

# House Bill 2008

Sponsored by Representatives MARSH, FAHEY

## 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 **as introduced**.

Requires landlord of manufactured dwelling park to pay tenant necessary relocation costs or applicable manufactured dwelling park closure penalty, as determined by Office of Manufactured Dwelling Park Community Relations, upon closure of park to convert to other use.

Requires owner of manufactured dwelling park to give notice of final sale to office upon sale of park.

Prohibits landlord from terminating without cause, unless under certain circumstances with 90 days' written notice, month-to-month tenancy consisting of rental of manufactured dwelling of floating home owned by landlord on space in facility.

Requires fixed term tenancy consisting of rental of manufactured dwelling or floating home owned by landlord on space in facility to become month-to-month tenancy upon reaching specific end date, unless tenant elects to renew or terminate tenancy. Requires landlord to make tenant offer to renew fixed term tenancy.

Requires office to produce materials to inform tenants of rights and adopt rules to require landlords to post materials in manufactured dwelling park public spaces.

Directs office to establish and administer landlord-tenant dispute resolution program. Requires office to submit annual report on progress of program to interim committees of Legislative Assembly related to housing and human services for five years.

Authorizes office to impose penalties for violations of landlord-tenant law against landlords of manufactured dwelling parks.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to manufactured dwellings; creating new provisions; amending ORS 90.643, 90.645, 90.660,  
3 90.842, 90.844, 90.846 and 446.543; and declaring an emergency.

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

5 **SECTION 1.** ORS 90.645 is amended to read:

6 90.645. (1)(a) 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)] **(A)** By giving the tenant not less than 365 days' notice in writing before the date desig-  
12 nated in the notice for termination; and

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

15 **(i) The applicable manufactured dwelling park closure penalty, as determined by the Of-**  
16 **ice of Manufactured Dwelling Park Community Relations; or**

17 **(ii) The necessary relocation costs incurred by a tenant that elects to relocate the man-**  
18 **ufactured dwelling, not to exceed \$20,000.**

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

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

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

**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       **(b) This subsection does not prohibit or limit a local government from enacting and en-**  
 2 **forcing an ordinance or resolution that requires a landlord of a manufactured dwelling park**  
 3 **located within the jurisdiction of the local government to pay penalties or relocation costs**  
 4 **to tenants in addition to, and not in lieu of, the payments to tenants required under para-**  
 5 **graph (a) of this subsection.**

6       (2) Notwithstanding subsection (1)(a) of this section, if a landlord closes a manufactured dwell-  
 7 ing park under this section as a result of converting the park to a subdivision under ORS 92.830 to  
 8 92.845, the landlord:

9       (a) May terminate a rental agreement by giving the tenant not less than 180 days' notice in  
 10 writing before the date designated in the notice for termination.

11       (b) Is not required to make a payment under subsection [(1)(b)] **(1)(a)(B)** of this section to a  
 12 tenant who:

13       (A) Buys the space or lot on which the tenant's manufactured dwelling is located and does not  
 14 move the dwelling; or

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

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

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

19       (b) Designate the date of closure; and

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

21       *[(4) Except as provided in subsections (2) and (5) of this section, the landlord must pay a tenant*  
 22 *the full amount required under subsection (1)(b) of this section regardless of whether the tenant relo-*  
 23 *cates or abandons the manufactured dwelling. The landlord shall pay at least one-half of the payment*  
 24 *amount to the tenant within seven days after receiving from the tenant the notice described in sub-*  
 25 *section (5)(a) of this section. The landlord shall pay the remaining amount no later than seven days*  
 26 *after the tenant ceases to occupy the space.]*

27       **(4) Except as provided in subsections (2) and (5) of this section, the landlord shall pay:**

28       **(a) The full amount required under subsection (1)(a)(B)(i) of this section no later than**  
 29 **seven days after the tenant ceases to occupy the space; or**

30       **(b) The full amount required under subsection (1)(a)(B)(ii) of this section within seven**  
 31 **days after receiving from the tenant a copy of records of the completed relocation sufficient**  
 32 **to prove the amount of necessary relocation costs incurred by tenant.**

33       (5) Notwithstanding subsection (1)(a) of this section:

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

38       (b) If the manufactured dwelling is abandoned:

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

41       (B) The landlord may not charge the tenant to store, sell or dispose of the abandoned manufac-  
 42 tured dwelling.

