

House Bill 2255

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Housing and Community Services Department)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits manufactured dwelling park nonprofit cooperative from issuing stock. Exempts membership in manufactured dwelling park nonprofit cooperative from security registration requirement.

Prohibits member of manufactured dwelling park nonprofit cooperative from selling or redeeming membership at profit. Limits number of manufactured dwelling park nonprofit cooperative memberships to number of sites in manufactured dwelling park of cooperative.

Specifies rights of lienholder acquiring manufactured dwelling located in manufactured dwelling park of cooperative. Establishes deadline for buyer of manufactured dwelling in park of cooperative to join cooperative or move manufactured dwelling.

Makes membership in manufactured dwelling park nonprofit cooperative mandatory for residents if newly created park originates as cooperative.

Allows manufactured dwelling park nonprofit cooperative to be sponsoring entity for purposes of tax credit for loans used to finance construction, development, acquisition or acquisition and rehabilitation of manufactured dwelling park. Limits types of sponsoring entity that may be qualified borrower on loans for manufactured dwelling parks.

A BILL FOR AN ACT

1
2 Relating to manufactured dwelling park nonprofit cooperatives; creating new provisions; and
3 amending ORS 59.025, 62.803, 62.809, 62.812, 62.815, 317.097 and 446.626.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 and 3 of this 2009 Act are added to and made a part of ORS 62.800**
6 **to 62.815.**

7 **SECTION 2. A manufactured dwelling park nonprofit cooperative may record notices,**
8 **restrictive covenants, leases, memoranda and other documents relating to the cooperative**
9 **in the deed records of the county in which the manufactured dwelling park of the cooperative**
10 **is located.**

11 **SECTION 3. (1) If a lienholder provides a manufactured dwelling park nonprofit cooper-**
12 **ative with a written request for notification, the cooperative shall provide the lienholder with**
13 **written notice if:**

14 (a) **A member of the cooperative who is identified in the lienholder request for notifica-**
15 **tion terminates occupancy in the manufactured dwelling park of the cooperative and the**
16 **cooperative knows or reasonably should know of the termination;**

17 (b) **A member of the cooperative who is identified in the lienholder request for notifica-**
18 **tion terminates membership in the cooperative; or**

19 (c) **The cooperative terminates, or gives notice of cause for terminating, the occupancy**
20 **or membership of a member of the cooperative who is identified in the lienholder request for**
21 **notification.**

22 (2) **The cooperative shall allow a lienholder described in subsection (1) of this section a**
23 **reasonable time to cure any cause asserted by the cooperative for terminating park occu-**
24 **pancy by the member. If the lienholder effects the cure, the lienholder may assume the ter-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **minating member’s proprietary lease.**

2 **(3) If a lienholder assumes a proprietary lease under subsection (2) of this section, the**
 3 **lienholder may remove the manufactured dwelling, subject to the satisfaction of any obli-**
 4 **gation to the cooperative, or may sell the manufactured dwelling. A buyer taking possession**
 5 **of the manufactured dwelling from a lienholder is subject to ORS 62.809 (8). If the member**
 6 **of the cooperative terminated occupancy in the park without terminating membership in the**
 7 **cooperative, an application for membership by the buyer or moving of the manufactured**
 8 **dwelling shall act to transfer the membership of the terminating owner to the cooperative.**

9 **SECTION 4.** ORS 62.803 is amended to read:

10 62.803. As used in ORS 62.800 to 62.815, unless the context requires otherwise:

11 **(1) “Lienholder” means the holder of a manufactured dwelling lien:**

12 **(a) That is recorded in the deed records of the county in which the manufactured dwell-**
 13 **ing is located; or**

14 **(b) Of which a manufactured dwelling park nonprofit cooperative has actual knowledge.**

15 *[(1)] (2) “Manufactured dwelling” has the meaning given that term in ORS 446.003.*

16 *[(2)] (3) “Manufactured dwelling park” has the meaning given that term in ORS 446.003.*

17 *[(3)] (4) “Manufactured dwelling park nonprofit cooperative” means a cooperative corporation*
 18 *that:*

