

HOUSE MINORITY REPORT AMENDMENTS TO A-ENGROSSED HOUSE BILL 2735

June 15

Speaker Merkley:

A minority of your Committee on Revenue, to whom was referred A-engrossed House Bill 2735, having had the same under consideration, respectfully reports it back with the recommendation that it do pass with the following amendments:

- 1 On page 1 of the printed A-engrossed bill, line 3, after “316.502” insert “, 446.525”.
- 2 On page 2, line 12, delete “, adjusted as described in ORS 446.543”.
- 3 On page 3, line 15, delete the second “shall”.
- 4 After line 19, insert:
- 5 “**SECTION 2a.** Section 2 of this 2007 Act is amended to read:
- 6 “**Sec. 2.** (1) 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) By giving the tenant not less than 365 days’ notice in writing before the date designated in
- 12 the notice for termination; and
- 13 “(b) By paying a tenant, for each space for which a rental agreement is terminated, one of the
- 14 following amounts:
- 15 “(A) \$5,000 if the manufactured dwelling is a single-wide dwelling;
- 16 “(B) \$7,000 if the manufactured dwelling is a double-wide dwelling; or
- 17 “(C) \$9,000 if the manufactured dwelling is a triple-wide or larger dwelling.
- 18 “(2) Notwithstanding subsection (1) of this section, if a landlord closes a manufactured dwelling
- 19 park under this section as a result of converting the park to a subdivision under ORS 92.830 to
- 20 92.845, the landlord:
- 21 “(a) May terminate a rental agreement by giving the tenant not less than 180 days’ notice in
- 22 writing before the date designated in the notice for termination.
- 23 “(b) Is not required to make a payment under subsection (1)(b) of this section to a tenant who:
- 24 “(A) Buys the space or lot on which the tenant’s manufactured dwelling is located and does not
- 25 move the dwelling; or
- 26 “(B) Sells the manufactured dwelling to a person who buys the space or lot.
- 27 “(3) A notice given under subsection (1) or (2) of this section shall, at a minimum:
- 28 “(a) State that the landlord is closing the park, or a portion of the park, and converting the land
- 29 or leasehold to a different use;
- 30 “(b) Designate the date of closure; and
- 31 “(c) Include the tax [*credit*] notice described in ORS 90.635.
- 32 “(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) 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 manu-
15 factured dwelling.

16 “(6)(a) A landlord may not charge a tenant any penalty, fee or unaccrued rent for moving out
17 of 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
19 the space and may deduct from the payment amount required by subsection (1) of this section any
20 unpaid 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
22 a 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 [*the tax credit available under section 17 of this 2007 Act and*] any
31 government relocation benefits known by the landlord to be available to the tenants and comply
32 with any additional content requirements under ORS 90.635.

33 **“(10) The Office of Manufactured Dwelling Park Community Relations shall adopt rules**
34 **establishing a sample form for the notice described in subsection (3) of this section.**

35 **“SECTION 2b. The amendments to section 2 of this 2007 Act by section 2a of this 2007**
36 **Act become operative January 1, 2017.”.**

37 Delete lines 35 through 45.

38 On page 4, delete lines 1 through 4 and insert:

39 **“SECTION 4. (1) Sections 2 and 3 of this 2007 Act preempt the adoption, application or**
40 **enforcement of any local law regulating a closure or partial closure of a manufactured**
41 **dwelling park.**

42 **“(2) Subsection (1) of this section does not limit the adoption or application of a local law**
43 **providing incentives or bonuses to landlords that voluntarily preserve or create affordable**
44 **housing related to the closure or partial closure of a manufactured dwelling park.**

45 **“SECTION 5. (1) Section 4 of this 2007 Act applies to the adoption, application or**

1 enforcement of a local law regulating the closure or partial closure of a manufactured
2 dwelling park for which the closure notice is given on or after the effective date of this 2007
3 Act.

4 “(2) Section 4 of this 2007 Act does not render moot any appeal pending on the effective
5 date of this 2007 Act from a trial court’s final judgment in an action or suit regarding the
6 application of a local law regulating manufactured dwelling park closures or partial
7 closures.”.

