

A-Engrossed
House Bill 2008

Ordered by the House April 25
Including House Amendments dated April 25

Sponsored by Representatives MARSH, FAHEY

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.

[Requires landlord of manufactured dwelling park to pay tenant necessary relocation costs or applicable manufactured dwelling park closure penalty, as determined by Office of Manufactured Dwelling Park Community Relations, upon closure of park to convert to other use.]

[Requires owner of manufactured dwelling park to give notice of final sale to office upon sale of park.]

[Prohibits landlord from terminating without cause, unless under certain circumstances with 90 days' written notice, month-to-month tenancy consisting of rental of manufactured dwelling of floating home owned by landlord on space in facility.]

[Requires fixed term tenancy consisting of rental of manufactured dwelling or floating home owned by landlord on space in facility to become month-to-month tenancy upon reaching specific end date, unless tenant elects to renew or terminate tenancy. Requires landlord to make tenant offer to renew fixed term tenancy.]

[Requires office to produce materials to inform tenants of rights and adopt rules to require landlords to post materials in manufactured dwelling park public spaces.]

[Directs office to establish and administer landlord-tenant dispute resolution program. Requires office to submit annual report on progress of program to interim committees of Legislative Assembly related to housing and human services for five years.]

[Authorizes office to impose penalties for violations of landlord-tenant law against landlords of manufactured dwelling parks.]

Updates amount landlord must pay tenant of manufactured dwelling park upon closure of park to convert to other use. Requires Office of Manufactured Dwelling Park Community Relations to establish by rule process to annually recalculate amount landlord must pay tenant upon closure of park to convert to other use.

Requires owner of manufactured dwelling park to give notice of conveyance of park to Office of Manufactured Dwelling Park Community Relations upon any sale, transfer, exchange or other conveyance.

Requires new owner of manufactured dwelling that does not become member of park cooperative within six months after title transfer to remove manufactured dwelling from park. Provides exceptions.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to manufactured dwellings; creating new provisions; amending ORS 62.809, 62.813, 90.643
3 and 90.645; and declaring an emergency.

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

5 **SECTION 1.** ORS 90.645 is amended to read:

6 90.645. (1)(a) If a manufactured dwelling park, or a portion of the park that includes the space
7 for a manufactured dwelling, is to be closed and the land or leasehold converted to a use other than
8 as a manufactured dwelling park, and the closure is not required by the exercise of eminent domain
9 or by order of federal, state or local agencies, the landlord may terminate a month-to-month or fixed
10 term rental agreement for a manufactured dwelling park space:

11 [(a)] **(A)** By giving the tenant not less than 365 days' notice in writing before the date desig-

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 nated in the notice for termination; and

2 [(b)] **(B)** By paying a tenant, for each space for which a rental agreement is terminated, one of
3 the following amounts:

4 [(A)] **(i)** [\$5,000] **\$6,000** if the manufactured dwelling is a single-wide dwelling;

5 [(B)] **(ii)** [\$7,000] **\$8,000** if the manufactured dwelling is a double-wide dwelling; or

6 [(C)] **(iii)** [\$9,000] **\$10,000** if the manufactured dwelling is a triple-wide or larger dwelling.

7 **(b) The Office of Manufactured Dwelling Park Community Relations of the Housing and**
8 **Community Services Department shall establish by rule a process to annually recalculate the**
9 **amounts described in paragraph (a) of this subsection to reflect inflation.**

10 (2) Notwithstanding subsection (1) of this section, if a landlord closes a manufactured dwelling
11 park under this section as a result of converting the park to a subdivision under ORS 92.830 to
12 92.845, the landlord:

13 (a) May terminate a rental agreement by giving the tenant not less than 180 days' notice in
14 writing before the date designated in the notice for termination.

15 (b) Is not required to make a payment under subsection [(1)(b)] **(1)** of this section to a tenant
16 who:

17 (A) Buys the space or lot on which the tenant's manufactured dwelling is located and does not
18 move the dwelling; or

19 (B) Sells the manufactured dwelling to a person who buys the space or lot.

