

House Bill 2600

Sponsored by Representative KRUMMEL; Representatives BARKER, BERGER, BEYER, BONAMICI, BOONE, BOQUIST, BRUUN, BUCKLEY, BURLEY, BUTLER, CAMERON, CANNON, CLEM, COWAN, DALLUM, DINGFELDER, C EDWARDS, D EDWARDS, ESQUIVEL, FLORES, GALIZIO, GARRARD, GELSER, GILLIAM, GILMAN, GIROD, GREENLICK, HANNA, HUNT, JENSON, KOTEK, KRIEGER, LIM, MACPHERSON, MAURER, MINNIS, MORGAN, NATHANSON, NELSON, OLSON, READ, RICHARDSON, RILEY, ROBLAN, ROSENBAUM, SCHAUFLE, SCOTT, SHIELDS, G SMITH, P SMITH, THATCHER, TOMEI, WHISNANT, WITT, Senators ATKINSON, AVAKIAN, BATES, BEYER, BROWN, BURDICK, CARTER, DEVLIN, G GEORGE, L GEORGE, GORDLY, JOHNSON, KRUSE, METSGER, MONNES ANDERSON, MONROE, MORRISETTE, MORSE, PROZANSKI, STARR, VERGER, WALKER, WESTLUND, WHITSETT (at the request of Manufactured Housing Landlord/Tenant Coalition)

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**.

Allows tax credit to individual who owns and occupies manufactured dwelling as primary residence and who ends tenancy in manufactured dwelling park as result of closing of park or portion of park. Applies to tenancies ending in tax years beginning on or after January 1, 2008. Requires landlord closing manufactured dwelling park to give tenant information concerning tax credit.

Eliminates sunset on tax exemption for gain realized by manufactured dwelling park landlord from sale of park to certain associations or organizations or housing authority.

Modifies prohibition against local restrictions based on age of manufactured dwelling.

A BILL FOR AN ACT

1
2 Relating to property used for the placement of manufactured dwellings; creating new provisions; and
3 amending ORS 90.635, 197.485 and 316.502 and sections 7 and 10, chapter 826, Oregon Laws 2005.

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

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 316.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **"Household" has the meaning given that term in ORS 310.630.**

8 (b) **"Manufactured dwelling" has the meaning given that term in ORS 446.003.**

9 (c) **"Manufactured dwelling park" means a place within this state where four or more**
10 **manufactured dwellings are located, the primary purpose of which is to rent space or keep**
11 **space for rent to a person for a charge or fee.**

12 (d) **"Rental agreement" means a contract under which an individual rents space in a**
13 **manufactured dwelling park for siting a manufactured dwelling.**

14 (2) **A credit of \$10,000 against the taxes otherwise due under this chapter is allowed to**
15 **an individual who:**

16 (a) **Rents space in a manufactured dwelling park for a manufactured dwelling that is**
17 **owned and occupied by the individual as a primary residence on the date that the landlord**
18 **delivers notice that the park, or a portion of the park, is being closed and the rental agree-**
19 **ment for the space is being terminated because of the exercise of eminent domain, by order**
20 **of the state or local agencies or as provided under ORS 90.630 (5); and**

21 (b) **Ends tenancy at the manufactured dwelling park in response to the delivered notice**
22 **described in paragraph (a) of this subsection. For purposes of this paragraph, tenancy by the**
23 **individual at the manufactured dwelling park ends on the last day that a member of the in-**

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 **dividual's household occupies the manufactured dwelling at the manufactured dwelling park.**

2 (3) **An individual may not claim more than one credit under this section for tenancies**
 3 **ended during the tax year.**

4 (4) **If for the year in which the individual ends the tenancy at the manufactured dwelling**
 5 **park, the amount of the credit allowed by this section, when added to the sum of the**
 6 **amounts allowable as payment of tax under ORS 316.187 and 316.583, other tax prepayment**
 7 **amounts and other refundable credit amounts, exceeds the taxes imposed by this chapter or**
 8 **ORS chapter 314 for the tax year, reduced by any nonrefundable credits allowable for pur-**
 9 **poses of this chapter for the tax year, the amount of the excess shall be refunded to the in-**
 10 **dividual as provided in ORS 316.502.**

11 (5) **If the taxpayer is married at the close of the tax year, the credit shall be allowed to**
 12 **only one taxpayer if the spouses file separate returns for the tax year. Marital status shall**
 13 **be determined as provided under section 21(e)(3) and (4) of the Internal Revenue Code.**

14 **SECTION 3. Section 2 of this 2007 Act applies to individuals whose household ends**
 15 **tenancy at a manufactured dwelling park during a tax year that begins on or after January**
 16 **1, 2008.**

