

Memo

To: Committee Members
House Committee on Human Services and Housing

From: Charles M. Greeff, Law Office of Charles M. Greeff, PC
Counsel for Oregon Park Owners' Alliance

Date: February 3, 2014

Re: HB 4038; Comments & Testimony of Charles M. Greeff

Thank you Chairperson and Committee Members. Thank you for your ongoing patience and attention in this very important matter relating to purchase of parks by their tenants. We have provided you with additional written memoranda addressing problems with, and proposed changes to HB 4038.

At the end of the last legislative session, all parties involved – the tenants; the Manufactured Housing Communities of Oregon (or “MHCO”); CASA; the tenants; and my client – the Oregon Park Owners’ Alliance (“OPOA”) – all promised to work together toward a mutually agreeable arrangement which facilitated the tenants’ objectives yet protected the park owners. However, OPOA was left out of the process. Mr. VanLandingham and the MHCO – on their own and without involving OPOA – reached an agreement which takes the form of HB 4038 in its Dash-1 form. Let me be clear that OPOA was not included in the discussions between MHCO and the tenants. At no time did the tenants or MHCO, or their attorneys have the courtesy of involving me or OPOA, knowing full well that OPOA objected to many of their concepts.

Nonetheless, on November 19, 2013 it was announced that the MHCO and the tenants had reached a deal. OPOA promptly objected and has submitted a revised version of the legislation showing its proposed changes in redlined format. I hope each of you have had a chance to review our proposed changes. Those changes have now apparently been incorporated into the Dash-2 amended version of the bill we received from legislative counsel.

Our changes simply make this a fair piece of legislation. Although OPOA was originally altogether against the concept, it is now willing to work with MHCO and the tenants to reach agreement. It would require that the tenants organize before making a decision to purchase a community; it allows landlords to get documents and information from tenants just as tenants have that right against the landlord; and it provides a remedy to a landlord who suffers as a result of the tenants, much in the

same way that a remedy is afforded to the tenants. It also contains other minor changes which we believe to be fair. We just ask that this be a balanced, fair piece of legislation which addresses OPOA's legitimate concerns.

Given the short timeframe of this legislative session and the need for this legislation to be balanced – and because matters of such importance cannot and should not be rushed – if the tenants and the MHCO cannot agree to the Dash-2 Amendments, we would ask that this bill be sent back into a work group to then be addressed during the 2015 regular legislative session. We would also ask that this Committee specifically request that the tenants and the MHCO work with OPOA and its counsel to address OPOA's concerns in reaching a consensus bill.

We would therefore ask that if HB 4038 with the Dash-2 Amendments is not fully accepted by the tenants and MHCO, that you give a "do not pass" recommendation and that it be addressed again by this Committee during the 2015 legislative session. Otherwise, we support HB 4038 with all of the Dash-2 amendments.