

HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED SENATE BILL 410

By COMMITTEE ON BUSINESS AND LABOR

May 23

1 On page 1 of the printed A-engrossed bill, line 2, delete “and”.

2 In line 6, after “801.409” insert “and section 18, chapter ___, Oregon Laws 2019 (Enrolled House
3 Bill 2423); and repealing section 15, chapter ___, Oregon Laws 2019 (Enrolled House Bill 2423)”.

4 On page 4, after line 42, insert:

5 **“SECTION 1a. If House Bill 2423 becomes law, section 1 of this 2019 Act (amending ORS
6 446.003) is repealed and ORS 446.003, as amended by section 8, chapter ___, Oregon Laws 2019
7 (Enrolled House Bill 2423), is amended to read:**

8 “446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS
9 chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires oth-
10 erwise, or unless administration and enforcement by the State of Oregon under the existing or re-
11 vised National Manufactured Housing Construction and Safety Standards Act would be adversely
12 affected, and except as provided in ORS 446.265 **or section 26 of this 2019 Act:**

13 “(1) ‘Accessory building or structure’ means any portable, demountable or permanent structure
14 established for use of the occupant of the manufactured [*structure*] **dwelling** and as further defined
15 by rule by the Director of the Department of Consumer and Business Services.

16 “(2)(a) ‘Alteration’ means any change, addition, repair, conversion, replacement, modification or
17 removal of any equipment or installation that may affect the operation, construction or occupancy
18 of a manufactured [*structure*] **dwelling**.

19 “(b) ‘Alteration’ does not include:

20 “(A) Minor repairs with approved component parts;

21 “(B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

22 “(C) Adjustment and maintenance of equipment; or

23 “(D) Replacement of equipment or accessories in kind.

24 “(3) ‘Approved’ means approved, licensed or certified by the Department of Consumer and
25 Business Services or its designee.

26 “(4) ‘Board’ means the Residential and Manufactured Structures Board.

27 “(5) ‘Cabana’ means a stationary, lightweight structure that may be prefabricated, or demount-
28 able, with two or more walls, used adjacent to and in conjunction with a manufactured [*structure*]
29 **dwelling** to provide additional living space.

30 “(6) ‘Certification’ means an evaluation process by which the department verifies a
31 manufacturer’s ability to produce manufactured [*structures*] **dwelling**s to the department rules and
32 to the department approved quality control manual.

33 “[*(7) ‘Conversion’ or ‘to convert’ means the process of changing a manufactured structure in whole
34 or in part from one type of vehicle or structure to another.*]

35 “[*(8) (7) ‘Dealer’ means any person engaged in the business of selling, leasing or distributing*”

1 manufactured [*structures*] **dwelling**s or equipment, or both, primarily to persons who in good faith
2 purchase or lease manufactured [*structures*] **dwelling**s or equipment, or both, for purposes other than
3 resale.

4 “[9] (8) ‘Department’ means the Department of Consumer and Business Services.

5 “[10] (9) ‘Director’ means the Director of the Department of Consumer and Business Services.

6 “[11] (10) ‘Distributor’ means any person engaged in selling and distributing manufactured
7 [*structures*] **dwelling**s or equipment for resale.

8 “[12] (11) ‘Equipment’ means materials, appliances, subassembly, devices, fixtures, fittings and
9 apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured
10 [*structure*] **dwelling**.

11 “[13] (12) ‘Federal manufactured housing construction and safety standard’ means a standard
12 for construction, design and performance of a manufactured dwelling promulgated by the Secretary
13 of Housing and Urban Development pursuant to the federal National Manufactured Housing Con-
14 struction and Safety Standards Act of 1974 (Public Law 93-383).

15 “[14] (13) ‘Fire Marshal’ means the State Fire Marshal.

16 “[15] (14) ‘Imminent safety hazard’ means an imminent and unreasonable risk of death or se-
17 vere personal injury.

18 “[16] *‘Insignia of compliance’ means:*]

19 “[*(a) For a manufactured dwelling built to HUD standards for such dwellings, the HUD label;*
20 *or]*

21 “[*(b) For all other manufactured structures, the insignia issued by this state indicating compliance*
22 *with state law.]*

23 **“(15) ‘Insignia of compliance’ means the HUD label for a manufactured dwelling.**

24 “[17] (16) ‘Inspecting authority’ or ‘inspector’ means the Director of the Department of Con-
25 sumer and Business Services or representatives as appointed or authorized to administer and enforce
26 provisions of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this
27 section.

28 “[18] (17) ‘Installation’ in relation to:

29 “(a) Construction means the arrangements and methods of construction, fire and life safety,
30 electrical, plumbing and mechanical equipment and systems within a manufactured [*structure*]
31 **dwelling**.