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

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

1 space and may deduct from the payment amount required by subsection (1) of this section any un-  
 2 paid moneys owed by the tenant to the landlord.

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

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

8 (9) If a landlord is required to close a manufactured dwelling park by the exercise of eminent  
 9 domain or by order of a federal, state or local agency, the landlord shall notify the park tenants no  
 10 later than 15 days after the landlord receives notice of the exercise of eminent domain or of the  
 11 agency order. The notice to the tenants shall be in writing, designate the date of closure, state the  
 12 reason for the closure, describe the tax credit available under section 17, chapter 906, Oregon Laws  
 13 2007, and any government relocation benefits known by the landlord to be available to the tenants  
 14 and comply with any additional content requirements under ORS 90.650.

15 **(10) As used in this section:**

16 **(a) "Install" includes assembling the manufactured dwelling, securing the manufactured**  
 17 **dwelling to a foundation and connecting the manufactured dwelling to utility services.**

18 **(b) "Necessary relocation costs" includes the total costs associated with repairing the**  
 19 **manufactured dwelling as needed to move the manufactured dwelling to the tenant's new**  
 20 **space, hiring a service to move and install the manufactured dwelling at the tenant's new**  
 21 **space and any insurance or permits required to complete the move and installation.**

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

24 90.645. (1)(a) If a manufactured dwelling park, or a portion of the park that includes the space  
 25 for a manufactured dwelling, is to be closed and the land or leasehold converted to a use other than  
 26 as a manufactured dwelling park, and the closure is not required by the exercise of eminent domain  
 27 or by order of federal, state or local agencies, the landlord may terminate a month-to-month or fixed  
 28 term rental agreement for a manufactured dwelling park space:

29 [(a)] **(A)** By giving the tenant not less than 365 days' notice in writing before the date desig-  
 30 nated in the notice for termination; and

31 [(b)] **(B)** By paying a tenant, for each space for which a rental agreement is terminated, [*one of*  
 32 *the following amounts:*] **the greater of either:**

33 **(i) The applicable manufactured dwelling park closure penalty, as determined by the Of-**  
 34 **ice of Manufactured Dwelling Park Community Relations; or**

35 **(ii) The necessary relocation costs incurred by a tenant that elected to relocate the**  
 36 **manufactured dwelling, not to exceed \$20,000.**

37 [(A)] \$5,000 if the manufactured dwelling is a single-wide dwelling;]

38 [(B)] \$7,000 if the manufactured dwelling is a double-wide dwelling; or]

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

40 **(b) This subsection does not prohibit or limit a local government from enacting and en-**  
 41 **forcing an ordinance or resolution that requires a landlord of a manufactured dwelling park**  
 42 **located within the jurisdiction of the local government to pay penalties or relocation costs**  
 43 **to tenants in addition to, and not in lieu of, the payments to tenants required under para-**  
 44 **graph (a) of this subsection.**

45 (2) Notwithstanding subsection (1)(a) of this section, if a landlord closes a manufactured dwell-

1 ing park under this section as a result of converting the park to a subdivision under ORS 92.830 to  
 2 92.845, the landlord:

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

5 (b) Is not required to make a payment under subsection [(1)(b)] **(1)(a)(B)** of this section to a  
 6 tenant who:

7 (A) Buys the space or lot on which the tenant's manufactured dwelling is located and does not  
 8 move the dwelling; or

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

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

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

13 (b) Designate the date of closure; and

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

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

21 **(4) Except as provided in subsections (2) and (5) of this section, the landlord shall pay:**

22 **(a) The full amount required under subsection (1)(a)(B)(i) of this section no later than**  
 23 **seven days after the tenant ceases to occupy the space; or**

24 **(b) The full amount required under subsection (1)(a)(B)(ii) of this section within seven**  
 25 **days after receiving from the tenant a copy of records of the completed relocation sufficient**  
 26 **to prove the amount of necessary relocation costs incurred by tenant.**

27 (5) Notwithstanding subsection (1)(a) of this section:

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

32 (b) If the manufactured dwelling is abandoned:

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

35 (B) The landlord may not charge the tenant to store, sell or dispose of the abandoned manufac-  
 36 tured dwelling.

