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STATUTORY MINOR CORRECTION

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CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILING CAPTION: Updating statutory references for manufactured dwelling parks or marinas program (0110).

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AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

AMEND: 813-065-0110

RULE TITLE: Facility Closure Notice When Closure Not Required by Eminent Domain or Government Order

RULE SUMMARY: Updating statutory references to current

RULE TEXT:

(1) When a manufactured dwelling facility, or a portion of the facility that includes the space for a manufactured dwelling, is to be closed under ORS 90.645(1) or (2), the facility owner(s) or landlord's agent(s) of the facility shall provide at least the following information to the tenants of the facility or the affected portion of the facility, as applicable:

(a) The information required by ORS 90.645(3);

(b) The facility owner(s) or landlord's agent(s)' address for contact and communications;

(c) The actions and activities the facility owner(s) or landlord's agent(s) plans to take in the facility closure that may affect the facility tenants;

(d) The tenant's rights under ORS 90.645 for a 365-day closure notice including:

(A) A statement of the amount that the facility owner(s) or landlord's agent(s) is required to pay the tenant for each space for which a rental agreement is terminated; this amount is based on the Consumer Price Index, which is recalculated annually to reflect inflation;

(B) A notice that the facility owner(s) or landlord's agent(s) is not required to make the payment under ORS 90.645(1) unless the tenant gives the facility owner(s) or landlord's agent(s) not less than 30 days' and not more than 60 days' written notice of the date within the 365-day period on which the tenant will cease tenancy;

(C) A statement that if the manufactured dwelling is abandoned, the facility owner(s) or landlord's agent(s) may condition the payment upon waiver by the tenant under ORS 90.645(5) and may not charge the tenant to store, sell or dispose of the abandoned manufactured dwelling; and

(D) A statement of the rights of the facility owner(s) or landlord's agent(s) and the tenant under ORS 90.645(6), (7) and (8);

(e) The tenant's rights under ORS 90.645 for a 180-day closure notice, if applicable, including:

(A) A statement of the amount that the facility owner(s) or landlord's agent(s) is required to pay the tenant for each space for which a rental agreement is terminated and a statement that if the circumstances eliminating the payment

obligation under ORS 90.645(2) apply, the facility owner(s) or landlord's agent(s) is not required to make the payment; and

(B) A notice that the facility owner(s) or landlord's agent(s) is not required to make the payment under ORS 90.645(1) unless the tenant gives the facility owner(s) or landlord's agent(s) not less than 30 days and not more than 60 days written notice of the date within the 365 day period on which the tenant will cease tenancy;

(C) A statement that if the manufactured dwelling is abandoned, the facility owner(s) or landlord's agent(s) may condition the payment upon waiver by the tenant under ORS 90.645(5) and may not charge the tenant to store, sell or dispose of the abandoned manufactured dwelling; and

(D) A statement of the rights of the landlord and the tenant under ORS 90.645(6), (7) and (8); and

(f) A copy of ORS 90.645 and the definitions in ORS 90.100 for ”facility owner(s) or landlord's agent(s),” ”manufactured dwelling,” ‘manufactured dwelling park,” ”month-to-month tenancy,” ”rental agreement,” and ”tenant”

(2) A facility owner(s) or landlord's agent(s) shall deliver the notice to which this rule applies either personally or by first class mail, as ”first class mail” is defined in ORS 90.100, to each affected tenant. A facility owner(s) or landlord's agent(s) shall deliver the notice so that the tenant receives the notice not later than the 365th day or the 180th day, as applicable, before the date designated in the notice for termination. The notice shall be delivered to the tenant at the address specified in the lease or rental agreement between the tenant and the facility owner(s) or landlord's agent(s). In any sublet unit, the notice shall be delivered to the tenant at the tenant’s current address and to the subtenant in possession. If the tenant's address is unknown and not reasonably discoverable, the notice for the tenant shall be delivered to the subtenant with written instructions to forward it to the tenant. Failure of the subtenant to deliver the notice to the tenant does not limit the facility owner(s)' or landlord's agent(s)' right to terminate the rental agreement because of facility closure.

(3) For the notice of the closure of a facility or part of a facility that the facility owner(s) or landlord's agent(s) of the facility must give tenants under ORS 90.645(3), the Manufactured and Marina Community Resource Center (MMCRC) establishes the sample form designated for the notice on the department’s website under the Community Service connection. The sample form is also available upon request from the department.

STATUTORY/OTHER AUTHORITY: ORS 90.645 - 90.671

STATUTES/OTHER IMPLEMENTED: ORS 90.645 - 90.671