20 (3) A notice given under subsection (1) or (2) of this section shall, at a minimum:

21 (a) State that the landlord is closing the park, or a portion of the park, and converting the land
22 or leasehold to a different use;

23 (b) Designate the date of closure; and

24 (c) Include the tax credit notice described in ORS 90.650.

25 (4) Except as provided in subsections (2) and (5) of this section, the landlord must pay a tenant
26 the full amount required under subsection [(1)(b)] **(1)** of this section regardless of whether the tenant
27 relocates or abandons the manufactured dwelling. The landlord shall pay at least one-half of the
28 payment amount to the tenant within seven days after receiving from the tenant the notice described
29 in subsection (5)(a) of this section. The landlord shall pay the remaining amount no later than seven
30 days after the tenant ceases to occupy the space.

31 (5) Notwithstanding subsection (1) of this section:

32 (a) A landlord is not required to make a payment to a tenant as provided in subsection (1) of
33 this section unless the tenant gives the landlord not less than 30 days' and not more than 60 days'
34 written notice of the date within the 365-day period on which the tenant will cease tenancy, whether
35 by relocation or abandonment of the manufactured dwelling.

36 (b) If the manufactured dwelling is abandoned:

37 (A) The landlord may condition the payment required by subsection (1) of this section upon the
38 tenant waiving any right to receive payment under ORS 90.425 or 90.675.

39 (B) The landlord may not charge the tenant to store, sell or dispose of the abandoned manufac-
40 tured dwelling.

41 (6)(a) A landlord may not charge a tenant any penalty, fee or unaccrued rent for moving out of
42 the manufactured dwelling park prior to the end of the 365-day notice period.

43 (b) A landlord may charge a tenant for rent for any period during which the tenant occupies the
44 space and may deduct from the payment amount required by subsection (1) of this section any un-
45 paid moneys owed by the tenant to the landlord.

1 (7) A landlord may not increase the rent for a manufactured dwelling park space after giving a
2 notice of termination under this section to the tenant of the space.

3 (8) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent
4 under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying
5 with ORS 105.105 to 105.168.

6 (9) If a landlord is required to close a manufactured dwelling park by the exercise of eminent
7 domain or by order of a federal, state or local agency, the landlord shall notify the park tenants no
8 later than 15 days after the landlord receives notice of the exercise of eminent domain or of the
9 agency order. The notice to the tenants shall be in writing, designate the date of closure, state the
10 reason for the closure, describe the tax credit available under section 17, chapter 906, Oregon Laws
11 2007, and any government relocation benefits known by the landlord to be available to the tenants
12 and comply with any additional content requirements under ORS 90.650.

13 **SECTION 2.** ORS 90.645, as amended by section 2a, chapter 906, Oregon Laws 2007, is amended
14 to read:

15 90.645. (1)(a) If a manufactured dwelling park, or a portion of the park that includes the space
16 for a manufactured dwelling, is to be closed and the land or leasehold converted to a use other than
17 as a manufactured dwelling park, and the closure is not required by the exercise of eminent domain
18 or by order of federal, state or local agencies, the landlord may terminate a month-to-month or fixed
19 term rental agreement for a manufactured dwelling park space:

20 [(a)] (A) By giving the tenant not less than 365 days' notice in writing before the date desig-
21 nated in the notice for termination; and

22 [(b)] (B) By paying a tenant, for each space for which a rental agreement is terminated, one of
23 the following amounts:

24 [(A)] (i) [\$5,000] **\$6,000** if the manufactured dwelling is a single-wide dwelling;

25 [(B)] (ii) [\$7,000] **\$8,000** if the manufactured dwelling is a double-wide dwelling; or

26 [(C)] (iii) [\$9,000] **\$10,000** if the manufactured dwelling is a triple-wide or larger dwelling.

