

HOUSE AMENDMENTS TO HOUSE BILL 2008

By COMMITTEE ON HUMAN SERVICES AND HOUSING

April 25

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest of the line and delete line
2 3 and insert “amending ORS 62.809, 62.813, 90.643 and 90.645; and declaring an emergency.”.

3 Delete lines 5 through 21 and delete pages 2 through 12 and insert:

4 “**SECTION 1.** ORS 90.645 is amended to read:

5 “90.645. (1)(a) If a manufactured dwelling park, or a portion of the park that includes the space
6 for a manufactured dwelling, is to be closed and the land or leasehold converted to a use other than
7 as a manufactured dwelling park, and the closure is not required by the exercise of eminent domain
8 or by order of federal, state or local agencies, the landlord may terminate a month-to-month or fixed
9 term rental agreement for a manufactured dwelling park space:

10 “[a] (A) By giving the tenant not less than 365 days’ notice in writing before the date desig-
11 nated in the notice for termination; and

12 “[b] (B) By paying a tenant, for each space for which a rental agreement is terminated, one
13 of the following amounts:

14 “[A] (i) [\$5,000] **\$6,000** if the manufactured dwelling is a single-wide dwelling;

15 “[B] (ii) [\$7,000] **\$8,000** if the manufactured dwelling is a double-wide dwelling; or

16 “[C] (iii) [\$9,000] **\$10,000** if the manufactured dwelling is a triple-wide or larger dwelling.

17 “(b) **The Office of Manufactured Dwelling Park Community Relations of the Housing and**
18 **Community Services Department shall establish by rule a process to annually recalculate the**
19 **amounts described in paragraph (a) of this subsection to reflect inflation.**

20 “(2) Notwithstanding subsection (1) of this section, if a landlord closes a manufactured dwelling
21 park under this section as a result of converting the park to a subdivision under ORS 92.830 to
22 92.845, the landlord:

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

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

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

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

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

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

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

34 “(c) Include the tax credit notice described in ORS 90.650.

35 “(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)] (1) 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, chapter 906, Oregon Laws
31 2007, and any government relocation benefits known by the landlord to be available to the tenants
32 and comply with any additional content requirements under ORS 90.650.

33 “**SECTION 2.** ORS 90.645, as amended by section 2a, chapter 906, Oregon Laws 2007, is
34 amended to read:

35 “90.645. (1)(a) If a manufactured dwelling park, or a portion of the park that includes the space
36 for a manufactured dwelling, is to be closed and the land or leasehold converted to a use other than
37 as a manufactured dwelling park, and the closure is not required by the exercise of eminent domain
38 or by order of federal, state or local agencies, the landlord may terminate a month-to-month or fixed
39 term rental agreement for a manufactured dwelling park space:

40 “[a] (A) By giving the tenant not less than 365 days’ notice in writing before the date desig-
41 nated in the notice for termination; and

42 “[b] (B) By paying a tenant, for each space for which a rental agreement is terminated, one
43 of the following amounts:

44 “[A] (i) [\$5,000] **\$6,000** if the manufactured dwelling is a single-wide dwelling;

45 “[B] (ii) [\$7,000] **\$8,000** if the manufactured dwelling is a double-wide dwelling; or

1 “[(C)] (iii) [\$9,000] **\$10,000** if the manufactured dwelling is a triple-wide or larger dwelling.

2 **“(b) The Office of Manufactured Dwelling Park Community Relations of the Housing and**

3 **Community Services Department shall establish by rule a process to annually recalculate the**

4 **amounts described in paragraph (a) of this subsection to reflect inflation.**

5 “(2) Notwithstanding subsection (1) of this section, if a landlord closes a manufactured dwelling

6 park under this section as a result of converting the park to a subdivision under ORS 92.830 to

7 92.845, the landlord:

8 “(a) May terminate a rental agreement by giving the tenant not less than 180 days’ notice in

9 writing before the date designated in the notice for termination.