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

39 (b) A landlord may charge a tenant for rent for any period during which the tenant occupies the  
 40 space and may deduct from the payment amount required by subsection (1) of this section any un-  
 41 paid moneys owed by the tenant to the landlord.

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

44 (8) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent  
 45 under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying

1 with ORS 105.105 to 105.168.

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

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

10 (11) **As used in this section:**

11 (a) **“Install” includes assembling the manufactured dwelling, securing the manufactured**  
 12 **dwelling to a foundation and connecting the manufactured dwelling to utility services.**

13 (b) **“Necessary relocation costs” includes the total costs associated with repairing the**  
 14 **manufactured dwelling as needed to move the manufactured dwelling to the tenant’s new**  
 15 **space, hiring a service to move and install the manufactured dwelling at the tenant’s new**  
 16 **space and any insurance or permits required to complete the move and installation.**

17 **SECTION 3.** ORS 90.842 is amended to read:

18 90.842. (1) An owner of a manufactured dwelling park shall give written notice of the owner’s  
 19 interest in selling the park before the owner markets the park for sale or when the owner receives  
 20 an offer to purchase that the owner intends to consider, whichever occurs first.

21 (2) The owner shall give the notice required by subsection (1) of this section to:

22 (a) **The Office of Manufactured Dwelling Park Community Relations; and**

23 [(a)] (b)(A) All tenants of the park; or

24 [(b)] (B) A tenants committee, if there is an existing committee of tenants formed for purposes  
 25 including the purchase of the park and with which the owner has met in the 12-month period im-  
 26 mediately before delivery of the notice.

27 [(3) *The owner shall also give the notice required by subsection (1) of this section to the Office of*  
 28 *Manufactured Dwelling Park Community Relations of the Housing and Community Services Depart-*  
 29 *ment.*]

30 [(4)] (3) The notice **required by subsection (1) of this section** must include the following in-  
 31 **formation:**

32 (a) The owner is considering selling the park.

33 (b) The tenants, through a tenants committee, have an opportunity to compete to purchase the  
 34 park.

35 (c) In order to compete to purchase the park, within 10 days after delivery of the notice, the  
 36 tenants must form or identify a single tenants committee for the purpose of purchasing the park and  
 37 notify the owner in writing of:

38 (A) The tenants’ interest in competing to purchase the park; and

39 (B) The name and contact information of the representative of the tenants committee with whom  
 40 the owner may communicate about the purchase.

41 (d) The representative of the tenants committee may request financial information described in  
 42 ORS 90.844 (2) from the owner within the 10-day period.

43 (e) Information about purchasing a manufactured dwelling park is available from the Office of  
 44 Manufactured Dwelling Park Community Relations [*of the Housing and Community Services Depart-*  
 45 *ment*].

1 (4) In addition to providing notice as required by subsection (1) of this section, upon sale  
2 of a manufactured dwelling park, the owner shall give notice of final sale to the Office of  
3 Manufactured Dwelling Park Community Relations stating:

- 4 (a) The number of vacant spaces and homes in the manufactured dwelling park;
- 5 (b) The final sale price of the manufactured dwelling park;
- 6 (c) The date the sale becomes final; and
- 7 (d) The name, address and telephone number of the purchaser.

8 **SECTION 4.** Sections 5 to 8 of this 2017 Act are added to and made a part of ORS 90.505  
9 to 90.850.

10 **SECTION 5.** (1) If a month-to-month tenancy consists of a manufactured dwelling or  
11 floating home that is owned by the landlord and situated on a space in a facility, at any time  
12 during the tenancy:

13 (a) The tenant may terminate the tenancy by giving the landlord notice in writing not  
14 less than 30 days prior to the date designated in the notice for the termination of the  
15 tenancy.

16 (b) The landlord may terminate the tenancy only:

17 (A) For cause and with notice as described in ORS 86.782 (6)(c), 90.392, 90.394, 90.396,  
18 90.398, 90.405, 90.440 or 90.445; or

19 (B) Under an exception and with notice as described in subsection (3) of this section.

20 (2) If a fixed term tenancy consists of a manufactured dwelling or floating home that is  
21 owned by the landlord and situated on a space in a facility:

22 (a) Upon reaching the specified ending date for the fixed term, unless the tenant gives  
23 notice to renew or terminate the tenancy, the tenancy shall become a month-to-month  
24 tenancy without requiring further notice.