27 **(b) The Office of Manufactured Dwelling Park Community Relations of the Housing and**
28 **Community Services Department shall establish by rule a process to annually recalculate the**
29 **amounts described in paragraph (a) of this subsection to reflect inflation.**

30 (2) Notwithstanding subsection (1) of this section, if a landlord closes a manufactured dwelling
31 park under this section as a result of converting the park to a subdivision under ORS 92.830 to
32 92.845, the landlord:

33 (a) May terminate a rental agreement by giving the tenant not less than 180 days' notice in
34 writing before the date designated in the notice for termination.

35 (b) Is not required to make a payment under subsection [(1)(b)] (1) of this section to a tenant
36 who:

37 (A) Buys the space or lot on which the tenant's manufactured dwelling is located and does not
38 move the dwelling; or

39 (B) Sells the manufactured dwelling to a person who buys the space or lot.

40 (3) A notice given under subsection (1) or (2) of this section shall, at a minimum:

41 (a) State that the landlord is closing the park, or a portion of the park, and converting the land
42 or leasehold to a different use;

43 (b) Designate the date of closure; and

44 (c) Include the tax notice described in ORS 90.650.

45 (4) Except as provided in subsections (2) and (5) of this section, the landlord must pay a tenant

1 the full amount required under subsection [(1)(b)] (1) of this section regardless of whether the tenant
2 relocates or abandons the manufactured dwelling. The landlord shall pay at least one-half of the
3 payment amount to the tenant within seven days after receiving from the tenant the notice described
4 in subsection (5)(a) of this section. The landlord shall pay the remaining amount no later than seven
5 days after the tenant ceases to occupy the space.

6 (5) Notwithstanding subsection (1) of this section:

7 (a) A landlord is not required to make a payment to a tenant as provided in subsection (1) of
8 this section unless the tenant gives the landlord not less than 30 days' and not more than 60 days'
9 written notice of the date within the 365-day period on which the tenant will cease tenancy, whether
10 by relocation or abandonment of the manufactured dwelling.

11 (b) If the manufactured dwelling is abandoned:

12 (A) The landlord may condition the payment required by subsection (1) of this section upon the
13 tenant waiving any right to receive payment under ORS 90.425 or 90.675.

14 (B) The landlord may not charge the tenant to store, sell or dispose of the abandoned manufac-
15 tured dwelling.

16 (6)(a) A landlord may not charge a tenant any penalty, fee or unaccrued rent for moving out of
17 the manufactured dwelling park prior to the end of the 365-day notice period.

18 (b) A landlord may charge a tenant for rent for any period during which the tenant occupies the
19 space and may deduct from the payment amount required by subsection (1) of this section any un-
20 paid moneys owed by the tenant to the landlord.

21 (7) A landlord may not increase the rent for a manufactured dwelling park space after giving a
22 notice of termination under this section to the tenant of the space.

23 (8) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent
24 under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying
25 with ORS 105.105 to 105.168.

26 (9) If a landlord is required to close a manufactured dwelling park by the exercise of eminent
27 domain or by order of a federal, state or local agency, the landlord shall notify the park tenants no
28 later than 15 days after the landlord receives notice of the exercise of eminent domain or of the
29 agency order. The notice to the tenants shall be in writing, designate the date of closure, state the
30 reason for the closure, describe any government relocation benefits known by the landlord to be
31 available to the tenants and comply with any additional content requirements under ORS 90.650.

32 (10) The Office of Manufactured Dwelling Park Community Relations shall adopt rules estab-
33 lishing a sample form for the notice described in subsection (3) of this section.

34 **SECTION 3.** ORS 90.643 is amended to read:

35 90.643. (1) A manufactured dwelling park may be converted to a planned community subdivision
36 of manufactured dwellings pursuant to ORS 92.830 to 92.845. When a manufactured dwelling park is
37 converted pursuant to ORS 92.830 to 92.845:

38 (a) Conversion does not require closure of the park pursuant to ORS 90.645 or termination of
39 any tenancy on any space in the park or any lot in the planned community subdivision of manufac-
40 tured dwellings.

