

House Bill 2136

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Revenue)

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**.

Extends sunset for tax credit for closure of manufactured dwelling park. Provides that tax credit may be claimed by tenant based on termination of agreement by landlord or termination of agreement due to exercise of eminent domain.

Applies to tax years beginning on or after January 1, 2017.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to tax credits for closure of manufactured dwelling park; creating new provisions; amending
3 sections 7b, 17 and 18, chapter 906, Oregon Laws 2007; and prescribing an effective date.

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

5 **SECTION 1.** Section 18, chapter 906, Oregon Laws 2007, as amended by section 33, chapter 913,
6 Oregon Laws 2009, and section 33, chapter 750, Oregon Laws 2013, is amended to read:

7 **Sec. 18.** Section 17, chapter 906, Oregon Laws 2007, applies to individuals whose household ends
8 tenancy at a manufactured dwelling park during a tax year that begins on or after January 1, 2007,
9 and before January 1, [2020] **2026**.

10 **SECTION 2.** Section 7b, chapter 906, Oregon Laws 2007, as amended by section 3, chapter 83,
11 Oregon Laws 2011, and section 35, chapter 750, Oregon Laws 2013, is amended to read:

12 **Sec. 7b.** The amendments to ORS 90.650 by section 7a, chapter 906, Oregon Laws 2007, become
13 operative January 1, [2020] **2026**.

14 **SECTION 3.** Section 17, chapter 906, Oregon Laws 2007, as amended by section 17, chapter 348,
15 Oregon Laws 2015, is amended to read:

16 **Sec. 17.** (1) As used in this section:

17 (a) "Household" means the taxpayer, the spouse of the taxpayer and all other persons residing
18 in the manufactured dwelling during any part of the calendar year for which a credit is claimed.

19 (b) "Manufactured dwelling" has the meaning given that term in ORS 446.003.

20 (c) "Manufactured dwelling park" means a place within this state where four or more manufac-
21 tured dwellings are located, the primary purpose of which is to rent space or keep space for rent
22 to any person for a charge or fee.

23 (d) "Rental agreement" means a contract under which an individual rents space in a manufac-
24 tured dwelling park for siting a manufactured dwelling.

25 (2) A credit of \$5,000 against the taxes otherwise due under this chapter is allowed to an indi-
26 vidual who:

27 (a) Rents space in a manufactured dwelling park for a manufactured dwelling that is owned and
28 occupied by the individual as the individual's principal residence on the date that the landlord de-
29 livers notice that the park, or a portion of the park, is being closed and the rental agreement for

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 the space is being terminated **by the landlord or** because of the exercise of eminent domain, by
2 order of a federal, state or local agency [*or by the landlord*]; and

3 (b) Ends tenancy at the manufactured dwelling park site in response to the delivered notice
4 described in paragraph (a) of this subsection.

5 (3) For purposes of subsection (2) of this section:

6 (a) Tenancy by the individual at the manufactured dwelling park site ends on the last day that
7 a member of the individual's household occupies the manufactured dwelling at the manufactured
8 dwelling park site; and

9 (b) Tenancy by the individual at the manufactured dwelling park site does not end if the manu-
10 factured dwelling park is converted to a subdivision under ORS 92.830 to 92.845 and the individual
11 buys a space or lot in the subdivision or sells the manufactured dwelling to a person who buys a
12 space or lot in the subdivision.

13 (4) Notwithstanding subsection (2) of this section, if the manufactured dwelling park, or a por-
14 tion of the park, is being closed and the rental agreement of the individual is being terminated be-
15 cause of the exercise of eminent domain, the credit amount allowed to the individual is the amount
16 described in subsection (2) of this section, reduced by any amount that was paid to the individual
17 as compensation for the exercise of eminent domain.

18 (5) An individual may not claim more than one credit under this section for tenancies ended
19 during the tax year.

20 (6) If, for the year in which the individual ends the tenancy at the manufactured dwelling park,
21 the amount of the credit allowed by this section, when added to the sum of the amounts allowable
22 as payment of tax under ORS 316.187 and 316.583 plus other tax prepayment amounts and other
23 refundable credit amounts, exceeds the taxes imposed by this chapter or ORS chapter 314 for the
24 tax year, reduced by any nonrefundable credits allowable for purposes of this chapter for the tax
25 year, the amount of the excess shall be refunded to the individual as provided in ORS 316.502.

26 (7) If more than one individual in a household qualifies under this section to claim the tax
27 credit, the qualifying individuals may each claim a share of the available credit that is in proportion
28 to their respective gross incomes for the tax year.

29 **SECTION 4. The amendments to section 17, chapter 906, Oregon Laws 2007, by section 3**
30 **of this 2019 Act apply to tax years beginning on or after January 1, 2017.**

31 **SECTION 5. This 2019 Act takes effect on the 91st day after the date on which the 2019**
32 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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