19 *(a) Is organized to acquire or develop, and to own, an interest in one or more manufactured*
 20 *dwelling parks that are primarily used for the siting of manufactured dwellings owned and occupied*
 21 *by members of the cooperative;*

22 *(b) Limits the use of all income and earnings to use by the cooperative and not for the benefit*
 23 *or profit of any individual; and*

24 *(c) Elects to be governed by ORS 62.800 to 62.815.*

25 **SECTION 5.** ORS 62.809 is amended to read:

26 62.809. (1) A person may become a member of a manufactured dwelling park nonprofit cooper-
 27 ative if the person:

28 (a) Is a natural person;

29 (b) Owns a manufactured dwelling that is, or is to be, located in a manufactured dwelling park
 30 of the cooperative and occupied by the person;

31 (c)*[(A)] Pays the membership fee required by the cooperative; [or] and*

32 *[(B) Purchases a share of membership stock issued by the cooperative; and]*

33 (d) Meets any additional membership qualifications established in the articles of incorporation
 34 or bylaws of the cooperative.

35 (2) A manufactured dwelling park nonprofit cooperative shall accept as a member any person
 36 who meets the qualifications described in subsection (1) of this section.

37 (3) Membership in a manufactured dwelling park nonprofit cooperative entitles the member to
 38 rent space for a manufactured dwelling in a manufactured dwelling park of the cooperative and to
 39 occupy the manufactured dwelling.

40 **(4) The total number of memberships available for issuance by a manufactured dwelling**
 41 **park nonprofit cooperative may not exceed the number of manufactured dwelling sites in the**
 42 **manufactured dwelling park of the cooperative.** A cooperative shall create or issue one mem-
 43 bership *[or share of membership stock]* for each manufactured dwelling that is, or is to be, located
 44 in a manufactured dwelling park of the cooperative and occupied by the dwelling owner. A person
 45 may not own more than one membership *[or share of membership stock]* in the same cooperative. A

1 membership *[or membership stock]* may not be issued or transferred to a person unless the person
 2 meets the qualifications for membership described in subsection (1) of this section.

3 (5) A cooperative shall issue memberships *[or shares of membership stock]* for a fee determined
 4 by the directors of the cooperative. The directors may periodically adjust the fee amount as provided
 5 in the articles of incorporation or bylaws of the cooperative. Except for periodic adjustments, the
 6 membership fee *[or membership stock price]* charged by the cooperative shall be the same for all
 7 members. *[A member may not sell, transfer or redeem a membership for more than the amount the*
 8 *member paid for the membership plus any adjustments approved by the directors to reflect cost-of-living*
 9 *increases.]*

10 **(6) A member may sell or redeem membership in the cooperative only to the cooperative.**
 11 **A member may sell or redeem membership to the cooperative only for the price the member**
 12 **paid for the membership.**

13 ~~[(6)]~~ (7) **Except as provided in this section,** the articles of incorporation or bylaws of the co-
 14 operative shall establish the methods for accepting and terminating membership and for the sale,
 15 transfer or redemption of a membership *[or share of membership stock]*.

16 **(8)(a) A member may sell to another person the member’s manufactured dwelling located**
 17 **in the manufactured dwelling park of a cooperative. The member selling the manufactured**
 18 **dwelling must arrange to sell or redeem membership to the cooperative as described in sub-**
 19 **section (6) of this section.**

20 **(b) A person that buys a manufactured dwelling located in the park of a cooperative from**
 21 **any person may apply to become a member of the cooperative. If a member of the cooper-**
 22 **ative transfers title to a manufactured dwelling to any person, and no buyer of the manu-**
 23 **factured dwelling from the member or from another person becomes a member of the**
 24 **cooperative within six months after the member transfers title, the owner of the manufac-**
 25 **tured dwelling must remove the manufactured dwelling from the park of the cooperative.**
 26 **Notwithstanding ORS 446.626, if a manufactured dwelling located in a manufactured dwelling**
 27 **park of a cooperative was recorded in the county deed records before being sold by a member**
 28 **of the cooperative, the county shall continue to list the manufactured dwelling in the deed**
 29 **records until the earlier of:**