10 “(b) Is not required to make a payment under subsection [(1)(b)] (1) of this section to a tenant

11 who:

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

13 move the dwelling; or

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

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

16 “(a) State that the landlord is closing the park, or a portion of the park, and converting the land

17 or leasehold to a different use;

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

19 “(c) Include the tax notice described in ORS 90.650.

20 “(4) Except as provided in subsections (2) and (5) of this section, the landlord must pay a tenant

21 the full amount required under subsection [(1)(b)] (1) of this section regardless of whether the tenant

22 relocates or abandons the manufactured dwelling. The landlord shall pay at least one-half of the

23 payment amount to the tenant within seven days after receiving from the tenant the notice described

24 in subsection (5)(a) of this section. The landlord shall pay the remaining amount no later than seven

25 days after the tenant ceases to occupy the space.

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

27 “(a) A landlord is not required to make a payment to a tenant as provided in subsection (1) of

28 this section unless the tenant gives the landlord not less than 30 days’ and not more than 60 days’

29 written notice of the date within the 365-day period on which the tenant will cease tenancy, whether

30 by relocation or abandonment of the manufactured dwelling.

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

32 “(A) The landlord may condition the payment required by subsection (1) of this section upon the

33 tenant waiving any right to receive payment under ORS 90.425 or 90.675.

34 “(B) The landlord may not charge the tenant to store, sell or dispose of the abandoned manu-

35 factured dwelling.

36 “(6)(a) A landlord may not charge a tenant any penalty, fee or unaccrued rent for moving out

37 of the manufactured dwelling park prior to the end of the 365-day notice period.

38 “(b) A landlord may charge a tenant for rent for any period during which the tenant occupies

39 the space and may deduct from the payment amount required by subsection (1) of this section any

40 unpaid moneys owed by the tenant to the landlord.

41 “(7) A landlord may not increase the rent for a manufactured dwelling park space after giving

42 a notice of termination under this section to the tenant of the space.

43 “(8) This section does not limit a landlord’s right to terminate a tenancy for nonpayment of rent

44 under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying

45 with ORS 105.105 to 105.168.

1 “(9) If a landlord is required to close a manufactured dwelling park by the exercise of eminent
2 domain or by order of a federal, state or local agency, the landlord shall notify the park tenants no
3 later than 15 days after the landlord receives notice of the exercise of eminent domain or of the
4 agency order. The notice to the tenants shall be in writing, designate the date of closure, state the
5 reason for the closure, describe any government relocation benefits known by the landlord to be
6 available to the tenants and comply with any additional content requirements under ORS 90.650.

7 “(10) The Office of Manufactured Dwelling Park Community Relations shall adopt rules estab-
8 lishing a sample form for the notice described in subsection (3) of this section.

9 “**SECTION 3.** ORS 90.643 is amended to read:

10 “90.643. (1) A manufactured dwelling park may be converted to a planned community subdivision
11 of manufactured dwellings pursuant to ORS 92.830 to 92.845. When a manufactured dwelling park is
12 converted pursuant to ORS 92.830 to 92.845:

13 “(a) Conversion does not require closure of the park pursuant to ORS 90.645 or termination of
14 any tenancy on any space in the park or any lot in the planned community subdivision of manufac-
15 tured dwellings.

16 “(b) After approval of the tentative plan under ORS 92.830 to 92.845, the manufactured dwelling
17 park ceases to exist, notwithstanding the possibility that four or more lots in the planned community
18 subdivision may be available for rent.

19 “(2) If a park is converted to a subdivision under ORS 92.830 to 92.845, and the landlord closes
20 the park as a result of the conversion, ORS 90.645 applies to the closure.

