

Requested by Representative FAHEY

**PROPOSED AMENDMENTS TO
HOUSE BILL 2008**

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

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

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
7 that includes the space for a manufactured dwelling, is to be closed and the
8 land or leasehold converted to a use other than as a manufactured dwelling
9 park, and the closure is not required by the exercise of eminent domain or
10 by order of federal, state or local agencies, the landlord may terminate a
11 month-to-month or fixed term rental agreement for a manufactured dwelling
12 park space:

13 “[a] (A) By giving the tenant not less than 365 days’ notice in writing
14 before the date designated in the notice for termination; and

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

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

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

21 “[C] (iii) [~~\$9,000~~] **\$10,000** if the manufactured dwelling is a triple-wide

1 or larger dwelling.

2 **“(b) The Office of Manufactured Dwelling Park Community Re-**
3 **lations of the Housing and Community Services Department shall es-**
4 **tablish by rule a process to annually recalculate the amounts described**
5 **in paragraph (a) of this subsection to reflect inflation.**

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

9 “(a) May terminate a rental agreement by giving the tenant not less than
10 180 days’ notice in writing before the date designated in the notice for ter-
11 mination.

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

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

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

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

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

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

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

24 “(4) Except as provided in subsections (2) and (5) of this section, the
25 landlord must pay a tenant the full amount required under subsection
26 [(1)(b)] (1) of this section regardless of whether the tenant relocates or
27 abandons the manufactured dwelling. The landlord shall pay at least one-half
28 of the payment amount to the tenant within seven days after receiving from
29 the tenant the notice described in subsection (5)(a) of this section. The
30 landlord shall pay the remaining amount no later than seven days after the

1 tenant ceases to occupy the space.

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

3 “(a) A landlord is not required to make a payment to a tenant as provided
4 in subsection (1) of this section unless the tenant gives the landlord not less
5 than 30 days’ and not more than 60 days’ written notice of the date within
6 the 365-day period on which the tenant will cease tenancy, whether by relo-
7 cation or abandonment of the manufactured dwelling.

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

9 “(A) The landlord may condition the payment required by subsection (1)
10 of this section upon the tenant waiving any right to receive payment under
11 ORS 90.425 or 90.675.

12 “(B) The landlord may not charge the tenant to store, sell or dispose of
13 the abandoned manufactured dwelling.

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

17 “(b) A landlord may charge a tenant for rent for any period during which
18 the tenant occupies the space and may deduct from the payment amount re-
19 quired by subsection (1) of this section any unpaid moneys owed by the ten-
20 ant to the landlord.

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

24 “(8) This section does not limit a landlord’s right to terminate a tenancy
25 for nonpayment of rent under ORS 90.394 or for other cause under ORS
26 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to
27 105.168.

28 “(9) If a landlord is required to close a manufactured dwelling park by the
29 exercise of eminent domain or by order of a federal, state or local agency,
30 the landlord shall notify the park tenants no later than 15 days after the

1 landlord receives notice of the exercise of eminent domain or of the agency
2 order. The notice to the tenants shall be in writing, designate the date of
3 closure, state the reason for the closure, describe the tax credit available
4 under section 17, chapter 906, Oregon Laws 2007, and any government relo-
5 cation benefits known by the landlord to be available to the tenants and
6 comply with any additional content requirements under ORS 90.650.

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

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

16 “[a] (A) By giving the tenant not less than 365 days’ notice in writing
17 before the date designated in the notice for termination; and

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

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

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

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

26 **“(b) The Office of Manufactured Dwelling Park Community Re-**
27 **lations of the Housing and Community Services Department shall es-**
28 **tablish by rule a process to annually recalculate the amounts described**
29 **in paragraph (a) of this subsection to reflect inflation.**

30 “(2) Notwithstanding subsection (1) of this section, if a landlord closes a

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

3 “(a) May terminate a rental agreement by giving the tenant not less than
4 180 days’ notice in writing before the date designated in the notice for ter-
5 mination.

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

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

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

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

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

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

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

18 “(4) Except as provided in subsections (2) and (5) of this section, the
19 landlord must pay a tenant the full amount required under subsection
20 [(1)(b)] (1) of this section regardless of whether the tenant relocates or
21 abandons the manufactured dwelling. The landlord shall pay at least one-half
22 of the payment amount to the tenant within seven days after receiving from
23 the tenant the notice described in subsection (5)(a) of this section. The
24 landlord shall pay the remaining amount no later than seven days after the
25 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
28 in subsection (1) of this section unless the tenant gives the landlord not less
29 than 30 days’ and not more than 60 days’ written notice of the date within
30 the 365-day period on which the tenant will cease tenancy, whether by relo-

1 cation or abandonment of the manufactured dwelling.

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

3 “(A) The landlord may condition the payment required by subsection (1)
4 of this section upon the tenant waiving any right to receive payment under
5 ORS 90.425 or 90.675.