8 On page 5, line 37, after “a” insert “charge or”.

9 In line 41, after “a” insert “charge or”.

10 On page 7, line 43, after “section” insert “and the notice described in section 2 (3) of this 2007
11 Act”.

12 On page 8, after line 10, insert:

13 “**SECTION 7a.** ORS 90.635, as amended by section 7 of this 2007 Act, is amended to read:

14 “90.635. (1) If a manufactured dwelling park or a portion of a manufactured dwelling park is
15 closed, resulting in the termination of the rental agreement between the landlord of the park and
16 a tenant renting space for a manufactured dwelling, whether because of the exercise of eminent
17 domain, by order of a federal, state or local agency or as provided under section 2 (1) of this 2007
18 Act, the landlord shall provide notice to the tenant [*of the tax credit provided under section 17 of this*
19 *2007 Act. The notice shall state the eligibility requirements for the credit, information on how to apply*
20 *for the credit and any other information required by the Office of Manufactured Dwelling Park Com-*
21 *munity Relations or the Department of Revenue by rule. The notice shall also state]* that the closure
22 may allow the taxpayer to appeal the property tax assessment on the manufactured dwelling.

23 “[2] *The office shall adopt rules establishing a sample form for the notice described in this section*
24 *and the notice described in section 2 (3) of this 2007 Act.*]

25 “[3] **(2)** The Department of Revenue, in consultation with the Office of Manufactured
26 Dwelling Park Community Relations, shall adopt rules establishing a sample form and explanation
27 for the property tax assessment appeal.

28 “[4] **(3)** The office may adopt rules to administer this section.

29 “**SECTION 7b. The amendments to ORS 90.635 by section 7a of this 2007 Act become op-**
30 **erative January 1, 2017.”.**

31 On page 9, delete line 2 and insert:

32 “(2) The Director of the Housing and Community Services Department shall, through the use
33 of office personnel or by other means:”.

34 In line 12, delete “of the Housing and Com-”.

35 In line 13, delete “munity Services Department” and after “appropriate” insert “, including but
36 not limited to coordinating or conducting tenant resource fairs, providing tenant counseling and
37 service referrals related to park closures and providing outreach services to educate tenants re-
38 garding tenant rights and responsibilities and the availability of services”.

39 In line 14, after the period delete the rest of the line and lines 15 through 17.

40 On page 10, delete lines 16 through 19 and insert:

41 “(b) Ends tenancy at the manufactured dwelling park site in response to the delivered notice
42 described in paragraph (a) of this subsection.

43 “(3) For purposes of subsection (2) of this section:

44 “(a) Tenancy by the individual at the manufactured dwelling park site ends on the last day that
45 a member of the individual’s household occupies the manufactured dwelling at the manufactured

1 dwelling park site; and

2 “(b) Tenancy by the individual at the manufactured dwelling park site does not end if the man-
3 ufactured dwelling park is converted to a subdivision under ORS 92.830 to 92.845 and the individual
4 buys a space or lot in the subdivision or sells the manufactured dwelling to a person who buys a
5 space or lot in the subdivision.”.

6 In line 20, delete “(3)” and insert “(4)”.

7 In line 25, delete “(4)” and insert “(5)”.

8 In line 27, delete “(5)” and insert “(6)”.

9 In line 34, delete “(6)” and insert “(7)”.

10 In line 39, after “2007” insert “, and before January 1, 2017”.

11 After line 39, insert:

12 “**SECTION 19.** ORS 316.502 is amended to read:

13 “316.502. (1) The net revenue from the tax imposed by this chapter, after deducting refunds, shall
14 be paid over to the State Treasurer and held in the General Fund as miscellaneous receipts avail-
15 able generally to meet any expense or obligation of the State of Oregon lawfully incurred.

16 “(2) A working balance of unreceipted revenue from the tax imposed by this chapter may be
17 retained for the payment of refunds, but such working balance shall not at the close of any fiscal
18 year exceed the sum of \$1 million.

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

20 “(a) The refunds authorized under subsection (2) of this section;

21 “(b) The refund payments in excess of tax liability authorized under ORS 315.262 and 315.266
22 **and section 17 of this 2007 Act;** and

23 “(c) The refund payments in excess of tax liability authorized under ORS 316.153 (4).”.

