

SENATE AMENDMENTS TO B-ENGROSSED HOUSE BILL 2735

By COMMITTEE ON FINANCE AND REVENUE

June 24

1 On page 4 of the printed B-engrossed bill, line 37, delete “2017” and insert “2013”.

2 After line 37, insert:

3 **“SECTION 2c. If House Bill 3201 does not become law, sections 2a (amending section 2**
4 **of this 2007 Act) and 2b of this 2007 Act are repealed and section 2 of this 2007 Act is**
5 **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
33 the full amount required under subsection (1)(b) of this section regardless of whether the tenant
34 relocates or abandons the manufactured dwelling. The landlord shall pay at least one-half of the
35 payment amount to the tenant within seven days after receiving from the tenant the notice described

1 in subsection (5)(a) of this section. The landlord shall pay the remaining amount no later than seven
2 days after the tenant ceases to occupy the space.

3 “(5) Notwithstanding subsection (1) of this section:

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

8 “(b) If the manufactured dwelling is abandoned:

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

11 “(B) The landlord may not charge the tenant to store, sell or dispose of the abandoned manu-
12 factured dwelling.

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

15 “(b) A landlord may charge a tenant for rent for any period during which the tenant occupies
16 the space and may deduct from the payment amount required by subsection (1) of this section any
17 unpaid moneys owed by the tenant to the landlord.

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

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

23 “(9) If a landlord is required to close a manufactured dwelling park by the exercise of eminent
24 domain or by order of a federal, state or local agency, the landlord shall notify the park tenants no
25 later than 15 days after the landlord receives notice of the exercise of eminent domain or of the
26 agency order. The notice to the tenants shall be in writing, designate the date of closure, state the
27 reason for the closure, describe the tax credit available under [section 17 of this 2007 Act] **ORS**
28 **316.153** and any government relocation benefits known by the landlord to be available to the tenants
29 and comply with any additional content requirements under ORS 90.635.

30 “**SECTION 2d.** If House Bill 3201 does not become law, section 2 of this 2007 Act, as amended
31 by section 2c of this 2007 Act, is amended to read:

32 “**Sec. 2.** (1) If a manufactured dwelling park, or a portion of the park that includes the space
33 for a manufactured dwelling, is to be closed and the land or leasehold converted to a use other than
34 as a manufactured dwelling park, and the closure is not required by the exercise of eminent domain
35 or by order of federal, state or local agencies, the landlord may terminate a month-to-month or fixed
36 term rental agreement for a manufactured dwelling park space:

37 “(a) By giving the tenant not less than 365 days’ notice in writing before the date designated in
38 the notice for termination; and

39 “(b) By paying a tenant, for each space for which a rental agreement is terminated, one of the
40 following amounts:

41 “(A) \$5,000 if the manufactured dwelling is a single-wide dwelling;

42 “(B) \$7,000 if the manufactured dwelling is a double-wide dwelling; or

43 “(C) \$9,000 if the manufactured dwelling is a triple-wide or larger dwelling.

44 “(2) Notwithstanding subsection (1) of this section, if a landlord closes a manufactured dwelling
45 park under this section as a result of converting the park to a subdivision under ORS 92.830 to

1 92.845, the landlord:

2 “(a) May terminate a rental agreement by giving the tenant not less than 180 days’ notice in
3 writing before the date designated in the notice for termination.

4 “(b) Is not required to make a payment under subsection (1)(b) of this section to a tenant who:

5 “(A) Buys the space or lot on which the tenant’s manufactured dwelling is located and does not
6 move the dwelling; or

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

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

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

11 “(b) Designate the date of closure; and

12 “(c) Include the tax [*credit*] notice described in ORS 90.635.

13 “(4) Except as provided in subsections (2) and (5) of this section, the landlord must pay a tenant
14 the full amount required under subsection (1)(b) of this section regardless of whether the tenant
15 relocates or abandons the manufactured dwelling. The landlord shall pay at least one-half of the
16 payment amount to the tenant within seven days after receiving from the tenant the notice described
17 in subsection (5)(a) of this section. The landlord shall pay the remaining amount no later than seven
18 days after the tenant ceases to occupy the space.

19 “(5) Notwithstanding subsection (1) of this section:

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

24 “(b) If the manufactured dwelling is abandoned:

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

27 “(B) The landlord may not charge the tenant to store, sell or dispose of the abandoned manu-
28 factured dwelling.

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

31 “(b) A landlord may charge a tenant for rent for any period during which the tenant occupies
32 the space and may deduct from the payment amount required by subsection (1) of this section any
33 unpaid moneys owed by the tenant to the landlord.

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

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

39 “(9) If a landlord is required to close a manufactured dwelling park by the exercise of eminent
40 domain or by order of a federal, state or local agency, the landlord shall notify the park tenants no
41 later than 15 days after the landlord receives notice of the exercise of eminent domain or of the
42 agency order. The notice to the tenants shall be in writing, designate the date of closure, state the
43 reason for the closure, describe [*the tax credit available under ORS 316.153 and*] any government
44 relocation benefits known by the landlord to be available to the tenants and comply with any addi-
45 tional content requirements under ORS 90.635.

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

3 “**SECTION 2e.** If House Bill 3201 does not become law, the amendments to section 2 of
4 this 2007 Act by section 2d of this 2007 Act become operative January 1, 2008.”.