25 (b) Not less than 90 days prior to the specified ending date for the fixed term, the land-  
26 lord shall make the tenant an offer in writing to renew the tenancy for a fixed term that is  
27 at least equal in duration to the existing fixed term. The tenant may renew the tenancy by  
28 giving the landlord notice in writing not less than 30 days prior to the specified ending date  
29 for the fixed term.

30 (c) At any time during the fixed term, the tenant may terminate the tenancy without  
31 cause by giving the landlord notice in writing not less than 30 days prior to the specified  
32 ending date for the fixed term or, if the tenancy has become a month-to-month tenancy un-  
33 der paragraph (a) of this subsection, not less than 30 days prior to the date designated in the  
34 notice for the termination of the tenancy.

35 (3) The landlord may terminate a month-to-month tenancy under subsection (1)(b)(B) of  
36 this section at any time during the tenancy by giving the tenant notice in writing not less  
37 than 90 days prior to the date designated in the notice for the termination of the tenancy if:

38 (a) The property is scheduled to undergo repairs or renovations that will cause the  
39 manufactured dwelling or floating home to be uninhabitable, as described in ORS 90.320, such  
40 that the manufactured dwelling or floating home will be unsafe or unfit to occupy;

41 (b) The landlord intends in good faith to demolish or remove the manufactured dwelling  
42 or floating home within a reasonable time;

43 (c) The manufactured dwelling or floating home is not in a habitable condition, as de-  
44 scribed in ORS 90.320, such that the manufactured dwelling or floating home is unsafe or  
45 unfit to occupy, and the landlord intends in good faith to undertake repairs within a rea-

1 sonable time to correct the condition of the manufactured dwelling or floating home;

2 (d) The landlord has:

3 (A) Accepted an offer to purchase the manufactured dwelling or floating home separately  
4 from any other manufactured dwelling or floating home from a person who intends in good  
5 faith to occupy the manufactured dwelling or floating home as the person's primary resi-  
6 dence; and

7 (B) Provided the notice, and written evidence of the offer to purchase the manufactured  
8 dwelling or floating home, to the tenant not more than 120 days after accepting the offer to  
9 purchase; or

10 (e) The landlord:

11 (A) Intends in good faith for the landlord or a member of the landlord's immediate family  
12 to occupy the manufactured dwelling or floating home as a primary residence; and

13 (B) Does not own a comparable manufactured dwelling or floating home in the same fa-  
14 cility that is available for occupancy at the same time as the tenant receives notice to ter-  
15 minate the tenancy.

16 (4) A landlord that terminates a tenancy under an exception described in subsection (3)  
17 of this section shall state in the notice given to terminate the tenancy the exception under  
18 which the tenancy is terminated.

19 (5) The provisions of this section do not apply to a tenancy that consists of a recreational  
20 vehicle that is owned by the landlord and situated on a space in a facility.

21 **SECTION 6.** (1) The Office of Manufactured Dwelling Park Community Relations shall  
22 produce materials, including notices for posting in public spaces of manufactured dwelling  
23 parks, to:

24 (a) Inform tenants of manufactured dwelling parks of their rights under ORS 90.100 to  
25 90.465 and 90.505 to 90.850;

26 (b) Provide a toll free number and website where tenants can access additional informa-  
27 tion; and

28 (c) Provide instructions for a tenant to file a complaint with the office if the tenant be-  
29 lieves that a violation has occurred.

30 (2) The office shall:

31 (a) Distribute the materials produced pursuant to subsection (1) of this section to all  
32 manufactured dwelling parks in this state;

33 (b) Adopt requirements for landlords of manufactured dwelling parks to post the notices  
34 in visible, public locations throughout the manufactured dwelling park and distribute any  
35 other materials to tenants within a reasonable period of time, as determined by the office  
36 by rule; and

37 (c) Verify landlord compliance with the requirements adopted under paragraph (b) of this  
38 subsection through visual inspection by a representative of the office.

39 (3)(a) In addition to any other liability or penalty provided by law, the office may impose  
40 a civil penalty against a landlord for failure to comply with a notice requirement adopted by  
41 the office pursuant to subsection (2)(b) of this section, not to exceed \$10,000 per violation.