30 **(A) Six months after the member of the cooperative listed in the county deed records**
 31 **transfers title to the manufactured dwelling to any person, unless the county is notified that**
 32 **a subsequent buyer of the manufactured dwelling has become a member of the cooperative;**
 33 **or**

34 **(B) Issuance of a trip permit under ORS 446.631 for moving the dwelling.**

35 **(9) If a newly created manufactured dwelling park originates as a manufactured dwelling**
 36 **park nonprofit cooperative, a manufactured dwelling owner must become a member of the**
 37 **cooperative before residing in the park.**

38 **SECTION 6.** ORS 62.812 is amended to read:

39 62.812. (1) As used in this section, “debts, liabilities and obligations” includes, but is not limited
 40 to, the repurchase of each membership in the cooperative for the amount *[last]* **that was** charged
 41 by the cooperative as a membership fee *[or as the purchase price of membership stock]*.

42 (2) If a manufactured dwelling park nonprofit cooperative dissolves, after payment or provision
 43 for all debts, liabilities and obligations of the cooperative, the cooperative shall distribute the assets
 44 of the cooperative to:

45 (a) Another manufactured dwelling park nonprofit cooperative;

- 1 (b) An organization organized for a public or charitable purpose;
- 2 (c) A religious corporation;
- 3 (d) The United States;
- 4 (e) This state;
- 5 (f) A local government in this state;
- 6 (g) A housing authority created under ORS 456.055 to 456.235; or
- 7 (h) A person that is recognized as tax exempt under section 501(c)(3) of the Internal Revenue
- 8 Code.

9 **SECTION 7.** ORS 62.815 is amended to read:

10 62.815. (1) As used in this section, "business entity" has the meaning given that term in ORS

11 62.605.

12 (2) A manufactured dwelling park nonprofit cooperative may not:

13 *[(a) Notwithstanding ORS 62.225, pay a dividend on stock to members.]*

14 **(a) Issue stock in the cooperative.**

15 (b) Apportion, distribute or pay net proceeds or savings to members.

16 (c) Make payments in redemption or refund of capital credits or retains to an heir of a member.

17 (d) Merge with a business entity other than another manufactured dwelling park nonprofit co-

18 operative.

19 (e) Convert to another type of business entity.

20 **SECTION 8.** ORS 59.025 is amended to read:

21 59.025. The following securities are exempt from ORS 59.049 and 59.055:

22 (1)(a) A security issued or guaranteed by the United States or by a state, a political subdivision

23 of a state or an agency or other instrumentality of any of the foregoing.

24 (b) Any other security offered in connection with or as part of the security set forth in para-

25 graph (a) of this subsection if the security cannot be severed and sold separately from the security

26 in paragraph (a) of this subsection.

27 (2) A security issued or guaranteed by a foreign government with which the United States is

28 at the time of the sale maintaining diplomatic relations, or by a state, province or political subdivi-

29 sion thereof having the power of taxation or assessment, if the security is recognized as a valid

30 obligation by such foreign government or state, province or political subdivision thereof.

31 (3) A security that represents an interest in or a direct obligation of or is guaranteed by a na-

32 tional bank, federal savings and loan association, federal credit union or federal land bank or joint

33 stock land bank or national farm loan association.

34 (4) Any of the following securities:

35 (a) A security listed or approved for listing upon notice of issuance on the New York Stock

36 Exchange, the American Stock Exchange, the Midwest Stock Exchange, the Pacific Stock Exchange

37 or any other exchange recognized by rule of the Director of the Department of Consumer and

38 Business Services;

39 (b) A security designated or approved for designation upon notice of issuance under the National

40 Association of Securities Dealers Automated Quotation System, Inc. National Market System;

41 (c) Any other security of the issuer of a security listed or designated under paragraph (a) or (b)

42 of this subsection, that is of senior or substantially equal rank to the listed or designated security;

43 (d) A security issuable under rights or warrants listed or approved under paragraph (a), (b) or

44 (c) of this subsection; or

45 (e) A warrant or right to purchase or subscribe to any security referred to in paragraph (a), (b),

1 (c) or (d) of this subsection.