41 (b) After approval of the tentative plan under ORS 92.830 to 92.845, the manufactured dwelling
42 park ceases to exist, notwithstanding the possibility that four or more lots in the planned community
43 subdivision may be available for rent.

44 (2) If a park is converted to a subdivision under ORS 92.830 to 92.845, and the landlord closes
45 the park as a result of the conversion, ORS 90.645 applies to the closure.

1 (3) If a park is converted to a subdivision under ORS 92.830 to 92.845, but the landlord does not
2 close the park as a result of the conversion:

3 (a) A tenant who does not buy the space occupied by the tenant's manufactured dwelling may
4 terminate the tenancy and move. If the tenant terminates the tenancy after receiving the notice
5 required by ORS 92.839 and before the expiration of the 60-day period described in ORS 92.840 (2),
6 the landlord shall pay the tenant as provided in ORS 90.645 [(1)(b)] (1).

7 (b) If the landlord and the tenant continue the tenancy on the lot created in the planned com-
8 munity subdivision, the tenancy is governed by ORS 90.100 to 90.465, except that the following pro-
9 visions apply and, in the case of a conflict, control:

10 (A) ORS 90.510 (4) to (7) applies to a rental agreement and rules and regulations concerning the
11 use and occupancy of the subdivision lot until the declarant turns over administrative control of the
12 planned community subdivision of manufactured dwellings to a homeowners association pursuant to
13 ORS 94.600 and 94.604 to 94.621. The landlord shall provide each tenant with a copy of the bylaws,
14 rules and regulations of the homeowners association at least 60 days before the turnover meeting
15 described in ORS 94.609.

16 (B) ORS 90.530 applies regarding pets.

17 (C) ORS 90.545 applies regarding the extension of a fixed term tenancy.

18 (D) ORS 90.600 (1) to (4) applies to an increase in rent.

19 (E) ORS 90.620 applies to a termination by a tenant.

20 (F) ORS 90.630 applies to a termination by a landlord for cause. However, the sale of a lot in
21 the planned community subdivision occupied by a tenant to someone other than the tenant is a good
22 cause for termination under ORS 90.630 that the tenant cannot cure or correct and for which the
23 landlord must give written notice of termination that states the cause of termination at least 180
24 days before termination.

25 (G) ORS 90.632 applies to a termination of tenancy by a landlord due to the physical condition
26 of the manufactured dwelling.

27 (H) ORS 90.634 applies to a lien for manufactured dwelling unit rent.

28 (I) ORS 90.680 applies to the sale of a manufactured dwelling occupying a lot in the planned
29 community subdivision. If the intention of the buyer of the manufactured dwelling is to leave the
30 dwelling on the lot, the landlord may reject the buyer as a tenant if the buyer does not buy the lot
31 also.

32 (J) ORS 90.710 applies to a cause of action for a violation of ORS 90.510 (4) to (7), 90.630, 90.680
33 or 90.765.

34 (K) ORS 90.725 applies to landlord access to a rented lot in a planned community subdivision.

35 (L) ORS 90.730 (2), (3), (4) and (7) apply to the duty of a landlord to maintain a rented lot in a
36 habitable condition.

37 (M) ORS 90.750 applies to the right of a tenant to assemble or canvass.

38 (N) ORS 90.755 applies to the right of a tenant to speak on political issues and to post political
39 signs.

40 (O) ORS 90.765 applies to retaliatory conduct by a landlord.

41 (P) ORS 90.771 applies to the confidentiality of information provided to the Office of Manufac-
42 tured Dwelling Park Community Relations of the Housing and Community Services Department
43 about disputes.