5 On page 5, delete lines 8 through 22 and insert:

6 “**SECTION 4.** A local government may not enforce an ordinance, rule or other local law
7 regulating manufactured dwelling park closures or partial closures adopted or amended by
8 the local government on or after July 1, 2007. An ordinance, rule or other local law regulat-
9 ing manufactured dwelling park closures or partial closures may not be applied to reduce the
10 rights provided to a park tenant under sections 2 or 3 of this 2007 Act.

11 “**SECTION 5.** (1) Notwithstanding section 4 of this 2007 Act, no later than 90 days after
12 the effective date of this 2007 Act, a local governing body may amend an ordinance, rule or
13 other local law adopted before July 1, 2007, if the amendment increases the rights of manu-
14 factured dwelling park tenants under the ordinance, rule or other local law to be equal to
15 or greater than the rights established for those tenants by sections 2 and 3 of this 2007 Act.

16 “(2) Section 4 of this 2007 Act applies to the enforcement of an ordinance, rule or other
17 local law to a manufactured dwelling park closure or partial closure on or after the effective
18 date of this 2007 Act regardless of whether the closure notice is given before, on or after the
19 effective date of this 2007 Act.”.

20 On page 10, line 1, delete “2017” and insert “2013”.

21 After line 1, insert:

22 “**SECTION 7c.** If House Bill 3201 does not become law, sections 7a (amending ORS 90.635)
23 and 7b of this 2007 Act are repealed, and ORS 90.635, as amended by section 7 of this 2007
24 Act, is amended to read:

25 “90.635. (1) If a manufactured dwelling park or a portion of a manufactured dwelling park is
26 closed, resulting in the termination of the rental agreement between the landlord of the park and
27 a tenant renting space for a manufactured dwelling, whether because of the exercise of eminent
28 domain, by order of a federal, state or local agency or as provided under section 2 (1) of this 2007
29 Act, the landlord shall provide notice to the tenant of the tax credit provided under [section 17 of
30 this 2007 Act] **ORS 316.153.** The notice shall state the eligibility requirements for the credit, infor-
31 mation on how to apply for the credit and any other information required by the Office of Manu-
32 factured Dwelling Park Community Relations or the Department of Revenue by rule. The notice
33 shall also state that the closure may allow the taxpayer to appeal the property tax assessment on
34 the manufactured dwelling.

35 “(2) The office shall adopt rules establishing a sample form for the notice described in this sec-
36 tion and the notice described in section 2 (3) of this 2007 Act.

37 “(3) The department, in consultation with the office, shall adopt rules establishing a sample form
38 and explanation for the property tax assessment appeal.

39 “(4) The office may adopt rules to administer this section.

40 “**SECTION 7d.** If House Bill 3201 does not become law, ORS 90.635, as amended by sections 7
41 and 7c of this 2007 Act, is amended to read:

42 “90.635. (1) If a manufactured dwelling park or a portion of a manufactured dwelling park is
43 closed, resulting in the termination of the rental agreement between the landlord of the park and
44 a tenant renting space for a manufactured dwelling, whether because of the exercise of eminent
45 domain, by order of a federal, state or local agency or as provided under section 2 (1) of this 2007

1 Act, the landlord shall provide notice to the tenant *[of the tax credit provided under ORS 316.153.*
2 *The notice shall state the eligibility requirements for the credit, information on how to apply for the*
3 *credit and any other information required by the Office of Manufactured Dwelling Park Community*
4 *Relations or the Department of Revenue by rule. The notice shall also state]* that the closure may al-
5 low the taxpayer to appeal the property tax assessment on the manufactured dwelling.

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

8 “[~~(3)~~] **(2)** The Department **of Revenue**, in consultation with the Office **of Manufactured**
9 **Dwelling Park Community Relations**, shall adopt rules establishing a sample form and explanation
10 for the property tax assessment appeal.

11 “[~~(4)~~] **(3)** The office may adopt rules to administer this section.

12 “**SECTION 7e. If House Bill 3201 does not become law, the amendments to ORS 90.635 by**
13 **section 7d of this 2007 Act become operative January 1, 2008.**”.

14 On page 12, line 1, delete “\$10,000” and insert “\$5,000”.

15 In line 7, delete “as provided under section 2 (1) of this” and insert “by the landlord”.

16 In line 8, delete “2007 Act”.

17 In line 38, delete “2017” and insert “2013”.

18 After line 38, insert:

19 “**SECTION 18a. If House Bill 3201 does not become law, sections 16, 17, 18 and 20b of this**
20 **2007 Act and sections 19, 19a, 20 and 20a of this 2007 Act (all amending ORS 316.502) are re-**
21 **pealed.**”.

22 On page 13, line 44, delete “2017” and insert “2013”.

23 On page 14, line 1, delete “2022” and insert “2018”.

24 In line 7, restore “, and before January 1,” and before the period insert “2014”.

25 In line 10, restore “, and before January 1,” and before the period insert “2014”.

26 On page 17, after line 33, insert:

27 “**SECTION 30b.** If House Bill 3201 does not become law, section 30a of this 2007 Act is amended
28 to read:

29 “**Sec. 30a.** The repeal of ORS 316.153 by section 30 of this 2007 Act *[applies to tax years begin-*
30 *ning on or after January 1, 2007]* **becomes operative January 2, 2012.**”.