

# House Bill 2343

Sponsored by Representative POWER; Representatives NOSSE, WILDE, WITT (Presession filed.)

## 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**.

Allows political canvassing by manufactured dwelling or floating home facility tenants.

## A BILL FOR AN ACT

Relating to political rights of tenants in a facility; amending ORS 90.643, 90.750 and 90.755.

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

**SECTION 1.** ORS 90.750 is amended to read:

90.750. (1) [No] **A** provision contained in any bylaw, rental agreement, **statement of policy or rule or regulation** [*or rule*] pertaining to a facility [*shall*] **may not be enforced if it would:**

[(1)] (a) Infringe upon the right of persons who rent spaces in a facility to peaceably assemble in an open public meeting for any lawful purpose, at reasonable times and in a reasonable manner, in the common areas or recreational areas of the facility. Reasonable times shall include daily the hours between 8 a.m. and 10 p.m.

[(2)] (b) Infringe upon the right of persons who rent spaces in a facility to communicate or assemble among themselves, at reasonable times and in a reasonable manner, for the purpose of discussing any matter, including [*but not limited to*] **any matter on behalf of a political office holder or candidate for political office, any matter of public interest or** any matter relating to the facility or manufactured dwelling or floating home living. The discussions may be held in the common areas or recreational areas of the facility, including halls or centers, or any resident's dwelling unit or floating home. The landlord of a facility, however, may enforce reasonable rules and regulations including but not limited to place, scheduling, occupancy densities and utilities.

[(3)] (c) Prohibit any person who rents a space for a manufactured dwelling or floating home from canvassing other persons in the same facility for purposes described in this section. As used in this [*subsection*] **paragraph**, "canvassing" includes door-to-door contact, an oral or written request, the distribution, the circulation, the posting or the publication of a notice or newsletter or a general announcement or any other matter relevant to the membership of a tenants' association.

[(4)] (2) This section [*is not intended to*] **does not** require a landlord to permit any person to solicit money, except that a tenants' association member, whether or not a tenant of the facility, may personally collect delinquent dues owed by an existing member of a tenants' association.

[(5)] (3) This section [*is not intended to*] **does not** require a landlord to permit any person to disregard a tenant's request not to be canvassed.

**SECTION 2.** ORS 90.755 is amended to read:

90.755. (1) [No] **A** provision in any bylaw, rental agreement, **statement of policy or rule or regulation** [*or rule*] **may not be enforced if it would** infringe upon the right of a person who rents a space for a manufactured dwelling or floating home to invite public officers, candidates for public

**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 office or officers or representatives of a tenant organization to appear and speak upon matters of  
 2 public interest in the common areas or recreational areas of the facility at reasonable times and in  
 3 a reasonable manner in an open public meeting. The landlord of a facility, however, may enforce  
 4 reasonable rules and regulations relating to the time, place and scheduling of the speakers that will  
 5 protect the interests of the majority of the homeowners.

6 (2) The landlord shall allow the tenant to place political signs on or in a manufactured dwelling  
 7 or floating home owned by the tenant or the space rented by the tenant. The size of the signs and  
 8 the length of time for which the signs may be displayed are subject to the reasonable **statement**  
 9 **of policy or rules or regulations** of the landlord.

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

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

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

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

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

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

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

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

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

37 (B) ORS 90.530 applies regarding pets.

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

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

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

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

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

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

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

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

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

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

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

14 (N) ORS **90.750 and** 90.755 [*applies*] **apply** to the right of a tenant to speak on political issues  
15 and to post political signs.

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

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

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