21 “(3) If a park is converted to a subdivision under ORS 92.830 to 92.845, but the landlord does
22 not close the park as a result of the conversion:

23 “(a) A tenant who does not buy the space occupied by the tenant’s manufactured dwelling may
24 terminate the tenancy and move. If the tenant terminates the tenancy after receiving the notice
25 required by ORS 92.839 and before the expiration of the 60-day period described in ORS 92.840 (2),
26 the landlord shall pay the tenant as provided in ORS 90.645 [(1)(b)] (1).

27 “(b) If the landlord and the tenant continue the tenancy on the lot created in the planned com-
28 munity subdivision, the tenancy is governed by ORS 90.100 to 90.465, except that the following pro-
29 visions apply and, in the case of a conflict, control:

30 “(A) ORS 90.510 (4) to (7) applies to a rental agreement and rules and regulations concerning
31 the use and occupancy of the subdivision lot until the declarant turns over administrative control
32 of the planned community subdivision of manufactured dwellings to a homeowners association pur-
33 suant to ORS 94.600 and 94.604 to 94.621. The landlord shall provide each tenant with a copy of the
34 bylaws, rules and regulations of the homeowners association at least 60 days before the turnover
35 meeting described in ORS 94.609.

36 “(B) ORS 90.530 applies regarding pets.

37 “(C) ORS 90.545 applies regarding the extension of a fixed term tenancy.

38 “(D) ORS 90.600 (1) to (4) applies to an increase in rent.

39 “(E) ORS 90.620 applies to a termination by a tenant.

40 “(F) ORS 90.630 applies to a termination by a landlord for cause. However, the sale of a lot in
41 the planned community subdivision occupied by a tenant to someone other than the tenant is a good
42 cause for termination under ORS 90.630 that the tenant cannot cure or correct and for which the
43 landlord must give written notice of termination that states the cause of termination at least 180
44 days before termination.

45 “(G) ORS 90.632 applies to a termination of tenancy by a landlord due to the physical condition

1 of the manufactured dwelling.

2 “(H) ORS 90.634 applies to a lien for manufactured dwelling unit rent.

3 “(I) ORS 90.680 applies to the sale of a manufactured dwelling occupying a lot in the planned
4 community subdivision. If the intention of the buyer of the manufactured dwelling is to leave the
5 dwelling on the lot, the landlord may reject the buyer as a tenant if the buyer does not buy the lot
6 also.

7 “(J) ORS 90.710 applies to a cause of action for a violation of ORS 90.510 (4) to (7), 90.630, 90.680
8 or 90.765.

9 “(K) ORS 90.725 applies to landlord access to a rented lot in a planned community subdivision.

10 “(L) ORS 90.730 (2), (3), (4) and (7) apply to the duty of a landlord to maintain a rented lot in
11 a habitable condition.

12 “(M) ORS 90.750 applies to the right of a tenant to assemble or canvass.

13 “(N) ORS 90.755 applies to the right of a tenant to speak on political issues and to post political
14 signs.

15 “(O) ORS 90.765 applies to retaliatory conduct by a landlord.

16 “(P) ORS 90.771 applies to the confidentiality of information provided to the Office of Manufac-
17 tured Dwelling Park Community Relations of the Housing and Community Services Department
18 about disputes.

19 **“SECTION 4. Section 5 of this 2017 Act is added to and made a part of ORS 90.842 to
20 90.850.**

21 **“SECTION 5. In addition to providing notice as required by ORS 90.842, upon sale of a
22 manufactured dwelling park under ORS 90.842 to 90.850 or upon any sale, transfer, exchange
23 or other conveyance of a manufactured dwelling park described in ORS 90.848, the owner
24 shall give notice of the conveyance to the Office of Manufactured Dwelling Park Community
25 Relations stating:**

26 **“(1) The number of vacant spaces and homes in the manufactured dwelling park;**

27 **“(2) If applicable, the final sale price of the manufactured dwelling park;**

28 **“(3) The date the conveyance became final; and**

29 **“(4) The name, address and telephone number of the new owner.**

30 **“SECTION 6.** ORS 62.809 is amended to read:

31 “62.809. (1) A person may become a member of a manufactured dwelling park nonprofit cooper-
32 ative if the person:

33 “(a) Is a natural person;

34 “(b) Owns a manufactured dwelling that is, or is to be, located in a manufactured dwelling park
35 of the cooperative and occupied by the person;

36 “(c) Pays the membership fee required by the cooperative; and

37 “(d) Meets any additional membership qualifications established in the articles of incorporation
38 or bylaws of the cooperative.

