

2013 MANUFACTURED HOUSING LANDLORD/TENANT COALITION BILL: HB 3482

HB 3482 is the product of the Manufactured Housing Landlord/Tenant Coalition.

The MH L/T Coalition has produced a negotiated, compromise bill in every legislative session since 1997. The coalition currently consists of 18 active members, representing landlord (7 representatives) and tenant (6) interests, as well as MH park managers, manufacturers, nonprofits, marina owners, and the state Manufactured Communities Resource Center. The email notice list has more than 80 names; members receive meeting notices and outlines and drafts of issues. Anyone can participate in the coalition.

HB 3482 is the result of 13 meetings, typically of three hours each, between February 2012 and January 2013. As with all coalition bills, it required compromise by the different parties. All parties support the bill.

There are five small amendments pending.

The bill addresses three issues:

1. Hazard trees

a. Current law: (ORS 90.730 (4) (h) makes tenants responsible to maintain trees on their spaces.

b. Problem: For many tenants it is difficult and expensive to maintain large trees on their spaces. Trees are a resource for the whole park. Large trees can be dangerous to residents and others.

c. Solution: Make park landlords responsible for maintaining large, hazardous trees.

i. A large tree is defined as one that is 8 inches dbh or more; dbh is a gauge of tree size and means diameter at breast height, which is measured at 4 and one half feet off the ground.

ii. A hazard tree is one that a certified expert determines to be an unreasonable risk of causing serious physical harm or damage to persons or property in the near future.

iii. Tenants are responsible for maintaining hazard trees which they planted or any trees which are not large and hazardous.

iv. Maintaining a hazard tree means cutting down the tree or trimming or pruning it to make it not be hazardous, and removing a fallen tree and any branches and the stump.

v. A landlord may enter the tenant's space to trim or prune a tree to prevent it from becoming a hazard.

vi. The landlord's duty does not include maintaining trees for aesthetic purposes.

vii. The access statute, ORS 90.725, is amended to make clear that a landlord may enter the tenant's space, even without the tenant's permission, to maintain a hazard tree, as with similar emergencies.

2. Utility charge due date

a. Current law: ORS 90.532 (6) makes the due date for tenant-paid-to-the-landlord utility charges 14 days after the service of a written bill.

b. Problem: The due date should be the date of delivery of the notice, with a deadline to pay later.

c. Solution: Amend the law to make utility charges owed by a tenant to the landlord due upon delivery of a written bill, and to make the payment late 8 days later. This would make the billing and payment consistent with current law regarding rent payments. It also will allow landlords to more efficiently consolidate billings. If the tenant fails to pay on time, the landlord may terminate the tenancy with a 30-day-curable notice, as under current law.

3. Mortgage loan origination licensing exemption

a. Current law: ORS 86A.203 implements federal law resulting from the mortgage fraud crisis in the late 2000s and requires individuals who offer or negotiate terms of a residential mortgage loan to be licensed by DCBS.

b. Problem: Licensing as a Mortgage Loan Originator is complex and expensive; currently hiring an MLO to handle your sale typically adds a cost of about \$1,000, a significant cost for used manufactured homes in parks which are a large source of private affordable housing. Manufactured home park landlords and dealers typically make several of these sales a year; the landlords' goal is not to make money off the sale, but to get a rent-paying occupant into the park and end a vacancy. The federal law exempts non-habitual sellers of real estate, but leaves to the states to define that.

c. Solution: Exempt sales of used MHs sold for occupancy in a park by dealers (3 or fewer sales per year) or landlords (5 or fewer per year per park). Note that some landlords own more than one park.

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