24 In line 40, delete “19” and insert “19a”.

25 On page 11, after line 18, insert:

26 “**SECTION 20a.** ORS 316.502, as amended by section 4a, chapter 826, Oregon Laws 2005, section
27 60, chapter 832, Oregon Laws 2005, and section 20 of this 2007 Act, is amended to read:

28 “316.502. (1) The net revenue from the tax imposed by this chapter, after deducting refunds, shall
29 be paid over to the State Treasurer and held in the General Fund as miscellaneous receipts avail-
30 able generally to meet any expense or obligation of the State of Oregon lawfully incurred.

31 “(2) A working balance of unreceipted revenue from the tax imposed by this chapter may be
32 retained for the payment of refunds, but such working balance shall not at the close of any fiscal
33 year exceed the sum of \$1 million.

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

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

36 “(b) The refund payments in excess of tax liability authorized under ORS 315.262 [*and section*
37 *17 of this 2007 Act*].”.

38 In line 19, delete “20a.” and insert “20b. (1)” and delete “and” and insert “to”.

39 In line 20, after “2007” insert “, and before January 1, 2017”.

40 After line 20, insert:

41 “(2) The amendments to ORS 316.502 by section 20a of this 2007 Act become operative January
42 2, 2022.”.

43 Delete lines 31 through 45.

44 On page 12, delete lines 1 through 23 and insert:

45 “**NOTE:** Sections 23 and 24 were deleted by amendment. Subsequent sections were not renun-

bered.”.

On page 13, line 6, after “marina” insert “, or in another marina owned by the same owner in the same city,”.

After line 7, insert:

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

In line 8, delete “(6)” and insert “(7)”.

On page 44, line 33, delete “FACILITY VACANT SPACES” and insert “VACANT SPACES IN FACILITIES”.

In line 39, delete the first “facility” and after “spaces” insert “in the facility”.

On page 45, line 23, delete “facility” and after the first “space” insert “in a facility”.

On page 46, after line 4, insert:

“TENANT ASSISTANCE

“**SECTION 43.** ORS 446.525 is amended to read:

“446.525. (1) A special assessment is levied annually upon each manufactured dwelling that is assessed for ad valorem property tax purposes as personal property. The amount of the assessment is \$6.

“(2) [*On or before July 15, 1990, and*] On or before July 15 of each year [*thereafter*], the county assessor shall determine and list the manufactured dwellings in the county that are assessed for the current assessment year as personal property. Upon making a determination and list, the county assessor shall cause the special assessment levied under subsection (1) of this section to be entered on the general assessment and tax roll prepared for the current assessment year as a charge against each manufactured dwelling so listed. Upon entry, the special assessment shall become a lien, be assessed and be collected in the same manner and with the same interest, penalty and cost charges as apply to ad valorem property taxes in this state.

“(3) Any amounts of special assessment collected pursuant to subsection (2) of this section shall be deposited in the county treasury, shall be paid over by the county treasurer to the State Treasury and shall be credited to the Mobile Home Parks Account to be used exclusively for **carrying out ORS 446.380, 446.385, 446.392 and 446.543 and** implementing the policies described in ORS 446.515.

“(4) In lieu of the procedures under subsection (2) of this section, the Director of the Housing and Community Services Department may make a direct billing of the special assessment to the owners of manufactured dwellings and receive payment of the special assessment from those owners. In the event that under the billing procedures any owner fails to make payment, the unpaid special assessment shall become a lien against the manufactured dwelling and may be collected under contract or other agreement by a collection agency[,] **or** may be collected under ORS 293.250, or the lien may be foreclosed by suit as provided under ORS chapter 88 or as provided under ORS 87.272 to 87.306. Upon collection under this subsection, the amounts of special assessment shall be deposited in the State Treasury and shall be credited to the Mobile Home Parks Account to be used exclusively for **carrying out ORS 446.380, 446.385, 446.392 and 446.543 and** implementing the policies described in ORS 446.515.”.

In line 8, delete “43” and insert “44”.

In line 14, delete “44” and insert “45”.

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/s/ Tom Butler
Representative

/s/ Scott Bruun
Representative
