

**B-Engrossed**  
**Senate Bill 1056**

Ordered by the House June 23  
Including Senate Amendments dated June 14 and House Amendments  
dated June 23

Sponsored by Senator VERGER (at the request of Anne Johnson)

**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.

Prohibits tenant of manufactured dwelling park or floating home moorage from renting or leasing dwelling or home to another person for more than three days unless tenant renter and park or moorage landlord enter into written agreement. Requires that agreement contain provision for renter to pay space rent, fees and certain utility or service charges directly to park or moorage landlord.

Authorizes facility landlord to terminate subleasing agreement by giving renter written notice not less than 30 days before termination. Establishes conditions allowing landlord to sell or dispose of manufactured dwelling or floating home or of goods left by person other than tenant of facility.

**A BILL FOR AN ACT**

1  
2 Relating to landlord-tenant law.

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

4 **SECTION 1. Sections 2 and 4 of this 2007 Act are added to and made a part of ORS 90.505**  
5 **to 90.840.**

6 **SECTION 2. (1) A facility tenant may not rent the tenant's manufactured dwelling or**  
7 **floating home to another person for a period exceeding three days unless the facility land-**  
8 **lord, facility tenant and dwelling or home renter enter into a written subleasing agreement**  
9 **specifying the rights and obligations of the landlord, tenant and renter during the renter's**  
10 **occupancy of the dwelling or home. The subleasing agreement shall include, but need not be**  
11 **limited to, provisions that require the dwelling or home renter to timely pay directly to the**  
12 **facility landlord the space rent, any separately assessed fees payable under the rental**  
13 **agreement and any separately billed utility or service charge described in ORS 90.532 (1)(b)**  
14 **or (c), and provisions that grant the dwelling or home renter the same rights as the facility**  
15 **tenant to cure a violation of the rental agreement for the facility space, to require facility**  
16 **landlord compliance with ORS 90.730 and to be protected from retaliatory conduct under ORS**  
17 **90.765. This subsection does not authorize a facility tenant to rent a manufactured dwelling**  
18 **or floating home to another person in violation of the rental agreement between the facility**  
19 **tenant and the facility landlord.**

20 **(2) Notwithstanding ORS 90.100 (41), a facility tenant who enters into a subleasing**  
21 **agreement continues to be the tenant of the facility space and retains all rights and obli-**  
22 **gations of a facility tenant under the rental agreement and this chapter. The occupancy of**  
23 **a manufactured dwelling or floating home by a renter as provided in a subleasing agreement**  
24 **does not constitute abandonment of the dwelling or home by the facility tenant.**

**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       (3) The rights and obligations of the dwelling or home renter under a subleasing agree-  
2 ment are in addition to the rights and obligations retained by the facility tenant under sub-  
3 section (2) of this section. The rights and obligations of the dwelling or home renter under  
4 the subleasing agreement are separate from any rights or obligations of the renter under  
5 ORS 90.100 to 90.459 applicable to the renter's occupancy of the manufactured dwelling or  
6 floating home owned by the facility tenant.

7       (4) Unless otherwise provided in the subleasing agreement, a facility landlord may ter-  
8 minate a subleasing agreement:

9       (a) Without cause by giving the dwelling or home renter written notice not less than 30  
10 days prior to the termination;

11       (b) If a condition described in ORS 90.380 (5)(b) exists for the facility space, by giving the  
12 renter the same notice to which the facility tenant is entitled under ORS 90.380 (5)(b); or

13       (c) Subject to the cure right established in subsection (1) of this section and regardless  
14 of whether the landlord terminates the rental agreement of the facility tenant:

15       (A) For nonpayment of facility space rent; or

16       (B) For any conduct by the dwelling or home renter that would be a violation of the  
17 rental agreement under ORS 90.396 or 90.398 if committed by the facility tenant.

18       (5) Upon termination of a subleasing agreement by the facility landlord, whether with or  
19 without cause, the dwelling or home renter and the facility tenant are excused from contin-  
20 ued performance under any agreement for the renter's occupancy of the manufactured  
21 dwelling or floating home owned by the facility tenant.

22       (6)(a) If, during the term of a subleasing agreement, the facility landlord gives notice to  
23 the facility tenant of a rental agreement violation, of a law or ordinance violation or of the  
24 facility's closure, conversion or sale, the landlord shall also promptly give a copy of the no-  
25 tice to the dwelling or home renter. The giving of notice to the dwelling or home renter does  
26 not constitute notice to the facility tenant unless the tenant has expressly appointed the  
27 renter as the tenant's agent for purposes of receiving notice.

28       (b) If the facility landlord gives notice to the dwelling or home renter that the landlord  
29 is terminating the subleasing agreement, the landlord shall also promptly give a copy of the  
30 notice to the facility tenant. The landlord shall give the notice to the facility tenant in the  
31 same manner as for giving notice of a rental agreement violation.

32       (c) If, during the term of a subleasing agreement, the facility tenant gives notice to the  
33 facility landlord of a rental agreement violation, termination of tenancy or sale of the man-  
34 ufactured dwelling or floating home, the tenant shall also promptly give a copy of the notice  
35 to the dwelling or home renter.

36       (d) If the dwelling or home renter gives notice to the facility landlord of a violation of  
37 ORS 90.730, the renter shall also promptly give a copy of the notice to the facility tenant.

38       **SECTION 3.** Section 2 of this 2007 Act applies to manufactured dwelling and floating  
39 home rentals that commence on or after the effective date of this 2007 Act.

40       **SECTION 4.** (1) A landlord may not assert a lien under ORS 87.162 for dwelling unit rent  
41 against a manufactured dwelling or floating home located in a facility. Notwithstanding ORS  
42 90.100 (41) and 90.675 and regardless of whether the owner of a manufactured dwelling or  
43 floating home occupies the dwelling or home as a residence, a facility landlord that is entitled  
44 to unpaid rent and receives possession of the facility space from the sheriff following  
45 restitution pursuant to ORS 105.161 may sell or dispose of the dwelling or home as provided

1 in ORS 90.675.

2 (2) If a manufactured dwelling or floating home was occupied immediately prior to  
3 abandonment by a person other than the facility tenant, and the name and address of the  
4 person are known to the landlord, a landlord selling or disposing of the dwelling or home  
5 under subsection (1) of this section shall promptly send the person a copy of the notice sent  
6 to the facility tenant under ORS 90.675 (3). Notwithstanding ORS 90.425, the facility landlord  
7 may sell or dispose of goods left in the dwelling or home or upon the dwelling unit by the  
8 person in the same manner as if the goods were left by the facility tenant. If the name and  
9 address of the person are known to the facility landlord, the landlord shall promptly send the  
10 person a copy of the written notice sent to the facility tenant under ORS 90.425 (3) and allow  
11 the person the time described in the notice to arrange for removal of the goods.

12 SECTION 5. Section 4 of this 2007 Act applies to dwelling space rent that becomes due  
13 on or after the effective date of this 2007 Act.  
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