

THE STATE OF NEW HAMPSHIRE  
BOARD OF MANUFACTURED HOUSING

Patricia A. Golden )  
“Complainant” )  
 )  
v. ) Docket No. 001-10  
 )  
Forest Park Tenants’ Association )  
Cooperative )  
“Respondent” )

Hearing on Respondent’s Motion for Reconsideration held on October 22, 2010  
at Concord, New Hampshire.

**DECISION AND ORDER**

A hearing was held on the Respondent’s Motion for Reconsideration on October 22, 2010. Attorney Robert M. Shepard appeared for the Respondent and Kathleen Golden, the Petitioner’s daughter, appeared for the Petitioner. The Petitioner was excused from attendance at her request and with the assent of Respondent’s counsel. Both parties presented argument on the motion, which moved the Board to reconsider so much of its order awarding the Petitioner the sum of \$ 326.40 to pay for the costs of repairing her frozen water line. The Respondent essentially sets forth two grounds for reconsideration in its motion: 1) that insufficient evidence was introduced to substantiate the Board’s ruling; and 2) that the ruling was beyond the scope of the prohibitions set forth in RSA 205-A:2 and that, therefore, the Board lacked the statutory underpinning to enter such an order.

The Board agrees that its previous ruling with respect to this issue was, in fact, beyond its statutory authority. RSA 205-A:2, IX in pertinent part prohibits a community operator from charging or attempting to charge a tenant for repairs to underground systems for causes not due to the negligence of the tenant. It does not address the issue of liability for the type of damage to the Petitioner’s water pipes as alleged here. The Board’s jurisdiction as set forth in RSA 205-A:27, I is to hear and determine matters involving manufactured housing rules, specifically RSA 205-A:2, RSA 205-A:7, and RSA 205-A:8. Consequently, after reconsideration, the Board finds and rules that it does not have the requisite statutory jurisdiction to make such an order, and agrees with the Respondent’s argument set forth in its Motion for Reconsideration. The Board did not reach the issue of reconsidering whether there was, in fact, insufficient evidence introduced to support her allegation of Respondent’s fault.

Accordingly, the Motion for Reconsideration is GRANTED and so much of the order requiring the Respondent to reimburse the Petitioner the sum of \$ 326.40 is VACATED. The Board voted as follows: Members Graves, Martin, Nielsen, Russell, Tay, and Williams in the affirmative; Members Brown and Twigg, dissenting. This determination is without prejudice to the Petitioner's pursuing the matter in another forum.

**A decision of the Board, after reconsideration, may be appealed by either party to the Superior Court for the county in which either party resides in accordance with the procedures set forth in RSA 677:2-14, inclusive. (RSA 205:A28, II)**

**SO ORDERED**

**BOARD OF MANUFACTURED HOUSING**

By: \_\_\_\_\_  
Mark H. Tay, Esq., Chairman

**Members participating in this action:**

Rep. Larry Brown  
Peter J. Graves  
Juanita J. Martin  
Ken Nielsen, Esq.  
Rep. David H. Russell  
George Twigg, III  
Mark H. Tay, Esq.  
Judy Williams

**Members not participating in this action:**

Lois Parris

**Also Present**

Constance N. Stratton, Esq., Senior Assistant Attorney General

**CLERK'S NOTICE**

I hereby certify that a copy of the forgoing Decision and Order has been mailed this date, postage prepaid, to Patricia A. Golden, 54 Forest Park, Jaffrey, NH 03452; and Forest Park Board of Directors, 49 Forest Park, Jaffrey, NH 03452, and Attorney Robert M. Shepard, Smith-Weiss Shepard, PC, PO Box 388, Nashua, NH 03061-0388.

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

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

**BOARD MEMBERS' CONCURRENCE**

**Patricia A. Golden v. Forest Park Tenants' Association Cooperative; Docket No. 001-10**

\_\_\_\_\_[dissenting]  
REP. LARRY BROWN

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PETER J. GRAVES

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JUANITA J. MARTIN

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KEN NIELSEN, ESQ.

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REP. DAVID H. RUSSELL

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MARK H. TAY, ESQ.

\_\_\_\_\_[dissenting]  
GEORGE TWIGG, III

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JUDY WILLIAMS