6 “(B) The landlord may not charge the tenant to store, sell or dispose of
7 the abandoned manufactured dwelling.

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

11 “(b) A landlord may charge a tenant for rent for any period during which
12 the tenant occupies the space and may deduct from the payment amount re-
13 quired by subsection (1) of this section any unpaid moneys owed by the ten-
14 ant to the landlord.

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

18 “(8) This section does not limit a landlord’s right to terminate a tenancy
19 for nonpayment of rent under ORS 90.394 or for other cause under ORS
20 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to
21 105.168.

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

30 “(10) The Office of Manufactured Dwelling Park Community Relations

1 shall adopt rules establishing a sample form for the notice described in sub-
2 section (3) of this section.

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

4 “90.643. (1) A manufactured dwelling park may be converted to a planned
5 community subdivision of manufactured dwellings pursuant to ORS 92.830 to
6 92.845. When a manufactured dwelling park is converted pursuant to ORS
7 92.830 to 92.845:

8 “(a) Conversion does not require closure of the park pursuant to ORS
9 90.645 or termination of any tenancy on any space in the park or any lot in
10 the planned community subdivision of manufactured dwellings.

11 “(b) After approval of the tentative plan under ORS 92.830 to 92.845, the
12 manufactured dwelling park ceases to exist, notwithstanding the possibility
13 that four or more lots in the planned community subdivision may be avail-
14 able for rent.

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

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

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

25 “(b) If the landlord and the tenant continue the tenancy on the lot created
26 in the planned community subdivision, the tenancy is governed by ORS
27 90.100 to 90.465, except that the following provisions apply and, in the case
28 of a conflict, control:

29 “(A) ORS 90.510 (4) to (7) applies to a rental agreement and rules and
30 regulations concerning the use and occupancy of the subdivision lot until the

1 declarant turns over administrative control of the planned community sub-
2 division of manufactured dwellings to a homeowners association pursuant to
3 ORS 94.600 and 94.604 to 94.621. The landlord shall provide each tenant with
4 a copy of the bylaws, rules and regulations of the homeowners association
5 at least 60 days before the turnover meeting described in ORS 94.609.

6 “(B) ORS 90.530 applies regarding pets.

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

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

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

10 “(F) ORS 90.630 applies to a termination by a landlord for cause. How-
11 ever, the sale of a lot in the planned community subdivision occupied by a
12 tenant to someone other than the tenant is a good cause for termination
13 under ORS 90.630 that the tenant cannot cure or correct and for which the
14 landlord must give written notice of termination that states the cause of
15 termination at least 180 days before termination.

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

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

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

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

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

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

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

30 “(N) ORS 90.755 applies to the right of a tenant to speak on political is-

1 sues and to post political signs.

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

3 “(P) ORS 90.771 applies to the confidentiality of information provided to
4 the Office of Manufactured Dwelling Park Community Relations of the
5 Housing and Community Services Department about disputes.

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

8 **“SECTION 5. In addition to providing notice as required by ORS
9 90.842, upon sale of a manufactured dwelling park under ORS 90.842 to
10 90.850 or upon any sale, transfer, exchange or other conveyance of a
11 manufactured dwelling park described in ORS 90.848, the owner shall
12 give notice of the conveyance to the Office of Manufactured Dwelling
13 Park Community Relations stating:**

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

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

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

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

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

21 “62.809. (1) A person may become a member of a manufactured dwelling
22 park nonprofit cooperative if the person:

23 “(a) Is a natural person;

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

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

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

29 “(2) A manufactured dwelling park nonprofit cooperative shall accept as
30 a member any person who meets the qualifications described in subsection

1 (1) of this section.

2 “(3) Membership in a manufactured dwelling park nonprofit cooperative
3 entitles the member to rent space for a manufactured dwelling in a manu-
4 factured dwelling park of the cooperative and to occupy the manufactured
5 dwelling.

6 “(4) The total number of memberships available for issuance by a manu-
7 factured dwelling park nonprofit cooperative may not exceed the number of
8 manufactured dwelling spaces in the manufactured dwelling park of the co-
9 operative. A cooperative shall create or issue one membership for each
10 manufactured dwelling that is, or is to be, located in a manufactured dwell-
11 ing park of the cooperative and occupied by the dwelling owner. A person
12 may not own more than one membership in the same cooperative. A mem-
13 bership may not be issued to a person unless the person meets the quali-
14 fications for membership described in subsection (1) of this section.

15 “(5) A cooperative shall issue memberships for a fee determined by the
16 directors of the cooperative. The directors may periodically adjust the fee
17 amount as provided in the articles of incorporation or bylaws of the coop-
18 erative. Except for periodic adjustments, the membership fee charged by the
19 cooperative shall be the same for all members.

20 “(6) A member may sell or redeem membership in the cooperative only to
21 the cooperative. A member may not sell or redeem membership to the coop-
22 erative for more than the price the member paid for the membership.