32 “(b) Siting means the manufactured [*structure*] **dwelling** and cabana foundation support and
33 tiedown, the structural, fire and life safety, electrical, plumbing and mechanical equipment and ma-
34 terial connections and the installation of skirting and temporary steps.

35 “[19] (18) ‘Installer’ means any individual licensed by the director to install, set up, connect,
36 hook up, block, tie down, secure, support, install temporary steps for, install skirting for or make
37 electrical, plumbing or mechanical connections to manufactured dwellings or cabanas or who pro-
38 vides consultation or supervision for any of these activities, except architects registered under ORS
39 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

40 “[20] (19) ‘Listed’ means equipment or materials included in a list, published by an organization
41 concerned with product evaluation acceptable to the department that maintains periodic inspection
42 of production of listed equipment or materials, and whose listing states either that the equipment
43 or materials meets appropriate standards or has been tested and found suitable in a specified man-
44 ner.

45 “[21] (20) ‘Lot’ means any space, area or tract of land, or portion of a manufactured dwelling

1 park, mobile home park or recreation park that is designated or used for occupancy by one manu-
2 factured [structure] **dwelling**.

3 “[22)(a)] **(21)(a)** ‘Manufactured dwelling’ means a residential trailer, mobile home or manufac-
4 tured home.

5 “(b) ‘Manufactured dwelling’ does not include any building or structure constructed to conform
6 to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code adopted
7 pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or the Small Home Specialty Code
8 adopted under section 2, [of this 2019 Act] **chapter __, Oregon Laws 2019 (Enrolled House Bill**
9 **2423)** [or any unit identified as a recreational vehicle by the manufacturer].

10 “[23)] **(22)** ‘Manufactured dwelling park’ means any place where four or more manufactured
11 dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same
12 ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease
13 to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to
14 offer space free in connection with securing the trade or patronage of such person. ‘Manufactured
15 dwelling park’ does not include a lot or lots located within a subdivision being rented or leased for
16 occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by
17 the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010
18 to 92.192.

19 “[24)(a)] **(23)(a)** ‘Manufactured home,’ except as provided in paragraph (b) of this subsection,
20 means a structure constructed for movement on the public highways that has sleeping, cooking and
21 plumbing facilities, that is intended for human occupancy, that is being used for residential purposes
22 and that was constructed in accordance with federal manufactured housing construction and safety
23 standards and regulations in effect at the time of construction.

24 “(b) For purposes of implementing any contract pertaining to manufactured homes between the
25 department and the federal government, ‘manufactured home’ has the meaning given the term in the
26 contract.

27 “[25)(a) ‘Manufactured structure’ means a recreational vehicle, manufactured dwelling or recre-
28 ational structure.]

29 “[25)(b) ‘Manufactured structure’ does not include any building or structure regulated under the State
30 of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code or the Small Home
31 Specialty Code.]

32 “[26)] **(24)** ‘Manufacturer’ means any person engaged in manufacturing, building, rebuilding, al-
33 tering, converting or assembling manufactured [structures] **dwellings** or equipment.

34 “[27)] **(25)** ‘Manufacturing’ means the building, rebuilding, altering or converting of manufac-
35 tured [structures] **dwellings** that bear or are required to bear an Oregon insignia of compliance.

36 “[28)] **(26)** ‘Minimum safety standards’ means the plumbing, mechanical, electrical, thermal, fire
37 and life safety, structural and transportation standards prescribed by rules adopted by the director.

38 “[29)] **(27)** ‘Mobile home’ means a structure constructed for movement on the public highways
39 that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is
40 being used for residential purposes and that was constructed between January 1, 1962, and June 15,
41 1976, and met the construction requirements of Oregon mobile home law in effect at the time of
42 construction.

43 “[30)] **(28)** ‘Mobile home park’:

44 “**(a)** Means any place where four or more manufactured [structures] **dwellings** are located within
45 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary

1 purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or
2 to be paid for the rental or use of facilities or to offer space free in connection with securing the
3 trade or patronage of such person.

4 “(b) [*Mobile home park*] Does not include a lot or lots located within a subdivision being rented
5 or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was
6 approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS
7 92.010 to 92.192.

8 “[*(31)*] (29) ‘Municipality’ means a city, county or other unit of local government otherwise au-
9 thorized by law to enact codes.

10 “[*(32)*] ‘Recreational structure’ means a campground structure with or without plumbing, heating
11 or cooking facilities intended to be used by any particular occupant on a limited-time basis for recre-
12 ational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric
13 structures or similar structures as further defined, by rule, by the director.]

14 “[*(33)*] ‘Recreational vehicle’ means a vehicle with or without motive power, that is designed for
15 human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as
16 further defined, by rule, by the director.]

17 “[*(34)*] (30) ‘Residential trailer’ means a structure constructed for movement on the public
18 highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy,
19 that is being used for residential purposes and that was constructed before January 1, 1962.

