

Readopt Man 203, effective 2/16/05 (document #8286-B), to read as follows:

PART Man 203 COMPLAINT PROCEDURE

Man 203.01 Procedure for Filing a Complaint

(a) At least 5 days prior to filing a complaint, the potential complainant in writing shall notify the party against whom the complaint may be filed of the condition which would constitute the basis for the complaint. The potential complainant shall make a good faith attempt to resolve the matter without filing a complaint. Any complaint filed with the board shall include a statement certifying that the complainant has complied with this requirement pursuant to Man 401.01(b).

(b) The complainant shall obtain Board of Manufactured Housing Complaint Form from the board clerk and complete Section I - Complaint, pursuant to Man 401.

(c) Upon completion of Section I - Complaint, the complainant shall:

- (1) File the Section I - Complaint with the board along with a nonrefundable \$25.00 filing fee payable to "Treasurer, State of New Hampshire" and
- (2) On the same day, mail or deliver one copy of the completed Section I - Complaint including Section II - Response to the respondent.

Man 203.02 Procedure for Filing a Response.

(a) Upon receipt of the Section I - Complaint and Section II - Response from the complainant, the respondent shall:

- (1) Complete the Section II - Response and file the same with the board within 14 days of receipt.
- (2) On the same day of filing with the board mail or deliver one copy of the Section I - Complaint including the completed Section II - Response to the complainant.

Man 203.03 Initial Review By Board.

(a) Upon receipt of a complaint the board shall review the complaint to determine that all jurisdictional requirements of RSA 205-A:27 have been satisfied and that a claim has been set out upon which the board can act.

(b) If the board decides to proceed with the complaint, the board clerk shall notify the parties and shall by notice, schedule the matter for hearing.

(c) If the board decides not to proceed with the complaint, the board shall notify the parties by an order to dismiss which shall include specific explanations for its reason or reasons ~~of~~ for that action, after which the complainant shall have the opportunity to amend.

(d) If the board later accepts an amended complaint it shall rescind the order to dismiss, notify the parties, and shall schedule the matter for hearing.

(e) If the board decides not to accept the complaint, after amendment, the board shall issue a written order which may be appealed to superior court in accordance with RSA 205-A:28.

Readopt with amendments, Man 210, effective 2/16/05 (document #8286-A), to read as follows:

PART Man 210 RECORD; PROOF; EVIDENCE; AND DECISIONS

Man 210.01 Record of the Hearing.

(a) The board shall record the hearing by *electronic media* ~~tape recording or other method~~ that will provide a verbatim record. The board secretary shall also record written minutes of all board meetings. The ~~taped~~ *electronic* record along with the minutes shall be the official record of the board.

(b) If any person requests a transcript of the ~~taped~~ *electronic* record, the board shall cause a transcript to be prepared and, upon receipt of payment for the cost of the transcription, shall provide copies of the transcript to the requesting party.

(c) ~~Tapes~~ *Electronic media* shall be available for inspection and recording. Parties shall contact the board to arrange a time to inspect or record the *media* ~~tape~~. Parties may copy *electronic media* ~~a tape~~ with their own ~~tape~~ and recorder under the supervision of the clerk or other designated person without a fee, but such ~~tape~~ *electronic media* shall not be an authorized copy for any purpose other than reference by the recording party.

(d) Parties may request in writing copies of *electronic media* ~~tapes~~ or minutes. Such request shall be accompanied by the fee stated in Man 301.01 (a) (2).

(e) ~~Tapes~~ *Electronic media* shall be maintained for 45 days following a final decision that was not appealed. If an appeal is taken, *electronic media* ~~tapes~~ shall be maintained until a decision is issued by the court.

Readopt with amendments, Man 211.03, effective 2/16/05 (document #8286-A), to read as follows:

Man 211.03 Decision on Motion for Rehearing. The board shall grant or deny a motion for rehearing, or suspend the order or decision pending further consideration *at the next scheduled board meeting after receipt* ~~within 10 days of the filing~~ of the motion for rehearing.

Readopt Man 215, effective 2/16/05 (document #8286-B), to read as follows:

PART Man 215 EXPLANATION OF ADOPTED RULES

Man 215.01 Requests for Explanation of Adopted Rules. Any interested person may, within 30 days of the final adoption of a rule, request a written explanation of that rule by making a written request to the board including:

(a) The name and address of the individual making the request; or

(b) If the request is that of an organization or other entity, the name and address of such organization or entity and the name and address of the representative authorized by the organization or entity to make the request.

Man 215.02 Contents of Explanation. The board shall, within 90 days of receiving a request in accordance with Man 215.01, provide a written response which:

(a) Concisely states the meaning of the rule adopted;

(b) Concisely states the principal reasons for and against the adoption of the rule in its final form; and

(c) States, if the board did so, why the board overruled any arguments and considerations presented against the rule.