

House Bill 2597

Sponsored by Representative FAHEY (Pre-session 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**.

Requires Office of Manufactured Dwelling Park Community Relations to establish landlord-tenant dispute resolution program for tenants of facilities subject to certain rent increases to initiate dispute-resolution process. Requires landlord to notify tenant of program in rent increase notices.

A BILL FOR AN ACT

1
2 Relating to dispute resolution of proposed rent increases; creating new provisions; and amending
3 ORS 90.600.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 90.505 to 90.850.**

6 **SECTION 2. (1) In addition to and not in lieu of the dispute resolution procedures pro-**
7 **vided by ORS 446.515 to 446.547 and the provisions for informal dispute resolution in the**
8 **rental agreement under ORS 90.610, the Office of Manufactured Dwelling Park Community**
9 **Relations shall establish and administer a landlord-tenant dispute resolution program to**
10 **provide manufactured dwelling park landlords and tenants with an efficient process to re-**
11 **solve disputes arising from notices of rent increase given under ORS 90.600. The office shall**
12 **adopt rules to establish and administer the program.**

13 **(2) The landlord-tenant dispute resolution program established under this section is**
14 **available to a tenant or group of tenants of a manufactured dwelling park if:**

15 **(a) The landlord of the manufactured dwelling park gives the tenants notice of a rent**
16 **increase under ORS 90.600; and**

17 **(b) The proposed rent increase is more than two percentage points above the percentage**
18 **change in the Consumer Price Index for All Urban Consumers, West Region (All Items), as**
19 **published by the Bureau of Labor Statistics of the United States Department of Labor, since**
20 **the last rent increase.**

21 **(3) Within 15 days of receiving notice of a rent increase described in subsection (2) of this**
22 **section, a tenant or group of tenants of a manufactured dwelling park may initiate the dis-**
23 **pute resolution process under this section by giving the landlord and the office notice in**
24 **writing of the intent to dispute the proposed rent increase. The notice must include:**

25 **(a) The name, address and signature of each tenant disputing the rent increase;**

26 **(b) The name of the tenant or person designated to represent the tenant or group of**
27 **tenants disputing the rent increase; and**

28 **(c) A statement that the tenant or group of tenants dispute the rent increase and request**
29 **dispute resolution from the office.**

30 **(4) Within 15 days of receiving a notice under subsection (3) of this section, the office**

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 shall provide mediation services to the tenant or group of tenants and the landlord.

2 (5) The office may consolidate any requests for dispute resolution from tenants of the
 3 same manufactured dwelling park that are pending during the same period of time. The office
 4 may extend the deadline described in subsection (4) of this section to accommodate a con-
 5 solidation of requests, provided the office provides mediation services to the tenant or group
 6 of tenants and the landlord no later than 30 days prior to the effective date of the first pro-
 7 posed rent increase.

8 (6) Not less than five days before the initial mediation session, the landlord shall submit
 9 to the office all information and documentation that the landlord considers relevant to sup-
 10 port the proposed rent increase. The mediator may request additional information or doc-
 11 umentation for the purposes of the dispute resolution process.

12 (7) A landlord that receives a notice under subsection (3) of this section shall participate
 13 in good faith in the dispute resolution services provided by the office under this section.

14 (8) Unless the parties agree otherwise, the mediator shall conclude the mediation process
 15 and issue a report to the parties stating the outcome of the dispute resolution process not
 16 less than 10 days before the effective date of the first proposed rent increase.

17 (9) If the parties resolve the dispute:

18 (a) The resolution must include an agreement regarding the amount and effective date
 19 of the rent.

20 (b) The office may not require the landlord to provide additional notice of the rent in-
 21 crease.

22 (10) If the parties do not resolve the dispute, the proposed rent increase takes effect on
 23 the effective date specified in the notice given under in subsection (2) of this section.

24 **SECTION 3.** ORS 90.600 is amended to read:

25 90.600. (1) If a rental agreement is a month-to-month tenancy to which ORS 90.505 to 90.850
 26 apply, the landlord may not increase the rent unless the landlord gives notice in writing to each
 27 affected tenant at least 90 days prior to the effective date of the rent increase [*specifying*] **stating:**

28 (a) The amount of the increase[.];

29 (b) The amount of the new rent;

30 (c) [*and*] The date on which the increase becomes effective[.];

31 (d) **That the proposed rent increase may qualify the tenant to participate in the**
 32 **landlord-tenant dispute resolution program established under section 2 of this 2019 Act; and**

33 (e) **The address and telephone number of the Office of Manufactured Dwelling Park**
 34 **Community Relations.**

35 (2) This section does not create a right to increase rent that does not otherwise exist.

36 (3) This section does not require a landlord to compromise, justify or reduce a rent increase that
 37 the landlord otherwise is entitled to impose.

38 (4) Neither ORS 90.510 (1), requiring a landlord to provide a statement of policy, nor ORS 90.510
 39 (4), requiring a landlord to provide a written rental agreement, create a basis for tenant challenge
 40 of a rent increase, judicially or otherwise.

41 (5)(a) The tenants who reside in a facility may elect one committee of seven or fewer members
 42 in a facility-wide election to represent the tenants. One tenant of record for each rented space may
 43 vote in the election. Upon written request from the tenants' committee, the landlord or a represen-
 44 tative of the landlord shall meet with the committee within 10 to 30 days of the request to discuss
 45 the tenants' nonrent concerns regarding the facility. Unless the parties agree otherwise, upon a

1 request from the tenants' committee, a landlord or representative of the landlord shall meet with the
2 tenants' committee at least once, but not more than twice, each calendar year. The meeting [*shall*]
3 **must** be held on the premises if the facility has suitable meeting space for that purpose, or at a
4 location reasonably convenient to the tenants. After the meeting, the tenants' committee shall send
5 a written summary of the issues and concerns addressed at the meeting to the landlord. The landlord
6 or the landlord's representative shall make a good faith response in writing to the committee's
7 summary within 60 days.

8 (b) The tenants' committee is entitled to informal dispute resolution in accordance with ORS
9 446.547 if the landlord or landlord's representative fails to meet with the tenants' committee or fails
10 to respond in good faith to the written summary as required by paragraph (a) of this subsection.

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