42 (b) The office shall determine by rule the amount of the civil penalty authorized by par-  
43 agraph (a) of this subsection.

44 (c) A civil penalty under this section must be imposed in the manner provided by ORS  
45 183.745.

1        **(d) The office shall use all penalties recovered under this section to fund the dispute re-**  
 2 **solution program established under section 7 of this 2017 Act.**

3        **SECTION 7. (1) In addition to and not in lieu of the dispute resolution procedures pro-**  
 4 **vided by ORS 105.138 and 446.515 to 446.547, the Office of Manufactured Dwelling Park Com-**  
 5 **munity Relations shall establish and administer a landlord-tenant dispute resolution program**  
 6 **to provide manufactured dwelling park tenants and landlords with an efficient process to**  
 7 **resolve disputes arising from alleged violations of ORS 90.100 to 90.465 and 90.505 to 90.850.**

8        **(2) The program shall include procedures to:**

9        **(a) Conduct investigations;**

10       **(b) Determine whether a violation has occurred;**

11       **(c) Impose penalties pursuant to section 8 of this 2017 Act in response to a determination**  
 12 **that a violation has occurred; and**

13       **(d) Perform any other activities necessary to administer the dispute resolution program.**

14       **(3) The office shall adopt rules to implement and administer the program.**

15       **SECTION 8. In addition to any other liability or penalty provided by law, the Office of**  
 16 **Manufactured Dwelling Park Community Relations may impose civil penalties against an**  
 17 **owner of a manufactured dwelling park for a violation of any provision of ORS 90.100 to**  
 18 **90.465 or 90.505 to 90.850, not to exceed \$10,000 per violation.**

19       **SECTION 9.** ORS 446.543 is amended to read:

20       446.543. (1) An Office of Manufactured Dwelling Park Community Relations is established in the  
 21 Housing and Community Services Department.

22       (2) The Director of the Housing and Community Services Department shall, through the use of  
 23 office personnel or by other means:

24       (a) Undertake, participate in or cooperate with persons and agencies in such conferences, in-  
 25 quiries, meetings or studies as might lead to improvements in manufactured dwelling park landlord  
 26 and tenant relationships;

27       (b) Develop and implement a centralized resource referral program for tenants and landlords to  
 28 encourage the voluntary resolution of disputes;

29       (c) Maintain a current list of manufactured dwelling parks in the state, indicating the total  
 30 number of spaces;

31       **(d) Maintain a database of complaints filed against manufactured dwelling parks in the**  
 32 **state, including:**

33       **(A) A list of complaints received against each manufactured dwelling park;**

34       **(B) The alleged violation for each complaint; and**

35       **(C) The dispute resolution or other outcome of each complaint;**

36       [(d)] (e) Not be directly affiliated[, *currently or previously,*] in any way with a manufactured  
 37 dwelling park within the preceding two years; and

38       [(e)] (f) Take other actions or perform such other duties as the director deems necessary or  
 39 appropriate, including but not limited to coordinating or conducting tenant resource fairs, providing  
 40 tenant counseling and service referrals related to park closures and providing outreach services to  
 41 educate tenants regarding tenant rights and responsibilities and the availability of services.

42       (3) The office shall adopt rules to administer ORS 90.645 and 90.655 **and sections 6, 7 and 8**  
 43 **of this 2017 Act.**

44       **SECTION 10.** ORS 90.643 is amended to read:

45       90.643. (1) A manufactured dwelling park may be converted to a planned community subdivision



1 of manufactured dwellings pursuant to ORS 92.830 to 92.845. When a manufactured dwelling park is  
 2 converted pursuant to ORS 92.830 to 92.845:

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

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

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

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

13 (a) A tenant who does not buy the space occupied by the tenant's manufactured dwelling may  
 14 terminate the tenancy and move. If the tenant terminates the tenancy after receiving the notice  
 15 required by ORS 92.839 and before the expiration of the 60-day period described in ORS 92.840 (2),  
 16 the landlord shall pay the tenant as provided in ORS 90.645 [(1)(b)] **(1)(a)(B)(i)**.

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

20 (A) ORS 90.510 (4) to (7) applies to a rental agreement and rules and regulations concerning the  
 21 use and occupancy of the subdivision lot until the declarant turns over administrative control of the  
 22 planned community subdivision of manufactured dwellings to a homeowners association pursuant to  
 23 ORS 94.600 and 94.604 to 94.621. The landlord shall provide each tenant with a copy of the bylaws,  
 24 rules and regulations of the homeowners association at least 60 days before the turnover meeting  
 25 described in ORS 94.609.

