

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

Effie Velardo)	
“Complainant”)	
)	
v.)	Docket No. 17-01
)	
Maple Leaf MHP)	
“Respondent”)	

Hearing held on September 23, 2016, at Concord, New Hampshire.

DECISION

This matter came before the Board of Manufactured Housing (hereinafter referred to as the Board) on the complaint of Effie Velardo (hereinafter referred to as the Complainant) against Maple Leaf Mobile Home Park (hereinafter referred to as the Respondent) alleging Respondent’s conduct to be in violation of RSA 205-A:2, VIII (b). At the hearing, Complainant, Effie Velardo, appeared and represented herself and Kelly Dixon appeared as Park Manager for 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 Complainant, Effie Velardo, has resided for many years in Maple Leaf Mobile Home Park, a manufactured housing community in North Hampton, New Hampshire owned by Crown Properties & Home Sales, L.L.C. The manufactured housing community has 129 homes on lots served by driveways of varying size. The variation in the size of the driveways results in some tenants having space to park more vehicles in their driveway than other tenants.

Paragraph 11 of the manufactured housing community rules states as follows:

No More than Two (2) vehicles (including automobiles, vans, trucks) shall be permitted upon any lot, provided that such vehicles are registered and further provided that no vehicle shall be parked except on the lot driveway. The Park reserves the right to tow any vehicle parked in violation of this rule, at the expense of the vehicle’s owner. The park is restricted to two axle personal vehicles only. No boats, trailers, campers, trucks having more than 4 wheels or commercial vehicles (with the exception of service vehicles) shall be permitted in the park.

There is no dispute that some driveways in the park are large enough to accommodate more than two vehicles and that, until recently, tenants were permitted to park more than two vehicles in their driveways. Within the past year, the park has begun to take action to enforce the rule. According to one letter from Respondent seeking to enforce the rule against the Complainant; "Homeowners who have plans for overnight or extended stay guests that require additional parking should accommodate their guests by finding an alternate parking spot for one of their own vehicles." (July 26, 2016 letter marked as Plaintiff's exhibit 11) The rule, however, explicitly prohibits parking a vehicle anywhere except on the lot driveway.

The effect of the recent enforcement of this rule on the Complainant has been that, although her driveway can accommodate more than two vehicles, she is not permitted to have more than two vehicles in her driveway at any one time. This prevents her from having personal guests or visitors of any kind simply because there is no other place available for visitor parking. The Respondent's proposed solution to this problem is that tenants ask other tenants to allow them to park in their driveways, thus clearing a space in the driveway of the tenant with the guest.

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).)

RSA 205-A:2, VIII (b) prohibits a park owner from making or enforcing any rule which:

Requires a tenant to get prior permission of the park owner or operator before an overnight guest can stay in the park; provided, however, a park owner or operator may require prior permission for any guest who stays longer than 30 days, which permission shall not be unreasonably withheld.

The Board finds and rules that the Respondent's enforcement of the park rule at issue in this matter against the Complainant amounts to a *de facto* prohibition on overnight guests. The rule at issue states that "no vehicle shall be parked except on the lot driveway." There was no evidence presented that Respondent provides parking spaces in the park other than lot driveways. The Complainant, having two vehicles, is left with no space for a guest to park, even though she has room to park more than two vehicles in her driveway. The Respondent suggested that other tenants can provide space to Complainant in their driveways; however, no evidence was presented supporting that this suggested solution sufficiently addresses the issue. Accordingly, the Board UNANIMOUSLY finds and rules that Respondent is in violation of RSA 205-A:2, VIII (b) and that its rules are unreasonable as applied to the facts on this case.

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 motions 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: 

Peter Graves, Vice-Chairman

Members participating in this action:

Peter Graves, Vice Chair
Judy Williams
Lois Parris
Rep. Franklin Sterling
Glenn Ritter
Kenneth Dame
Robert D. Hunt, Esq.

Members not participating in this action:

Mark Tay, Esq., Chair

CERTIFICATION OF SERVICE

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

Dated: 10-25-16



Rick Wisler, Clerk
Board of Manufactured Housing