2 (5) A security maintaining a rating approved by the director in a recognized securities manual.

3 (6) A security that represents an interest in or a direct obligation of and that has been or is to
4 be issued by a bank, trust company, savings and loan association, or credit union, that is subject to
5 the examination, supervision and control of a regulatory agency of this state.

6 (7) Commercial paper issued, given or acquired in a bona fide way in the ordinary course of le-
7 gitimate business, trade or commerce, when the commercial paper is not made the subject of a public
8 offering.

9 (8) A security, the issuance of which is under supervision, regulation or control by the Public
10 Utility Commission of this state, if the Public Utility Commission is exercising control over, or is
11 regulating or supervising, the issuer thereof.

12 (9) Stock or membership certificates issued by an agricultural cooperative corporation or irri-
13 gation association when the stock is issued to evidence membership in the cooperative or associ-
14 ation or as a patronage dividend and certificates issued to members or patrons by such a
15 cooperative or association evidencing their respective interests in reserves or as patronage divi-
16 dends. This exemption shall not apply to any cooperative or association that expects to engage in
17 or is engaged in the production, processing or marketing of forest products.

18 (10) Stock or membership certificates issued by a fishing cooperative corporation, when the
19 stock or certificates are issued to members of the cooperative corporation either for the purpose of
20 showing membership in the cooperative corporation or for the purpose of showing their respective
21 interests in reserves or patronage dividends. For purposes of this subsection, a fishing cooperative
22 corporation is an association of persons engaged commercially in harvesting, marketing or process-
23 ing products of aquatic life from fresh and salt water, that is formed or operated under ORS chapter
24 62 with the purpose of commercially harvesting, marketing or processing such products or engaging
25 in group bargaining with respect to the sale of such products.

26 (11) Stock or membership certificates issued by an association of consumers formed or operated
27 under ORS chapter 62 with the purpose of providing groceries to its consumer members, when the
28 stock or certificates are issued to members either for the purpose of showing membership in the
29 association or for the purpose of showing their respective interests in patronage dividends or re-
30 serves. For purposes of the exemption under this subsection:

31 (a) The price of stock or a membership certificate may not exceed \$300.

32 (b) The benefits shall be limited to discounts on purchases or patronage dividends, or any com-
33 bination of such discounts and dividends.

34 (c) The association may issue only one stock or membership certificate to an individual.

35 (12) Any security issued in connection with an employee's stock purchase, savings, pension,
36 profit sharing or similar employee's benefit plan, provided:

37 (a) That the plan meets the requirements for qualification under section 401 of the Internal Re-
38 venue Code of 1986; and

39 (b) That the terms of the plan are fair, just and equitable to employees under rules of the di-
40 rector.

41 (13) Any security issued by a person:

42 (a) Organized and operated exclusively for religious, educational, benevolent, fraternal, charita-
43 ble or reformatory purpose and not for pecuniary profit, and no part of the net earnings of which
44 inures to the benefit of any person, private stockholder, or individual; and

45 (b) Designated by rule of the director.

1 **(14) Memberships issued by a manufactured dwelling park nonprofit cooperative under**
 2 **ORS 62.800 to 62.815.**

3 ~~[(14)]~~ **(15)** Any other security exempted by rule of the director.

4 **SECTION 9.** ORS 317.097, as amended by section 6, chapter 29, Oregon Laws 2008, and section
 5 15, chapter 45, Oregon Laws 2008, is amended to read:

6 317.097. (1) A credit against taxes otherwise due under this chapter for the taxable year shall
 7 be allowed to a lending institution in an amount equal to the difference between:

8 (a) The amount of finance charge charged by the lending institution during the taxable year at
 9 an annual rate less than the market rate for a loan that is made before January 1, 2020, that com-
 10 plies with the requirements of this section; and

11 (b) The amount of finance charge that would have been charged during the taxable year by the
 12 lending institution for the loan for housing construction, development, acquisition or rehabilitation
 13 measured at the annual rate charged by the lending institution for nonsubsidized loans made under
 14 like terms and conditions at the time the loan for housing construction, development, acquisition or
 15 rehabilitation is made.

