



SassafRAS River Association

P.O. Box 333
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January 8, 2010

Dear Ms. Garrity:

Thank you for your letter of December 8, 2009 in response to my inquiry about Indian Acres. With respect, I must disagree with your conclusion that Indian Acres may continue to be regulated as a "camp" under COMAR § 10.16.03. COMAR §10.16.01.01-1G defines "Mobile home park: as "any area or plot of ground upon which two or more mobile homes occupied for dwelling purposes are located, regardless of whether or not a charge is made for the accommodation." As you acknowledge, there are numerous mobile homes in Indian Acres, and it therefore clearly falls within the definition of a mobile home park.

While, as your letter suggests, the issuance of a permit to operate as a "camp" may originally have been proper at the time Indian Acres was first licensed, the regulations applicable to both "camps" and "mobile home parks" require that this license be renewed annually. COMAR §§10.16.02.02A and 10.16.03.02A. It is presumably your department's responsibility, when issuing such an annual permit, to assure that the facility whose permit is being renewed remains in compliance with all applicable regulations.

We recognize, as your letter points out, that the situation at Indian Acres is unusual. We do not believe, however, that the appropriate response is for the Department to do nothing to remedy the unsatisfactory and unlawful situation that currently exists there. We would be fully prepared to discuss with you the possibility of finding some intermediate solution between regulation of the facility as a camp and regulation as a mobile home park, provided that the solution involves a substantial improvement in the current methods of dealing with sewage at the facility.

Meanwhile, I call to your attention that, pursuant to COMAR §10.16.02.02C any person may complain in writing about a violation of these licensing provisions and may appeal violations of the general sanitation requirements of the Department's regulations to the Secretary of Health and Mental Hygiene, and thence to the Circuit Court. Please be advised that, if we do not receive notice of the steps you propose to take to remedy the existing violations at Indian Acres in a timely manner, we will be forced to appeal to the Secretary.

Sincerely,

Kascie Herron

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