20 “[*(35)*] (31) ‘Sale’ means rent, lease, sale or exchange.

21 “[*(36)*] (32) ‘Skirting’ means a weather resistant material used to enclose the space below [*the*]
22 a manufactured [*structure*] **dwelling**.

23 “[*(37)*] (33) ‘Tiedown’ means any device designed to anchor a manufactured [*structure*] **dwelling**
24 securely to the ground.

25 “[*(38)*] (34) ‘Transitional housing accommodations’ means accommodations described under ORS
26 446.265.

27 “[*(39)*] (35) ‘Utilities’ means the water, sewer, gas or electric services provided on a lot for a
28 manufactured [*structure*] **dwelling**.

29 “**SECTION 1b. If House Bill 2423 becomes law, section 15, chapter __, Oregon Laws 2019**
30 **(Enrolled House Bill 2423) (amending ORS 446.003), is repealed and ORS 446.003, as amended**
31 **by section 8, chapter __, Oregon Laws 2019 (Enrolled House Bill 2423), and section 1a of this**
32 **2019 Act, is amended to read:**

33 “446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS
34 chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires oth-
35 erwise, or unless administration and enforcement by the State of Oregon under the existing or re-
36 vised National Manufactured Housing Construction and Safety Standards Act would be adversely
37 affected, and except as provided in ORS 446.265 or section 26 of this 2019 Act:

38 “(1) ‘Accessory building or structure’ means any portable, demountable or permanent structure
39 established for use of the occupant of the manufactured dwelling and as further defined by rule by
40 the Director of the Department of Consumer and Business Services.

41 “(2)(a) ‘Alteration’ means any change, addition, repair, conversion, replacement, modification or
42 removal of any equipment or installation that may affect the operation, construction or occupancy
43 of a manufactured dwelling.

44 “(b) ‘Alteration’ does not include:

45 “(A) Minor repairs with approved component parts;

1 “(B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;
2 “(C) Adjustment and maintenance of equipment; or
3 “(D) Replacement of equipment or accessories in kind.
4 “(3) ‘Approved’ means approved, licensed or certified by the Department of Consumer and
5 Business Services or its designee.
6 “(4) ‘Board’ means the Residential and Manufactured Structures Board.
7 “(5) ‘Cabana’ means a stationary, lightweight structure that may be prefabricated, or demount-
8 able, with two or more walls, used adjacent to and in conjunction with a manufactured dwelling to
9 provide additional living space.
10 “(6) ‘Certification’ means an evaluation process by which the department verifies a
11 manufacturer’s ability to produce manufactured dwellings to the department rules and to the de-
12 partment approved quality control manual.
13 “(7) ‘Dealer’ means any person engaged in the business of selling, leasing or distributing manu-
14 factured dwellings or equipment, or both, primarily to persons who in good faith purchase or lease
15 manufactured dwellings or equipment, or both, for purposes other than resale.
16 “(8) ‘Department’ means the Department of Consumer and Business Services.
17 “(9) ‘Director’ means the Director of the Department of Consumer and Business Services.
18 “(10) ‘Distributor’ means any person engaged in selling and distributing manufactured dwellings
19 or equipment for resale.
20 “(11) ‘Equipment’ means materials, appliances, subassembly, devices, fixtures, fittings and
21 apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured
22 dwelling.
23 “(12) ‘Federal manufactured housing construction and safety standard’ means a standard for
24 construction, design and performance of a manufactured dwelling promulgated by the Secretary of
25 Housing and Urban Development pursuant to the federal National Manufactured Housing Con-
26 struction and Safety Standards Act of 1974 (Public Law 93-383).
27 “(13) ‘Fire Marshal’ means the State Fire Marshal.
28 “(14) ‘Imminent safety hazard’ means an imminent and unreasonable risk of death or severe
29 personal injury.
30 “(15) ‘Insignia of compliance’ means the HUD label for a manufactured dwelling.
31 “(16) ‘Inspecting authority’ or ‘inspector’ means the Director of the Department of Consumer and
32 Business Services or representatives as appointed or authorized to administer and enforce provisions
33 of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.
34 “(17) ‘Installation’ in relation to:
35 “(a) Construction means the arrangements and methods of construction, fire and life safety,
36 electrical, plumbing and mechanical equipment and systems within a manufactured dwelling.
37 “(b) Siting means the manufactured dwelling and cabana foundation support and tiedown, the
38 structural, fire and life safety, electrical, plumbing and mechanical equipment and material con-
39 nections and the installation of skirting and temporary steps.
40 “(18) ‘Installer’ means any individual licensed by the director to install, set up, connect, hook
41 up, block, tie down, secure, support, install temporary steps for, install skirting for or make elec-
42 trical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides
43 consultation or supervision for any of these activities, except architects registered under ORS
44 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.
45 “(19) ‘Listed’ means equipment or materials included in a list, published by an organization

1 concerned with product evaluation acceptable to the department that maintains periodic inspection
2 of production of listed equipment or materials, and whose listing states either that the equipment
3 or materials meets appropriate standards or has been tested and found suitable in a specified man-
4 ner.