44 **SECTION 4. Section 5 of this 2017 Act is added to and made a part of ORS 90.842 to 90.850.**

45 **SECTION 5. In addition to providing notice as required by ORS 90.842, upon sale of a**

1 **manufactured dwelling park under ORS 90.842 to 90.850 or upon any sale, transfer, exchange**
2 **or other conveyance of a manufactured dwelling park described in ORS 90.848, the owner**
3 **shall give notice of the conveyance to the Office of Manufactured Dwelling Park Community**
4 **Relations stating:**

5 (1) **The number of vacant spaces and homes in the manufactured dwelling park;**

6 (2) **If applicable, the final sale price of the manufactured dwelling park;**

7 (3) **The date the conveyance became final; and**

8 (4) **The name, address and telephone number of the new owner.**

9 **SECTION 6.** ORS 62.809 is amended to read:

10 62.809. (1) A person may become a member of a manufactured dwelling park nonprofit cooper-
11 ative if the person:

12 (a) Is a natural person;

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

15 (c) Pays the membership fee required by the cooperative; and

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

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

20 (3) Membership in a manufactured dwelling park nonprofit cooperative entitles the member to
21 rent space for a manufactured dwelling in a manufactured dwelling park of the cooperative and to
22 occupy the manufactured dwelling.

23 (4) The total number of memberships available for issuance by a manufactured dwelling park
24 nonprofit cooperative may not exceed the number of manufactured dwelling spaces in the manufac-
25 tured dwelling park of the cooperative. A cooperative shall create or issue one membership for each
26 manufactured dwelling that is, or is to be, located in a manufactured dwelling park of the cooper-
27 ative and occupied by the dwelling owner. A person may not own more than one membership in the
28 same cooperative. A membership may not be issued to a person unless the person meets the quali-
29 fications for membership described in subsection (1) of this section.

30 (5) A cooperative shall issue memberships for a fee determined by the directors of the cooper-
31 ative. The directors may periodically adjust the fee amount as provided in the articles of incorpo-
32 ration or bylaws of the cooperative. Except for periodic adjustments, the membership fee charged
33 by the cooperative shall be the same for all members.

34 (6) A member may sell or redeem membership in the cooperative only to the cooperative. A
35 member may not sell or redeem membership to the cooperative for more than the price the member
36 paid for the membership.

37 (7) Except as provided in this section, the articles of incorporation or bylaws of the cooperative
38 shall establish the methods for accepting and terminating membership and for the sale or redemption
39 of a membership.

40 (8)(a) A member may sell to another person the member's manufactured dwelling located in the
41 manufactured dwelling park of a cooperative. The member selling the manufactured dwelling must
42 arrange to sell or redeem the membership to the cooperative as described in subsection (6) of this
43 section.

44 (b) A person that buys a manufactured dwelling located in the park of a cooperative from any
45 person may apply to become a member of the cooperative.

1 **(c) Except as provided in paragraph (d) of this subsection:**

2 **(A)** If a member of the cooperative transfers title to a manufactured dwelling **located in the**
3 **park of the cooperative** to a person other than a lienholder, and [*no buyer*] **a new owner** of the
4 manufactured dwelling [*from the member or from another person becomes*] **does not become** a mem-
5 ber of the cooperative within six months after the member transfers title, the owner of the manu-
6 factured dwelling must remove the manufactured dwelling from the park of the cooperative.

7 **(B)** If title to a manufactured dwelling located in the park of a cooperative is transferred to a
8 lienholder, and [*no*] **a buyer** of the manufactured dwelling from the lienholder or from a person that
9 acquired title from the lienholder [*becomes*] **does not become** a member of the cooperative within
10 12 months after title is transferred to the lienholder, the owner of the manufactured dwelling must
11 remove the manufactured dwelling from the park of the cooperative.