16 (2) The maximum amount of credit for the difference between the amounts described in sub-
 17 section (1)(a) and (b) of this section may not exceed four percent of the average unpaid balance of
 18 the loan during the tax year for which the credit is claimed.

19 (3) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a
 20 particular year may be carried forward and offset against the taxpayer's tax liability for the next
 21 succeeding tax year. Any credit remaining unused in the next succeeding tax year may be carried
 22 forward and used in the second succeeding tax year, and likewise, any credit not used in that second
 23 succeeding tax year may be carried forward and used in the third succeeding tax year, and any
 24 credit not used in that third succeeding tax year may be carried forward and used in the fourth
 25 succeeding tax year, and any credit not used in that fourth succeeding tax year may be carried
 26 forward and used in the fifth succeeding tax year, but may not be carried forward for any tax year
 27 thereafter.

28 (4) In order to be eligible for the tax credit allowed under subsection (1) of this section, the loan
 29 shall *be*:

30 (a) **Be** made to an individual or individuals who own the dwelling, participate in an owner-
 31 occupied community rehabilitation program and are certified by the local government or its desig-
 32 nated agent as having an income level at the time the loan is made of less than 80 percent of the
 33 area median income;

34 (b)(A) **Be** made to a qualified borrower;

35 (B) Used to finance construction, development, acquisition or rehabilitation of housing; and

36 (C) Accompanied by a written certification by the Housing and Community Services Department
 37 that the:

38 (i) Housing created by the loan is or will be occupied by households earning less than 80 percent
 39 of the area median income; and

40 (ii) Full amount of savings from the reduced interest rate provided by the lending institution is
 41 or will be passed on to the tenants in the form of reduced housing payments, regardless of other
 42 subsidies provided to the housing project;

43 (c)(A) **Subject to subsection (13) of this section, be** made to a qualified borrower;

44 (B) Used to finance construction, development, acquisition, or acquisition and rehabilitation of
 45 housing consisting of a manufactured dwelling park; and

1 (C) Accompanied by a written certification by the Housing and Community Services Department
2 that the housing will continue to be operated as a manufactured dwelling park during the period for
3 which the tax credit is allowed; or

4 (d)(A) Be made to a qualified borrower;

5 (B) Used to finance acquisition, or acquisition and rehabilitation, of housing consisting of a
6 preservation project; and

7 (C) Accompanied by a written certification by the Housing and Community Services Department
8 that the housing preserved by the loan:

9 (i) Is or will be occupied by households earning less than 80 percent of the area median income;
10 and

11 (ii) Has a rent assistance contract with the United States Department of Housing and Urban
12 Development or the United States Department of Agriculture that will be maintained by the quali-
13 fied borrower.

14 (5) A loan made to refinance a loan that meets the criteria stated in subsection (4) of this sec-
15 tion shall be treated the same as a loan that meets the criteria stated in subsection (4) of this sec-
16 tion.

17 (6) In order to be eligible for the tax credit allowed under subsection (1) of this section, the loan
18 also shall be accompanied by a written certification by the Housing and Community Services De-
19 partment that:

20 (a) Specifies the period, as determined by the Housing and Community Services Department,
21 during which the loan is eligible for the tax credit under subsection (1) of this section; and

22 (b) States that the loan is within the limitation imposed by subsection (7) of this section.

23 (7)(a) The Housing and Community Services Department may certify loans that are eligible un-
24 der subsection (4) of this section if the total credits attributable to all loans eligible for credits un-
25 der subsection (1) of this section and then outstanding do not exceed \$17 million for any fiscal year.
26 In making loan certifications, the Housing and Community Services Department shall attempt to
27 distribute the tax credits statewide, but shall concentrate the tax credits in those areas of the state
28 that are determined by the State Housing Council to have the greatest need for affordable housing.

