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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 (0120).

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

Correcting statutory or rule references

AMEND: 813-065-0120

RULE TITLE: Facility Closure Notice When Closure is Required by Eminent Domain or Government Order

RULE SUMMARY: Updating statutory references to current.

RULE TEXT:

(1) When a facility or a portion of the facility that includes the space for a manufactured dwelling is to be closed under ORS 90.645(9), 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(9);

(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) A copy of ORS 90.645 and of this OAR chapter 813, division 008, 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”; and

(2) When the federal, state or local law or order that requires closure or partial closure of a facility under ORS 90.645(9) is known by the facility owner(s) or landlord's agent(s) to provide greater rights or protections for a tenant than are provided by ORS 90.645(9), including government relocation benefits, the facility owner(s) or landlord's agent(s) shall do the following:

(a) Modify the notice required to be furnished to tenants by section (1) of this rule so that the notice explains the greater rights or protections and retains material that is otherwise required and applicable, or give the notice required under the federal, state or local law and include all material in the notice required by section (1) of this rule that remains applicable; and

(b) Include with the notice a copy of the applicable law or order.

(3) 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. Facility owner(s) or landlord's agent(s) shall deliver the notice so as to ensure that the tenant is given the full 15 days’ notice. 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.

(4) For the notice of 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(9), 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 Division 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