further stated she had on a number of occasions requested the park owner to upgrade the system but the respondent refused. The complainant hired an electrician to upgrade the system at a cost of \$425.00.

2. in complaint 2, Ms. Fenwick testified the bathroom and bedroom are always damp and illustrated with photos that showed mildew on various walls. She stated this condition was caused by a continuous flow of water under the house. She further stated she had replaced the floor in the bathroom and that the floor needs to be replaced again. Testimony given by Mrs. Penney and Mrs. Bartlett, residents of the park, corroborated Ms. Fenwick's testimony, and added that the wet condition had been created during installation of a potable water system by altering drainage infrastructure.

3. in complaint 3, Ms. Fenwick testified the beginning of her driveway had been damaged during the installation of a potable water system. She stated the hard top was replaced with stone which makes it difficult for her to transverse because of a physical disability.

4. in complaint 4, Ms. Fenwick testified the lanes (streets) in the park are in need of repair because of numerous pot holes. She further stated that drivers in trying to avoid pot holes would drive onto residents lots causing damage to lawns.

5. in complaint 5, Ms. Fenwick testified two semitrailer truck cabs belonging to her neighbor are started in the dead of night and run their engines causing noxious fumes to enter her home that disturbs her sleep. She further stated park rules prohibit more than two vehicles per household.

## DECISION

### 1) Complaint 1.

a. The respondent has violated RSA 205-A:2 IX by transfer or attempt to transfer responsibility for a substandard electrical system to the complainant. The board, therefore, orders the respondent to reimburse Sandra S. Fenwick the sum of \$425.00, plus 1-1/2 (one and one-half) percent interest per month (annual rate of interest 18 (eighteen) percent) with interest to commence on the date of this Order and to continue until all amounts are paid in full.

### 2) Complaint 2.

a. If considered strictly from the standpoint of endangerment or health as related to RSA 205-A:15, 16 and 17, the board would find this issue to be outside the board's jurisdiction. However, testimony indicated that part of the existing wet condition was created during the installation of an underground potable water system by alteration of the drainage infrastructure. The board finds that proper drainage would have existed prior to such alteration. The board, therefore, concludes that the respondent has violated RSA 205-A:2 IX, in an attempt to transfer the responsibility for repair of the drainage infrastructure to a tenant or a group of tenants. The board, therefore, requests the town of Derry Building Inspector and Health Officer or the Code Enforcement Officer inspect and assess the condition of this drainage deficiency and then recommend to the respondent necessary repairs. The board orders the respondent thereafter to make the recommended repairs within 90 (ninety) days of receipt of such recommendation.

### 3) Complaint 3.

a. The respondent violated RSA 205-A:2 IX by transfer or attempt to transfer the responsibility of repair or maintenance of the driveway to the complainant which was damaged during the installation of an underground potable water system. The board, therefore, orders the respondent to restore the damaged driveway to its prior condition within 30 (thirty) days of this Order. The board further orders that should the respondent fail to make the necessary repairs as ordered, the complainant may cause the repair to be made and the cost of such repair shall be reimbursed to the complainant by the respondent including 1-1/2 (one and one-half)

percent interest per month (annual rate of interest 18 (eighteen) percent) with interest commencing on the date of payment for the repair by the complainant with interest to continue until all amounts are paid in full.

4) Complaint 4.

a. The board offers no decision because the complaint is beyond the board's jurisdiction.

5) Complaint 5.

a. The respondent has failed to enforce Bangs Mobile Home Park Rules and Regulations, dated October 26, 1987, SECTION #1: Motor Vehicles, paragraph D, and SECTION #8: General Conduct and Miscellaneous, paragraph P., the board, therefore, orders the respondent to enforce the referenced rules.

A decision of the board may be appealed by either party by first filing a motion for rehearing with the board within 20 (twenty) 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

By: \_\_\_\_\_  
Beverly A. Gage, Chairman

Members participating in this action:

Beverly A. Gage  
Elizabeth Martin  
Kenneth R. Nielsen, Esq.  
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 Sandra S. Fenwick, 30 Kendall Pond Road, Derry, NH 03308, James Doolin, Building Inspector and Health Officer, Town of Derry New Hampshire, 40 Fordway, Derry, NH 03038 and Bangs Mobile Home Park, Norman Bangs, P. O. Box 1118, Derry, NH 03038-1118.

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

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

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