29 (b) The certification under subsection (6) of this section shall state the period for which the
30 credit will be allowed, which may not exceed 20 years.

31 (8) The applicant's receipt of a credit under section 42 of the Internal Revenue Code does not
32 affect the credit allowed under this section.

33 (9) A loan meeting the requirements of subsections (4) and (6) of this section may be sold to a
34 qualified assignee with or without the lending institution's retaining servicing of the loan so long
35 as a designated lending institution maintains records annually verified by a loan servicer that es-
36 tablish the amount of tax credit earned by the taxpayer throughout each year of eligibility.

37 (10) As used in this section:

38 (a) "Annual rate" means the yearly interest rate specified on the note, and not the annual per-
39 centage rate, if any, disclosed to the applicant to comply with the federal Truth in Lending Act.

40 (b) "Finance charge" means the total of all interest, loan fees, interest on any loan fees financed
41 by the lending institution, and other charges related to the cost of obtaining credit.

42 (c) "Lending institution" means any insured institution, as that term is defined in ORS 706.008,
43 any mortgage banking company that maintains an office in this state or any community development
44 corporation that is organized under the Oregon Nonprofit Corporation Law.

45 (d) "Manufactured dwelling park" has the meaning given that term in ORS 446.003.

1 (e) “Nonprofit corporation” means a corporation that is exempt from income taxes under section
 2 501(c)(3) or (4) of the Internal Revenue Code as amended and in effect on December 31, 2007.

3 (f) “Preservation project” means housing that was previously developed as affordable housing
 4 with a contract for rent assistance from the United States Department of Housing and Urban De-
 5 velopment or the United States Department of Agriculture and that is being acquired by a spon-
 6 soring entity.

7 (g) “Qualified assignee” means any investor participating in the secondary market for real estate
 8 loans.

9 (h) “Qualified borrower” means any borrower that is a sponsoring entity that has a controlling
 10 interest in the real property that is financed by the loan described in subsection (4) of this section.
 11 Such a controlling interest includes, but is not limited to, a controlling interest in the general
 12 partner of a limited partnership that owns the real property.

13 (i) “Sponsoring entity” means a nonprofit corporation, nonprofit cooperative, state governmental
 14 entity, local unit of government as defined in ORS 466.706, housing authority or any other person,
 15 provided that the person has agreed to restrictive covenants imposed by a nonprofit corporation,
 16 nonprofit cooperative, state governmental entity, local unit of government or housing authority.

17 (11) Notwithstanding any other provision of law, a lending institution that is a community de-
 18 velopment corporation organized under the Oregon Nonprofit Corporation Law may transfer any
 19 part or all of any tax credit arising under subsection (1) of this section to one or more other lending
 20 institutions that are stockholders or members of the community development corporation or that
 21 otherwise participate through the community development corporation in the making of one or more
 22 loans that generate the tax credit under subsection (1) of this section.

23 (12) The lending institution shall file an annual statement with the Housing and Community
 24 Services Department, specifying that it has conformed with all requirements imposed by law to
 25 qualify for this tax credit.

26 **(13) Notwithstanding subsection (10)(h) and (i) of this section, a qualified borrower on a**
 27 **loan to finance the construction, development, acquisition or acquisition and rehabilitation**
 28 **of a manufactured dwelling park under subsection (4)(c) of this section must be a nonprofit**
 29 **corporation, manufactured dwelling park nonprofit cooperative, state governmental entity,**
 30 **local unit of government as defined in ORS 466.706 or housing authority.**

31 [(13)] (14) The Housing and Community Services Department and the Department of Revenue
 32 may adopt rules to carry out the provisions of this section.