12 **(d) An owner of a manufactured dwelling is not required to remove the manufactured**
13 **dwelling as described in paragraph (c) of this subsection if the cooperative agrees with the**
14 **owner in writing to:**

15 **(A) Waive or extend the deadline by which the buyer or subsequent buyer must remove**
16 **the manufactured dwelling; or**

17 **(B) Store the manufactured dwelling on the space for a specified period of time.**

18 [*(c)*] **(e)** Notwithstanding ORS 446.626, if a manufactured dwelling located in a manufactured
19 dwelling park of a cooperative was recorded in the county deed records before title to the manu-
20 factured dwelling was transferred from the record owner of the manufactured dwelling, the county
21 shall continue to list the manufactured dwelling in the deed records until the earlier of:

22 **(A)** Twelve months after title is transferred from the record owner to a person other than a
23 lienholder shown on the deed record for the manufactured dwelling, unless the county is notified
24 that a subsequent buyer of the manufactured dwelling has become a member of the cooperative;

25 **(B)** Twelve months after title is transferred to a lienholder shown on the deed record for the
26 manufactured dwelling, unless the county is notified that a subsequent buyer of the manufactured
27 dwelling has become a member of the cooperative; or

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

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

32 **SECTION 7.** ORS 62.813 is amended to read:

33 62.813. (1) If a lienholder provides a manufactured dwelling park nonprofit cooperative with a
34 written request for notification regarding a manufactured dwelling on which the lienholder has a
35 lien, the cooperative shall provide the lienholder with written notice of a termination of occupancy
36 or membership if:

37 **(a)** A member of the cooperative who is identified in the lienholder request for notification ter-
38 minates occupancy in the manufactured dwelling park of the cooperative and the cooperative knows
39 of the termination;

40 **(b)** A member of the cooperative who is identified in the lienholder request for notification ter-
41 minates membership in the cooperative; or

42 **(c)** The cooperative terminates, or gives notice of cause for terminating, the occupancy or
43 membership of a member of the cooperative who is identified in the lienholder request for notifica-
44 tion.

45 **(2)** If a member or the cooperative terminates the member's occupancy in the park or member-

1 ship in the cooperative, and the member fails to move or sell the manufactured dwelling, a lienholder
2 that has foreclosed on the lien on the manufactured dwelling may:

3 (a) Remove the manufactured dwelling from the park after satisfying any obligation to the co-
4 operative;

5 (b) Subject to subsection (3) of this section, sell the manufactured dwelling; or

6 (c) Require the cooperative to enter into a storage agreement that allows the lienholder to store
7 the manufactured dwelling on the space for up to 12 months if the lienholder pays the space rent
8 and reasonably maintains the manufactured dwelling and space.

9 (3) The buyer of a manufactured dwelling sold by a lienholder under subsection (2)(b) of this
10 section takes possession of the manufactured dwelling subject to ORS 62.809 (8) and any obligation
11 to the cooperative. During the term of a storage agreement described in subsection (2)(c) of this
12 section, the lienholder may remove or sell the manufactured dwelling as provided in subsection (2)(a)
13 or (b) of this section.

14 **(4) A lienholder and a cooperative that are subject to a storage agreement under sub-**
15 **section (2)(c) of this section may agree in writing to extend the term of the agreement be-**
16 **yond 12 months.**

17 [(4)] (5) If the member of the cooperative terminated occupancy in the park without terminating
18 membership in the cooperative, an application for membership by the buyer or moving of the man-
19 ufactured dwelling shall act to transfer the membership of the terminating owner to the cooperative.

20 **SECTION 8. (1) Section 5 of this 2017 Act and the amendments to ORS 90.643 and 90.645**
21 **by sections 1 to 3 of this 2017 Act apply to manufactured dwelling park closures for which**
22 **notice is given to tenants on or after the effective date of this 2017 Act.**

23 **(2) The amendments to ORS 62.809 and 62.813 by sections 6 and 7 of this 2017 Act apply**
24 **to transfers of title and termination of cooperative memberships occurring on or after the**
25 **effective date of this 2017 Act.**

26 **SECTION 9. This 2017 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
28 **on its passage.**

29