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BY RONALD R. CARPENTER

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NO. 81636-1

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FILED
JUN 24 2008

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STATE OF WASHINGTON

[Signature]

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

PAUL LAWSON,

Petitioner,

vs.

CITY OF PASCO, a municipal corporation,

Respondent.

AMICUS CURIAE MEMORANDUM OF
MANUFACTURED HOUSING COMMUNITIES OF WASHINGTON

John E. Woodring, WSBA #6781
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Attorney for Manufactured
Housing Communities of Washington

I. IDENTITY OF AMICUS CURIAE

Manufactured Housing Communities of Washington (MHCW) is a trade association representing manufactured housing community owners. MHCW members operate approximately 30,500 mobile home lots. As of October 17, 2006, the Office of Manufactured Housing at the Washington Department of Community, Trade, and Economic Development listed 1,639 mobile home communities with 65,922 lots in Washington. MHCW members operate approximately 46% of the total mobile home lots in the State. Communities that are not members of MHCW also have tenants living in recreational vehicles as their primary residences occupying mobile home lots.

II. ISSUE PRESENTED FOR REVIEW

MHCW acknowledges the statement of issues set forth in the petition for review.

III. STATEMENT OF THE CASE

MHCW acknowledges the statement of the case in the petition for review, as well as the recitation of the facts in the Court of Appeals opinion.

IV. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED

The Court of Appeals decision interpreting local government's control over recreational vehicles that are primary residences in a

manufactured housing community, and subject to the Manufactured/Mobile Home Landlord-Tenant Act, RCW 59.20 (MHLTA), involves an issue of substantial public interest. RAP 13.4(b)(4).

A “mobile home park” or “manufactured housing community” is any real property rented for the placement of two or more mobile or manufactured homes. RCW 59.20.030(6). A recreational vehicle used as a primary residence in a mobile home park/manufactured housing community is subject to the MHLTA. RCW 59.20.030(9).

Many communities rent mobile home lots to tenants occupying recreational vehicles as their primary residences. In some communities, the majority of the lots are occupied by recreational vehicles. For example, the Sea Breeze Mobile Home and RV Park in Port Townsend has 33 recreational vehicle tenants. University Mobile Home Park in Spokane has nine recreational vehicle lots or 8.5% of their total lots. Paradise Mobile Home Park in Kent has eight primary residence tenants in recreational vehicles.

Westburg Mobile Home Park was recently cited by Snohomish County for having 11 recreational vehicles in the Park. The lots are now vacant and difficult to replace with single-wide mobile/manufactured homes. The owner’s income is drastically down.

The Court of Appeals opinion will have life changing consequences on tenants occupying recreational vehicles in communities. These tenants have occupied recreational vehicles as their homes in communities sometimes for many years. It is what they have been able to afford. A community provides them with a neighborhood environment and the security of being able to stay put and live their lives. Recreational vehicle tenants must comply with the same requirements of the MHLTA, the lot rental agreement, and the Park Rules as the mobile/manufactured home tenants.

Manufactured housing communities must comply with the same local government ordinances regardless if they do or do not have recreational vehicles. What is a local government's public, health, safety, or welfare justification for prohibiting these tenancies, other than we do not want "these kind of people" in our communities?

Under the opinion, local governments will now have the right to pass ordinances requiring recreational vehicles that are primary residences to immediately vacate communities. It does not matter how long they have resided in the communities, what ties they have, whether they have children in school, or any other human compassion considerations.

The only possible alternatives will be that these displaced tenants may find accommodation in recreational vehicle parks, which depending on the jurisdiction, will generally only allow temporary residency. These parks will very likely be more expensive for these displaced persons because they charge on a daily, weekly, or monthly basis.

The Court of Appeals decision will also have dire economic impacts on community owners. Lots will be vacated. Lots formerly accommodating recreational vehicles may not be able to be replaced with a mobile/manufactured home due to their configuration. The lots may not be large enough, or have an irregular shapes, where local government setbacks and other standards cannot be met for mobile/manufactured homes. The end result is a permanently vacant lot producing no income.

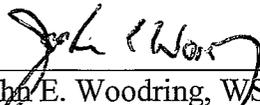
V. CONCLUSION

This case involves an issue of substantial public interest that should be determined by the Washington Supreme Court. RAP 13.4(b)(4).

The City of Pasco ordinance violates article XI, §11 of the Washington Constitution as the Legislature has occupied the field. The ordinance also conflicts with the MHLTA.

The Court should reverse the Court of Appeals and reinstate the trial court's decision.

RESPECTFULLY SUBMITTED this 10th day of June, 2008.



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Attorney for Manufactured Housing
Communities of Washington

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DECLARATION OF SERVICE

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On this day set forth below, I deposited with the U.S. Postal Service a true and accurate copy of: Motion for Leave to Submit an Amicus Curiae Memorandum Pursuant to RAP 13.4(h) and Amicus Curiae Memorandum of Manufactured Housing Communities of Washington, on Supreme Court of Washington, Cause No. 81636-1 to the following parties:

Original Sent by Federal Express for filing with:

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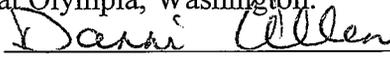
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: June 10th, 2008, at Olympia, Washington.


DANNI ALLEN