

HB 3219 A STAFF MEASURE SUMMARYCarrier: Rep. Marsh, Rep.
Morgan**House Special Committee On Wildfire Recovery****Action Date:** 03/29/21**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 10-0-0-0**Yeas:** 10 - Cate, Clem, Evans, Gomberg, Grayber, Lewis, Marsh, Meek, Morgan, Post**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Laura Kentnesse, LPRO Analyst**Meeting Dates:** 3/15, 3/29**WHAT THE MEASURE DOES:**

Requires local governments to approve the **development of a manufactured dwelling park** that was either destroyed by a natural disaster occurring on or after September 1, 2020, or that is located in a rezoned area due to the impacts of the natural disaster. Authorizes local governments to **rezone areas within an urban growth boundary** near the destroyed park for park development where destruction of manufactured dwellings from the natural disaster has contributed to housing scarcity. Requires a local government to ensure development complies with local floodplain and other natural hazard land use regulations. Allows local governments to require an applicant to prove that the destroyed park was assessed as a building or structure for the most recent property tax year ending before the disaster. Prohibits local governments from requiring an applicant to prove the destroyed park was lawful at the time of interruption, destruction, or application. Specifies approvals of park reconstruction applications do not expire. Expands **definition of manufactured dwelling park** to include prefabricated structures that are relocatable and more than eight and one-half feet wide. Specifies certain **landlord and tenant responsibilities and obligations**. Stipulates that for a manufactured dwelling that is destroyed by a natural disaster, the tenancy is immediately terminated and parties are not further obligated under the rental agreement except for certain provisions related to deposit, prepaid rent, cleanup, and notification of the opportunity to search for valuables. Stipulates that for a manufactured dwelling that is not destroyed but the dwelling or park is significantly damaged, the tenant may, within 30 days after the date the dwelling is accessible after the disaster, provide written notice to the landlord that the tenant is terminating the tenancy and abandoning the manufactured dwelling, or the tenant shall continue to pay prorated rent from the date the dwelling becomes accessible. States the tenant does not owe rent while the dwelling is inaccessible due to the natural disaster or destruction of the dwelling. Allows a landlord to require a tenant to obtain and maintain **renter's liability insurance** under specified circumstances, and states permitted and prohibited landlord actions related to that insurance. Authorizes the Director of the Department of Consumer and Business Services to **exempt these manufactured dwelling parks from certain building codes** or to adopt **temporary permitting and operating and construction standards**, to allow for rapid development, provided the exemption will not jeopardize occupant health or safety. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Value of manufactured dwelling communities to fixed-income and low-income residents
- Considerations for placement of manufactured dwelling parks inside and outside urban growth boundaries
- History of park placements and state and local government attempts to address bias against parks
- Supply and access issues related to manufactured homes and prefabricated structures
- Lack of current law regarding tenant and landlord obligations following a natural disaster
- Renter's liability insurance requirements

EFFECT OF AMENDMENT:

Replaces applicability of provisions to parks destroyed by 2020 wildfires with parks destroyed by a natural disaster occurring on or after September 1, 2020. Limits local government zoning changes to an area within an urban growth boundary near the destroyed park. Requires a local government to ensure development complies with local floodplain and other natural hazard land use regulations. Eliminates prohibition to local governments to require a public hearing or public notice for application reviews. Expands definition of manufactured dwelling park to include prefabricated structures that are relocatable and more than eight and one-half feet wide. Removes provisions related to landlord not being required to pay a registration fee or be subject to civil penalties against landlords. Specifies certain landlord and tenant responsibilities and obligations. Stipulates that for a manufactured dwelling that is destroyed by a natural disaster, the tenancy is immediately terminated and parties are not further obligated under the rental agreement except for certain provisions related to deposit, prepaid rent, cleanup, and notification of the opportunity to search for valuables. Stipulates that for a manufactured dwelling that is not destroyed but the dwelling or park is significantly damaged, the tenant may, within 30 days after the date the dwelling is accessible after the disaster, provide written notice to the landlord that the tenant is terminating the tenancy and abandoning the manufactured dwelling, or the tenant shall continue to pay prorated rent from the date the dwelling becomes accessible. States the tenant does not owe rent while the dwelling is inaccessible due to the natural disaster or destruction of the dwelling. Allows a landlord to require a tenant to obtain and maintain renter's liability insurance under specified circumstances, and states permitted and prohibited landlord actions related to that insurance.

BACKGROUND:

Manufactured dwellings are commonly known as mobile homes or residential trailers, and are factory-built. The September 2020 Oregon wildfires destroyed 20 manufactured dwelling parks in the state, eliminating over 1,000 homes for mostly fixed-income or low-income Oregonians.

House Bill 3219 A would: require local governments to approve the development of manufactured dwelling parks destroyed or impacted by a natural disaster, authorize local governments to rezone certain areas within an urban growth boundary for manufactured dwelling park development where manufactured dwelling destruction has contributed to housing scarcity, specify local government authorities relating to development applications, expand the definition of manufactured dwelling park to include relocatable prefabricated structures of a certain size, specify certain landlord and tenant responsibilities and obligations when a manufactured dwelling or park is damaged or destroyed, allow a landlord to require a tenant to obtain and maintain renter's liability insurance under specified circumstances, and authorize the Department of Consumer and Business Services to exempt these manufactured dwelling parks from certain building codes or to adopt temporary standards.