33 **SECTION 10.** ORS 446.626 is amended to read:

34 446.626. (1) The owner of a manufactured structure that qualifies under this subsection may
 35 apply to the county assessor to have the structure recorded in the deed records of the county. The
 36 application must be on a form approved by the Department of Consumer and Business Services. The
 37 application must include a description of the location of the real property on which the manufac-
 38 tured structure is or will be sited. If the structure is being sold by a manufactured structure dealer,
 39 the dealer may file the application on behalf of the owner within the time described in ORS 446.736
 40 (7). A manufactured structure qualifies for recording in the deed records if the owner of the struc-
 41 ture:

42 (a) Also owns the land on which the manufactured structure is located; [or]

43 (b) Is the holder of a recorded leasehold estate of 20 years or more if the lease specifically
 44 permits the manufactured structure owner to record the structure under this section[.]; or

45 **(c) Is a member of a manufactured dwelling park nonprofit cooperative formed under**

ORS 62.800 to 62.815 that owns the land on which the manufactured structure is located.

(2) If the assessor, as agent for the department, determines that the manufactured structure qualifies for recording in the deed records of the county, the assessor shall cause the structure to be recorded in the deed records. The deed records must contain any unreleased security interest in the manufactured structure. If the department has issued an ownership document for the manufactured structure, the owner must submit the ownership document to the assessor with the application described in subsection (1) of this section. Upon recording the manufactured structure in the deed records, the assessor shall send the ownership document to the department for cancellation. The department shall cancel the ownership document and send confirmation of the cancellation to the assessor and the owner.

(3) The recording of a security interest in the deed records of the county under this section satisfies the requirements for filing a financing statement for a fixture to real property under ORS 79.0502. The recording of a manufactured structure in the deed records of the county is independent of the assessment and taxation of the structure as real property under ORS 308.875. The recording of a manufactured structure in the deed records of the county makes the structure subject to the same provisions of law applicable to any other building, housing or structure on the land. However, the manufactured structure may not be sold separately from the land or leasehold estate unless the owner complies with subsection (4) of this section.

(4) The owner of a manufactured structure that is recorded in the deed records of the county may apply to have the structure removed from the deed records and an ownership document issued for the structure. Unless the manufactured structure is subject to ORS 446.631, the owner must apply to the county assessor, as agent for the department, for an ownership document as provided in ORS 446.571. Upon approval of the application, the assessor shall terminate the recording of the manufactured structure in the deed records.

(5) If a manufactured structure described in *[paragraph]* **subsection (1)(b) or (c)** of this section is recorded in the deed records, the owner of the structure has a real property interest in the manufactured structure for purposes of:

- (a) Recordation of documents pursuant to ORS 93.600 to 93.800, 93.802, 93.804, 93.806 and 93.808;
- (b) Deed forms pursuant to ORS 93.850 to 93.870;
- (c) Mortgages, trust deeds and other liens pursuant to ORS 86.010 to 86.990 and ORS chapters 87 and 88; and
- (d) Real property tax collection pursuant to ORS chapters 311 and 312. The structure owner is considered the owner of the real property for purposes of assessing the structure under ORS 308.875.

SECTION 11. (1) Section 2 of this 2009 Act applies to notices, restrictive covenants, leases, memoranda and other documents created before, on or after the effective date of this 2009 Act.

(2) Section 3 of this 2009 Act applies to a lienholder whose written notice is received by a manufactured dwelling park nonprofit cooperative on or after the effective date of this 2009 Act.

(3) The amendments to ORS 62.809 by section 5 of this 2009 Act apply to:

(a) The sale or redemption of a membership issued before, on or after the effective date of this 2009 Act, except to the extent of any vested contractual right to membership value increases accruing before the effective date of this 2009 Act; and

(b) Parties to the sale, on or after the effective date of this 2009 Act, of a manufactured dwelling located in the park of a cooperative.

1 **(4) The amendments to ORS 59.025 by section 8 of this 2009 Act apply to memberships in**
2 **manufactured dwelling park nonprofit cooperatives formed before, on or after the effective**
3 **date of this 2009 Act.**

4 **(5) The amendments to ORS 317.097 by section 9 of this 2009 Act apply to loans made on**
5 **or after the effective date of this 2009 Act.**

6