39 “(2) A manufactured dwelling park nonprofit cooperative shall accept as a member any person
40 who meets the qualifications described in subsection (1) of this section.

41 “(3) Membership in a manufactured dwelling park nonprofit cooperative entitles the member to
42 rent space for a manufactured dwelling in a manufactured dwelling park of the cooperative and to
43 occupy the manufactured dwelling.

44 “(4) The total number of memberships available for issuance by a manufactured dwelling park
45 nonprofit cooperative may not exceed the number of manufactured dwelling spaces in the manufac-

1 tured dwelling park of the cooperative. A cooperative shall create or issue one membership for each
2 manufactured dwelling that is, or is to be, located in a manufactured dwelling park of the cooper-
3 ative and occupied by the dwelling owner. A person may not own more than one membership in the
4 same cooperative. A membership may not be issued to a person unless the person meets the quali-
5 fications for membership described in subsection (1) of this section.

6 “(5) A cooperative shall issue memberships for a fee determined by the directors of the cooper-
7 ative. The directors may periodically adjust the fee amount as provided in the articles of incorpo-
8 ration or bylaws of the cooperative. Except for periodic adjustments, the membership fee charged
9 by the cooperative shall be the same for all members.

10 “(6) A member may sell or redeem membership in the cooperative only to the cooperative. A
11 member may not sell or redeem membership to the cooperative for more than the price the member
12 paid for the membership.

13 “(7) Except as provided in this section, the articles of incorporation or bylaws of the cooperative
14 shall establish the methods for accepting and terminating membership and for the sale or redemption
15 of a membership.

16 “(8)(a) A member may sell to another person the member’s manufactured dwelling located in the
17 manufactured dwelling park of a cooperative. The member selling the manufactured dwelling must
18 arrange to sell or redeem the membership to the cooperative as described in subsection (6) of this
19 section.

20 “(b) A person that buys a manufactured dwelling located in the park of a cooperative from any
21 person may apply to become a member of the cooperative.

22 “(c) **Except as provided in paragraph (d) of this subsection:**

23 “(A) If a member of the cooperative transfers title to a manufactured dwelling **located in the**
24 **park of the cooperative** to a person other than a lienholder, and [*no buyer*] **a new owner** of the
25 manufactured dwelling [*from the member or from another person becomes*] **does not become** a mem-
26 ber of the cooperative within six months after the member transfers title, the owner of the manu-
27 factured dwelling must remove the manufactured dwelling from the park of the cooperative.

28 “(B) If title to a manufactured dwelling located in the park of a cooperative is transferred to
29 a lienholder, and [*no*] **a buyer** of the manufactured dwelling from the lienholder or from a person
30 that acquired title from the lienholder [*becomes*] **does not become** a member of the cooperative
31 within 12 months after title is transferred to the lienholder, the owner of the manufactured dwelling
32 must remove the manufactured dwelling from the park of the cooperative.

