

Greetings, Senators:

My name is Michael O. Whitty. I have been a member of the Oregon State Bar Association for over fifty years. I served as an Oregon Special Assistant Attorney General for SAIF Corporation for 12 years in two segments from 1989 through 2004. The balance of my career was in private practice, with some representation of landlords.

In 2001, my wife Jan and I purchased a manufactured home in a very nice gated community of 102 spaces, Summer Oaks, in Eugene. One of my neighbors is former Circuit Judge Lyle Velure, who calls himself and the rest of us living in the park "trailer trash". After retirement from SAIF I became the manager of Summer Oaks, and between Jan and myself, we managed the park from 2004 until 2017. Being an age 55 and over park, management of Summer Oaks was not a demanding job.

In January of 2006, the then owner of Summer Oaks, Jack Ward, phoned me. He was laughing. He said: "I'm going to have to send you to school." Jack explained that the legislature had enacted law requiring that managers of manufactured home parks take a continuing education class on landlord-tenant law, and fair housing law, every two years. He finished the conversation with: "You ought to be teaching the classes."

I took Jack's advice, formed the Oregon Park Managers Association, and since 2006, have taught the State required continuing class throughout Oregon 127 times to park owners and managers of approximately 500 parks. I communicate with people who take my classes at least ten times a week about the problems they have to deal with. I advise them on how to solve those problems. I am regarded as an expert in manufactured home park operation.

Of necessity, because many parks have attached Recreational Vehicle sections, and because owners of RV parks also take my classes, I have learned and apply the landlord-tenant law to those facilities.

In addition to my teaching, from 2015 to 2018 I worked as a Regional Manager for Investment Property Group and supervised the managers of seven parks in Redmond, Bend, Albany Springfield and Eugene. One of those parks had a 24-space RV section. I thereby had the opportunity to apply the lessons I had been teaching on a daily basis.

My primary purpose in offering my testimony on SB 608 is a strong disagreement with the provision concerning eviction without cause. That form of eviction is a vital tool for park owners to use in maintaining the livability of the residential facilities they manage.

There are at three categories of tenants in manufactured home parks. Tenants who own their homes, like Jan and me and Judge Velure, who can be evicted only for cause. The provision I speak to does not apply to us. Tenants who live in a home owned by the park, who have no financial investment in their residence. And, tenants who live in a Recreational Vehicle they own, that park owners have allowed to occupy a space in the park that would otherwise be

difficult to fill. These latter two categories are subject to current law that provides for eviction without cause. SB 608 as currently proposed would take away this landlord remedy.

Let me explain some elementary facts about eviction. In manufactured home parks, the landlord always loses money when a tenant is evicted. There is the cost of the court proceeding, often including attorney fees, and the loss of space rent during the time that the eviction is being processed. These costs are rarely recovered.

Consequently, manufactured home park owners do not go about their parks looking for tenants to evict. The motivation for eviction, except for nonpayment of space rent, is complaints from other tenants. Complaints are about noise, failure of their neighbors to properly maintain their space or their home and about unauthorized occupants, among other causes.

When a residence in a park is generating a great deal of noisy traffic, with visitors who stay only minutes, there is little question about what kind of transaction is going down. I have found the police to be of no help to park owners in this circumstance. Proving that the resident is selling a banned substance is no easy burden. So, assuaging the tenant complaints about their neighbor's traffic and the accompanying noise is a major problem for the landlord.

Often the offending tenant is in one of the two categories above that can be evicted without cause, and that tool is a relatively simple solution to bringing peace back to the neighborhood.

I cannot speak to the circumstances of apartment owners and tenants in downtown Portland. If you are persuaded that elimination of the "eviction without cause" remedy is necessary for those rentals, please do not use a broad brush and take away a tool that owners of manufactured home parks and recreational vehicle parks need and use on a regular basis to keep the vast majority of their tenants happy. I am suggesting that you maintain the remedy for these two types of parks, in situations where it is currently applicable. For tenants who own their homes, eviction only for cause is appropriate, as the law currently provides.

Michael O. Whitty, January 30, 2019