17 **SECTION 4.** ORS 90.635 is amended to read:

18 90.635. (1) **If a facility is closed or a portion of a facility is closed, resulting in the termination**
 19 **of the rental agreement between the landlord of the facility and a tenant renting space for a man-**
 20 **ufactured dwelling, whether because of the exercise of eminent domain, by order of the state or local**
 21 **agencies, or as provided under ORS 90.630 (5), the landlord shall provide notice to the tenant of the**
 22 **tax credit provided under [ORS 316.153] section 2 of this 2007 Act.** The notice shall state the el-
 23 **igibility requirements for the credit, information on how to apply for the credit and any other in-**
 24 **formation required by the Office of Manufactured Dwelling Park Community Relations by rule.**

25 (2) **The landlord shall send the notice described under subsection (1) of this section to a tenant**
 26 **affected by a facility closure on or before:**

27 (a) **The date notice of rental termination must be given to the tenant under ORS 90.630 (5), if**
 28 **applicable; or**

29 (b) **In the event of facility closure by exercise of eminent domain or by order of a state or local**
 30 **agency, within 15 days of the date the landlord received notice of the closure.**

31 (3) **The landlord shall forward to the office a list of the names and addresses of tenants to whom**
 32 **notice under this section has been sent.**

33 (4) **The office may adopt rules to implement this section, including rules specifying the form and**
 34 **content of the notice described under this section.**

35 **SECTION 5.** ORS 316.502, as amended by section 4a, chapter 826, Oregon Laws 2005, is
 36 **amended to read:**

37 316.502. (1) **The net revenue from the tax imposed by this chapter, after deducting refunds, shall**
 38 **be paid over to the State Treasurer and held in the General Fund as miscellaneous receipts avail-**
 39 **able generally to meet any expense or obligation of the State of Oregon lawfully incurred.**

40 (2) **A working balance of unreceipted revenue from the tax imposed by this chapter may be re-**
 41 **tained for the payment of refunds, but such working balance shall not at the close of any fiscal year**
 42 **exceed the sum of \$1 million.**

43 (3) **Moneys are continuously appropriated to the Department of Revenue to make:**

44 (a) **The refunds authorized under subsection (2) of this section; and**

45 (b) **The refund payments in excess of tax liability authorized under ORS 315.262 and 315.266 and**

1 **section 2 of this 2007 Act.**

2 **SECTION 6.** ORS 316.502, as amended by section 4a, chapter 826, Oregon Laws 2005, and sec-
3 tion 60, chapter 832, Oregon Laws 2005, is amended to read:

4 316.502. (1) The net revenue from the tax imposed by this chapter, after deducting refunds, shall
5 be paid over to the State Treasurer and held in the General Fund as miscellaneous receipts avail-
6 able generally to meet any expense or obligation of the State of Oregon lawfully incurred.

7 (2) A working balance of unreceipted revenue from the tax imposed by this chapter may be re-
8 tained for the payment of refunds, but such working balance shall not at the close of any fiscal year
9 exceed the sum of \$1 million.

10 (3) Moneys are continuously appropriated to the Department of Revenue to make:

11 (a) The refunds authorized under subsection (2) of this section; and

12 (b) The refund payments in excess of tax liability authorized under ORS 315.262 **and section 2**
13 **of this 2007 Act.**

14 **SECTION 7.** Section 7, chapter 826, Oregon Laws 2005, is amended to read:

15 **Sec. 7.** Section 6 [*of this 2005 Act*], **chapter 826, Oregon Laws 2005**, applies to tax years be-
16 ginning on or after January 1, 2006[, *and before January 1, 2008*].

17 **SECTION 8.** Section 10, chapter 826, Oregon Laws 2005, is amended to read:

18 **Sec. 10.** Section 9 [*of this 2005 Act*], **chapter 826, Oregon Laws 2005**, applies to tax years be-
19 ginning on or after January 1, 2006[, *and before January 1, 2008*].

20 **SECTION 9.** ORS 197.485 is amended to read:

21 197.485. (1) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to
22 its age, in a mobile home or manufactured dwelling park in a zone with a residential density of eight
23 to 12 units per acre.

24 (2) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age,
25 **on a buildable lot or parcel located outside urban growth boundaries or on a space** in a mobile
26 home or manufactured dwelling park if the manufactured dwelling is being relocated due to the
27 closure of a mobile home or manufactured dwelling park or a portion of a mobile home or manu-
28 factured dwelling park.

29 (3) A jurisdiction may impose reasonable safety and inspection requirements for homes that were
30 not constructed in conformance with the National Manufactured Housing Construction and Safety
31 Standards Act of 1974 (42 U.S.C. 5403).

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