33 “(d) **An owner of a manufactured dwelling is not required to remove the manufactured**
34 **dwelling as described in paragraph (c) of this subsection if the cooperative agrees with the**
35 **owner in writing to:**

36 “(A) **Waive or extend the deadline by which the buyer or subsequent buyer must remove**
37 **the manufactured dwelling; or**

38 “(B) **Store the manufactured dwelling on the space for a specified period of time.**

39 “[*c*] (e) Notwithstanding ORS 446.626, if a manufactured dwelling located in a manufactured
40 dwelling park of a cooperative was recorded in the county deed records before title to the manu-
41 factured dwelling was transferred from the record owner of the manufactured dwelling, the county
42 shall continue to list the manufactured dwelling in the deed records until the earlier of:

43 “(A) Twelve months after title is transferred from the record owner to a person other than a
44 lienholder shown on the deed record for the manufactured dwelling, unless the county is notified
45 that a subsequent buyer of the manufactured dwelling has become a member of the cooperative;

1 “(B) Twelve months after title is transferred to a lienholder shown on the deed record for the
2 manufactured dwelling, unless the county is notified that a subsequent buyer of the manufactured
3 dwelling has become a member of the cooperative; or

4 “(C) Issuance of a trip permit under ORS 446.631 for moving the dwelling.

5 “(9) If a newly created manufactured dwelling park originates as a manufactured dwelling park
6 nonprofit cooperative, a manufactured dwelling owner must become a member of the cooperative
7 before residing in the park.

8 “**SECTION 7.** ORS 62.813 is amended to read:

9 “62.813. (1) If a lienholder provides a manufactured dwelling park nonprofit cooperative with a
10 written request for notification regarding a manufactured dwelling on which the lienholder has a
11 lien, the cooperative shall provide the lienholder with written notice of a termination of occupancy
12 or membership if:

13 “(a) A member of the cooperative who is identified in the lienholder request for notification
14 terminates occupancy in the manufactured dwelling park of the cooperative and the cooperative
15 knows of the termination;

16 “(b) A member of the cooperative who is identified in the lienholder request for notification
17 terminates membership in the cooperative; or

18 “(c) The cooperative terminates, or gives notice of cause for terminating, the occupancy or
19 membership of a member of the cooperative who is identified in the lienholder request for notifica-
20 tion.

21 “(2) If a member or the cooperative terminates the member’s occupancy in the park or mem-
22 bership in the cooperative, and the member fails to move or sell the manufactured dwelling, a
23 lienholder that has foreclosed on the lien on the manufactured dwelling may:

24 “(a) Remove the manufactured dwelling from the park after satisfying any obligation to the co-
25 operative;

26 “(b) Subject to subsection (3) of this section, sell the manufactured dwelling; or

27 “(c) Require the cooperative to enter into a storage agreement that allows the lienholder to
28 store the manufactured dwelling on the space for up to 12 months if the lienholder pays the space
29 rent and reasonably maintains the manufactured dwelling and space.

30 “(3) The buyer of a manufactured dwelling sold by a lienholder under subsection (2)(b) of this
31 section takes possession of the manufactured dwelling subject to ORS 62.809 (8) and any obligation
32 to the cooperative. During the term of a storage agreement described in subsection (2)(c) of this
33 section, the lienholder may remove or sell the manufactured dwelling as provided in subsection (2)(a)
34 or (b) of this section.

35 “(4) **A lienholder and a cooperative that are subject to a storage agreement under sub-**
36 **section (2)(c) of this section may agree in writing to extend the term of the agreement be-**
37 **yond 12 months.**

38 “[4] (5) If the member of the cooperative terminated occupancy in the park without terminating
39 membership in the cooperative, an application for membership by the buyer or moving of the man-
40 ufactured dwelling shall act to transfer the membership of the terminating owner to the cooperative.

41 “**SECTION 8.** (1) **Section 5 of this 2017 Act and the amendments to ORS 90.643 and 90.645**
42 **by sections 1 to 3 of this 2017 Act apply to manufactured dwelling park closures for which**
43 **notice is given to tenants on or after the effective date of this 2017 Act.**

44 “(2) **The amendments to ORS 62.809 and 62.813 by sections 6 and 7 of this 2017 Act apply**
45 **to transfers of title and termination of cooperative memberships occurring on or after the**

1 effective date of this 2017 Act.

2 “SECTION 9. This 2017 Act being necessary for the immediate preservation of the public
3 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
4 on its passage.”

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