5 “(20) ‘Lot’ means any space, area or tract of land, or portion of a manufactured dwelling park,
6 mobile home park or recreation park that is designated or used for occupancy by one manufactured
7 dwelling.

8 “(21)(a) ‘Manufactured dwelling’ means a residential trailer, mobile home or manufactured home.

9 “(b) ‘Manufactured dwelling’ does not include any building or structure constructed to conform
10 to the State of Oregon Structural Specialty Code[,] or the Low-Rise Residential Dwelling Code
11 adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 [or the *Small Home Specialty Code*
12 *adopted under section 2, chapter ___, Oregon Laws 2019 (Enrolled House Bill 2423)*].

13 “(22) ‘Manufactured dwelling park’ means any place where four or more manufactured dwellings
14 are located within 500 feet of one another on a lot, tract or parcel of land under the same owner-
15 ship, the primary purpose of which is to rent or lease space or keep space for rent or lease to any
16 person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer
17 space free in connection with securing the trade or patronage of such person. ‘Manufactured
18 dwelling park’ does not include a lot or lots located within a subdivision being rented or leased for
19 occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by
20 the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010
21 to 92.192.

22 “(23)(a) ‘Manufactured home,’ except as provided in paragraph (b) of this subsection, means a
23 structure constructed for movement on the public highways that has sleeping, cooking and plumbing
24 facilities, that is intended for human occupancy, that is being used for residential purposes and that
25 was constructed in accordance with federal manufactured housing construction and safety standards
26 and regulations in effect at the time of construction.

27 “(b) For purposes of implementing any contract pertaining to manufactured homes between the
28 department and the federal government, ‘manufactured home’ has the meaning given the term in the
29 contract.

30 “(24) ‘Manufacturer’ means any person engaged in manufacturing, building, rebuilding, altering,
31 converting or assembling manufactured dwellings or equipment.

32 “(25) ‘Manufacturing’ means the building, rebuilding, altering or converting of manufactured
33 dwellings that bear or are required to bear an Oregon insignia of compliance.

34 “(26) ‘Minimum safety standards’ means the plumbing, mechanical, electrical, thermal, fire and
35 life safety, structural and transportation standards prescribed by rules adopted by the director.

36 “(27) ‘Mobile home’ means a structure constructed for movement on the public highways that
37 has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being
38 used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976,
39 and met the construction requirements of Oregon mobile home law in effect at the time of con-
40 struction.

41 “(28) ‘Mobile home park’:

42 “(a) Means any place where four or more manufactured dwellings are located within 500 feet
43 of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of
44 which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid
45 for the rental or use of facilities or to offer space free in connection with securing the trade or

1 patronage of such person.

2 “(b) Does not include a lot or lots located within a subdivision being rented or leased for oc-
3 cupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the
4 municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

5 “(29) ‘Municipality’ means a city, county or other unit of local government otherwise authorized
6 by law to enact codes.

7 “(30) ‘Residential trailer’ means a structure constructed for movement on the public highways
8 that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is
9 being used for residential purposes and that was constructed before January 1, 1962.

10 “(31) ‘Sale’ means rent, lease, sale or exchange.

11 “(32) ‘Skirting’ means a weather resistant material used to enclose the space below a manufac-
12 tured dwelling.

13 “(33) ‘Tiedown’ means any device designed to anchor a manufactured dwelling securely to the
14 ground.

15 “(34) ‘Transitional housing accommodations’ means accommodations described under ORS
16 446.265.

17 “(35) ‘Utilities’ means the water, sewer, gas or electric services provided on a lot for a manu-
18 factured dwelling.

19 “**SECTION 1c.** If House Bill 2423 becomes law, section 18, chapter ___, Oregon Laws 2019
20 (Enrolled House Bill 2423), is amended to read:

21 “**Sec. 18.** Section 9, **chapter ___, Oregon Laws 2019 (Enrolled House Bill 2423)** [*of this 2019*
22 *Act*], the amendments to ORS 197.307, 446.003, 455.010, 455.135, 455.156 and 455.610 by sections 10
23 to [*15 of this 2019 Act*] **14, chapter ___, Oregon Laws 2019 (Enrolled House Bill 2423), and sec-**
24 **tion 1b of this 2019 Act** and the repeal of section 2, **chapter ___, Oregon Laws 2019 (Enrolled**
25 **House Bill 2423)**, [*of this 2019 Act*] by section 17, **chapter ___, Oregon Laws 2019 (Enrolled House**
26 **Bill 2423)**, [*of this 2019 Act*] become operative on January 2, 2026.”.