

THE STATE OF NEW HAMPSHIRE

BOARD OF MANUFACTURED HOUSING

Robert L. Atwood)
) Docket No. 001-98
 v.)
Twin Tamarack Inc., d/b/a Twin Tamarack)
Family Camping & RV Resort)
(A. Eugene Sands & Beverly L. Sands)

ORDER

This matter having come before the Board for consideration on May 4, 1998, the Board issues the following order:

1. Complainant Robert L. Atwood initiated this matter by filing a complaint dated January 16, 1998, alleging that respondent Twin Tamarack Inc. d/b/a Twin Tamarack Family Camping & RV Resort ("Twin Tamarack") committed various violations of the Regulation of Manufactured Housing Parks Act, RSA 205-A.
2. By Order dated March 9, 1998, the Board questioned whether it has jurisdiction to adjudicate Mr. Atwood's complaint. Therefore, the Board requested that the parties submit further information addressing the issue of whether Twin Tamarack is a manufactured housing park within the meaning of RSA 205-A:1, I and II. The Board has reviewed all information presented. In addition, Mr. Atwood appeared at the hearing on May 4, 1998, made a short statement and responded to questions from the Board.
3. Twin Tamarack Family Camping & RV Resort is a seasonal campground located in the Town of New Hampton, New Hampshire. Mr. Atwood purchased his unit within the campground from a prior owner in or around 1993.
4. Complainant argues that, although its mobile component is a recreational vehicle, his unit should be considered manufactured housing because it was purchased as a fixed unit with permanent ancillary construction attached to it. In addition, Complainant notes that the Town of New Hampton has assessed the unit as manufactured housing for property tax purposes.

5. As an initial matter, the Board is not bound by the determination of the local taxing authority with respect to the characterization of Mr. Atwood's unit in determining whether his claim falls within the jurisdiction of this Board. Rather, the Board must be guided by the language of RSA 205-A.
6. Here, RSA 205-A:l, I provides that recreational vehicles and campers are not manufactured housing within the terms of the statute.
7. On the facts presented to the Board, it appears that Mr. Atwood's residence constitutes a recreational vehicle or camper. This is so because, as Mr. Atwood stated, he purchased his unit under a bill of sale rather than as a deeded interest. In addition, notwithstanding the permanence of the structures surrounding Mr. Atwood's unit, the unit itself is only occupied on a seasonal basis and so does not appear to be designed for permanent or continuous occupancy.
8. Accordingly, the Board determines as a matter of fact that Mr. Atwood's unit is not manufactured housing within the meaning of RSA 205-A:l, I. Therefore, on the basis of the facts before it, the Board cannot find that Twin Tamarack is a manufactured housing park subject to the jurisdiction conferred on the Board by RSA 205-A.

THEREFORE, the complaint of Robert L. Atwood v. Twin Tamarack Inc. d/b/a Twin Tamarack Family Camping & RV Resort is DISMISSED.

ORDERED, this day of , 1998

BOARD OF MANUFACTURED HOUSING

By: _____
Ken Nielsen, Esq., Chairman

Members participating in this action:

Stephen J. Baker
Richard R. Greenwood
Eleanor R. Harriger
Kenneth R. Nielsen, Esq.
Jimmie D. Purselley
Linda J. Rogers

CERTIFICATION OF SERVICE

I hereby certify that a copy of the forgoing Order has been mailed this date, postage prepaid, to Robert L. Atwood and A. Eugene & Beverly Sands.

Dated: _____

Anna Mae Twigg, Clerk
Board of Manufactured Housing