26 (B) ORS 90.530 applies regarding pets.

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

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

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

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

35 (G) ORS 90.632 applies to a termination of tenancy by a landlord due to the physical condition  
 36 of the manufactured dwelling.

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

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

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

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

45 (L) ORS 90.730 (2), (3), (4) and (7) apply to the duty of a landlord to maintain a rented lot in a

1 habitable condition.

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

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

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

6 (P) ORS 90.771 applies to the confidentiality of information provided to the Office of Manufac-  
7 tured Dwelling Park Community Relations of the Housing and Community Services Department  
8 about disputes.

9 **SECTION 11.** ORS 90.660 is amended to read:

10 90.660. **Except as provided in ORS 90.645 (1)(b)**, a local government may not enforce an ordi-  
11 nance, rule or other local law regulating manufactured dwelling park closures or partial closures  
12 adopted by the local government on or after July 1, 2007, or amended on or after January 1, 2010.  
13 An ordinance, rule or other local law regulating manufactured dwelling park closures or partial  
14 closures may not be applied to reduce the rights provided to a park tenant under ORS 90.645 or  
15 90.655.

16 **SECTION 12.** ORS 90.844 is amended to read:

17 90.844. (1) Within 10 days after delivery of the notice described in ORS 90.842 (1), if the tenants  
18 choose to compete to purchase the manufactured dwelling park in which the tenants reside, the  
19 tenants must notify the owner in writing of:

20 (a) The tenants' interest in competing to purchase the park;

21 (b) The formation or identification of a single tenants committee formed for the purpose of pur-  
22 chasing the park; and

23 (c) The name and contact information of the representative of the tenants committee with whom  
24 the owner may communicate about the purchase.

25 (2) During the 10-day period, in order to perform a due diligence evaluation of the opportunity  
26 to compete to purchase the park, the representative of the tenants committee may make a written  
27 request for the kind of financial information that a seller of a park would customarily provide to a  
28 prospective purchaser.

29 (3) Of the financial information described in subsection (2) of this section, the owner shall pro-  
30 vide the following information within seven days after delivery of the request by the tenants com-  
31 mittee for the information:

32 (a) The asking price, if any, for the park;

33 (b) The total income collected from the park and related profit centers, including storage and  
34 laundry, in the 12-month period immediately before delivery of the notice required by ORS 90.842  
35 (1);

36 (c) The cost of all utilities for the park that were paid by the owner in the 12-month period  
37 immediately before delivery of the notice required by ORS 90.842 (1);

38 (d) The annual cost of all insurance policies for the park that were paid by the owner, as shown  
39 by the most recent premium;

40 (e) The number of homes in the park owned by the owner; and

41 (f) The number of vacant spaces and homes in the park.

42 (4) The owner may:

43 (a) Designate all or part of the financial information provided pursuant to this section as confi-  
44 dential.

45 (b) If the owner designates financial information as confidential, establish, in cooperation with

1 the representative of the tenants committee, a list of persons with whom the tenants may share the  
 2 information, including any of the following persons that are either seeking to purchase the park on  
 3 behalf of the tenants committee or assisting the tenants committee in evaluating or purchasing the  
 4 park:

5 (A) A nonprofit organization or a housing authority.

6 (B) An attorney or other licensed professional or adviser.

7 (C) A financial institution.

8 (c) Require that persons authorized to receive the confidential information:

9 (A) Sign a confidentiality agreement before receiving the information;

10 (B) Refrain from copying any of the information; and

11 (C) Return the information to the owner when the negotiations to purchase the park are com-  
 12 pleted or terminated.

13 (5) Within 15 days after delivery of the financial information described in subsection (3) of this  
 14 section, or within 15 days after the end of the 10-day period described in subsection (1) of this sec-  
 15 tion when the representative of the tenants committee does not request financial information under  
 16 subsection (2) of this section, if the tenants choose to continue competing to purchase the park, the  
 17 tenants committee must:

18 (a) Form a corporate entity under ORS chapter 60, 62 or 65 that is legally capable of purchasing  
 19 real property or associate with a nonprofit corporation or housing authority that is legally capable  
 20 of purchasing real property or that is advising the tenants about purchasing the park in which the  
 21 tenants reside.