23 “(7) Except as provided in this section, the articles of incorporation or
24 bylaws of the cooperative shall establish the methods for accepting and ter-
25 minating membership and for the sale or redemption of a membership.

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

30 “(b) A person that buys a manufactured dwelling located in the park of

1 a cooperative from any person may apply to become a member of the coop-
2 erative.

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

4 **“(A) If a member of the cooperative transfers title to a manufactured**
5 **dwelling located in the park of the cooperative to a person other than a**
6 **lienholder, and [no buyer] a new owner of the manufactured dwelling [from**
7 **the member or from another person becomes] does not become** a member of
8 the cooperative within six months after the member transfers title, the owner
9 of the manufactured dwelling must remove the manufactured dwelling from
10 the park of the cooperative.

11 **“(B) If title to a manufactured dwelling located in the park of a cooper-**
12 **ative is transferred to a lienholder, and [no] a buyer of the manufactured**
13 **dwelling from the lienholder or from a person that acquired title from the**
14 **lienholder [becomes] does not become** a member of the cooperative within
15 12 months after title is transferred to the lienholder, the owner of the man-
16 ufactured dwelling must remove the manufactured dwelling from the park
17 of the cooperative.

18 **“(d) An owner of a manufactured dwelling is not required to remove**
19 **the manufactured dwelling as described in paragraph (c) of this sub-**
20 **section if the cooperative agrees with the owner in writing to:**

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

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

25 **“[(c)] (e) Notwithstanding ORS 446.626, if a manufactured dwelling lo-**
26 **cated in a manufactured dwelling park of a cooperative was recorded in the**
27 **county deed records before title to the manufactured dwelling was trans-**
28 **ferred from the record owner of the manufactured dwelling, the county shall**
29 **continue to list the manufactured dwelling in the deed records until the**
30 **earlier of:**

1 “(A) Twelve months after title is transferred from the record owner to a
2 person other than a lienholder shown on the deed record for the manufac-
3 tured dwelling, unless the county is notified that a subsequent buyer of the
4 manufactured dwelling has become a member of the cooperative;

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

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

10 “(9) If a newly created manufactured dwelling park originates as a man-
11 ufactured dwelling park nonprofit cooperative, a manufactured dwelling
12 owner must become a member of the cooperative before residing in the park.

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

14 “62.813. (1) If a lienholder provides a manufactured dwelling park
15 nonprofit cooperative with a written request for notification regarding a
16 manufactured dwelling on which the lienholder has a lien, the cooperative
17 shall provide the lienholder with written notice of a termination of occu-
18 pancy or membership if:

19 “(a) A member of the cooperative who is identified in the lienholder re-
20 quest for notification terminates occupancy in the manufactured dwelling
21 park of the cooperative and the cooperative knows of the termination;

22 “(b) A member of the cooperative who is identified in the lienholder re-
23 quest for notification terminates membership in the cooperative; or

24 “(c) The cooperative terminates, or gives notice of cause for terminating,
25 the occupancy or membership of a member of the cooperative who is identi-
26 fied in the lienholder request for notification.

27 “(2) If a member or the cooperative terminates the member’s occupancy
28 in the park or membership in the cooperative, and the member fails to move
29 or sell the manufactured dwelling, a lienholder that has foreclosed on the
30 lien on the manufactured dwelling may:

1 “(a) Remove the manufactured dwelling from the park after satisfying any
2 obligation to the cooperative;

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

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

9 “(3) The buyer of a manufactured dwelling sold by a lienholder under
10 subsection (2)(b) of this section takes possession of the manufactured dwell-
11 ing subject to ORS 62.809 (8) and any obligation to the cooperative. During
12 the term of a storage agreement described in subsection (2)(c) of this section,
13 the lienholder may remove or sell the manufactured dwelling as provided in
14 subsection (2)(a) or (b) of this section.

15 **“(4) A lienholder and a cooperative that are subject to a storage
16 agreement under subsection (2)(c) of this section may agree in writing
17 to extend the term of the agreement beyond 12 months.**

18 “[~~(4)~~] (5) If the member of the cooperative terminated occupancy in the
19 park without terminating membership in the cooperative, an application for
20 membership by the buyer or moving of the manufactured dwelling shall act
21 to transfer the membership of the terminating owner to the cooperative.

22 **“SECTION 8. (1) Section 5 of this 2017 Act and the amendments to
23 ORS 90.643 and 90.645 by sections 1 to 3 of this 2017 Act apply to man-
24 ufactured dwelling park closures for which notice is given to tenants
25 on or after the effective date of this 2017 Act.**

26 **“(2) The amendments to ORS 62.809 and 62.813 by sections 6 and 7
27 of this 2017 Act apply to transfers of title and termination of cooper-
28 ative memberships occurring on or after the effective date of this 2017
29 Act.**

30 **“SECTION 9. This 2017 Act being necessary for the immediate**

1 **preservation of the public peace, health and safety, an emergency is**
2 **declared to exist, and this 2017 Act takes effect on its passage.”.**

3