22 (b) Submit to the owner a written offer to purchase the park, in the form of a proposed purchase  
 23 and sale agreement, and either a copy of the articles of incorporation of the corporate entity or  
 24 other evidence of the legal capacity of the formed or associated corporate entity to purchase real  
 25 property.

26 (6)(a) The owner may accept the offer to purchase in the tenants committee's purchase and sale  
 27 agreement, reject the offer or submit a counteroffer.

28 (b) If the parties reach agreement on the purchase, the purchase and sale agreement must  
 29 specify the price, due diligence duties, schedules, timelines, conditions and any extensions.

30 (c) If the tenants do not act as required within the time periods described in this section and  
 31 ORS 90.842, if the tenants violate the confidentiality agreement described in this section or if the  
 32 parties do not reach agreement on a purchase, the owner is not obligated to take additional action  
 33 under ORS 90.842 to 90.850.

34 **SECTION 13.** ORS 90.846 is amended to read:

35 90.846. (1) During the process described in ORS 90.842 to 90.850, the parties shall act in a  
 36 commercially reasonable manner.

37 (2) Except as provided in ORS 90.848, before selling a manufactured dwelling park to an entity  
 38 that is not formed by or associated with the tenants, the owner of the park must give the notice  
 39 required by ORS 90.842 (1) and comply with the requirements of ORS 90.844.

40 (3) A minor error in providing the notice required by ORS 90.842 (1) or in providing the finan-  
 41 cial information required by ORS 90.844 does not prevent the owner from selling the park to an  
 42 entity that is not formed by or associated with the tenants and does not cause the owner to be liable  
 43 to the tenants for damages or a penalty.

44 (4) During the process described in ORS 90.842 to 90.850, the owner may seek, or negotiate with,  
 45 potential purchasers other than the tenants or an entity formed by or associated with the tenants.

1 (5) If the owner does not comply with requirements of this section and ORS 90.842 and 90.844,  
2 in a substantial way that prevents the tenants from competing to purchase the park, the tenants  
3 may:

4 (a) Obtain injunctive relief to prevent a sale or transfer to an entity that is not formed by or  
5 associated with the tenants when the owner has not caused an affidavit to be recorded before the  
6 sale or transfer pursuant to ORS 90.850.

7 (b) Recover actual damages or twice the rent from the owner for each tenant, whichever is  
8 greater.

9 (6) If a tenant misuses or discloses, in a substantial way, confidential information in violation  
10 of a confidentiality agreement described in ORS 90.844, the owner may recover actual damages from  
11 the tenant.

12 (7) The Office of Manufactured Dwelling Park Community Relations [*of the Housing and Com-*  
13 *munity Services Department*] shall prepare and make available information for tenants about pur-  
14 chasing a manufactured dwelling park.

15 **SECTION 14. The Office of Manufactured Dwelling Park Community Relations shall sub-**  
16 **mit a report, in the manner provided in ORS 192.245, on the progress of the dispute resol-**  
17 **ution program established under section 7 of this 2017 Act to the interim committees of the**  
18 **Legislative Assembly related to housing and human services annually for five consecutive**  
19 **years. The office shall submit the first annual report not later than September 15, 2018.**

20 **SECTION 15. The amendments to ORS 90.645 and 90.842 by sections 1, 2 and 3 of this 2017**  
21 **Act apply to manufactured dwelling park closures for which notice is given to tenants on or**  
22 **after the effective date of this 2017 Act.**

23 **SECTION 16. The Office of Manufactured Dwelling Park Community Relations may im-**  
24 **pose penalties under section 6, 7 or 8 of this 2017 Act only for violations occurring on or after**  
25 **the effective date of this 2017 Act.**

26 **SECTION 17. Section 5 of this 2017 Act applies to:**

27 (1) Rental agreements for fixed term tenancies entered into or renewed on or after the  
28 effective date of this 2017 Act; and

29 (2) Rental agreements for month-to-month tenancies in effect on or after the effective  
30 date of this 2017 Act.

31 **SECTION 18. This 2017 Act being necessary for the immediate preservation of the public**  
32 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
33 **on its passage.**

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