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CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILING CAPTION: Registration fee reflects ORS 90.732; updates recalculation of payments to tenants when park closes.

EFFECTIVE DATE: 12/21/2018

AGENCY APPROVED DATE: 12/21/2018

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RULES:
813-007-0020, 813-007-0025, 813-065-0110

AMEND: 813-007-0020

RULE TITLE: Annual Registration Procedures

NOTICE FILED DATE: 10/30/2018

RULE SUMMARY: Removed specific dollar amount associated with registration fee. Registration fee is outlined in 813-007-0025.

RULE TEXT:
(1) Every landlord of a manufactured dwelling park shall register annually in writing with the Housing and Community Services Department.
(2) The department will develop appropriate forms and instructions for this registration and will make this information available to manufactured dwelling park landlords through the department's website or as the department otherwise deems appropriate.
(3) Registration required by the department will include but not necessarily be limited to the following information:
(a) The name and business mailing address of the manufactured dwelling park landlord and of any person authorized to manage the premises of the park.
(b) The name of the park.
(c) The physical address of the park, and, if different from the physical address, the mailing address.
(d) The telephone number of the park.
(e) The total number of spaces in the park.
(4) The manufactured dwelling park landlord shall file an annual registration satisfactory to the department and along with that registration pay a registration charge to the department for each park owned or managed by the manufactured dwelling park landlord per the process identified in 813-007-0025.
(5) The landlord of a new manufactured dwelling park shall register with the department and pay the registration charge identified in subsection (4) of this section no later than 60 days after the opening of the park.

(6) Each manufactured dwelling park landlord shall submit complete and accurate manufactured dwelling park registration(s) and accompanying registration charge(s) for their park(s) to the department by January 1st of each year.
(7) Manufactured dwelling park landlords shall submit registrations in written form, unless the department provides additional means of registration through the department's website.
(8) If a manufactured dwelling park landlord submits the registration in written form, the registration shall be sent to:

Oregon Housing and Community Services
North Mall Office Building
Cashier — MCRC Registration
725 Summer Street NE, Suite B
Salem, Oregon 97301
or other such address as the department may designate on its website.

(9) If the department provides a means of registration through the department's website, and if a manufactured dwelling park landlord chooses to register through this means, the manufactured dwelling park landlord must complete all of the required forms and submit all of the required information as stated on the website, and must submit such information to the department through the channels described on the website to complete the required annual registration.

STATUTORY/OTHER AUTHORITY: 2005 OL Ch. 619, Sec. 2, 3, 4, 2009 OL Ch. 816

STATUTES/OTHER IMPLEMENTED: 2009 OL Ch. 816

AMEND: 813-007-0025

RULE TITLE: Annual Registration Charges

NOTICE FILED DATE: 10/30/2018

RULE SUMMARY: Updated manufactured dwelling park registration fee to match ORS Chapter 90 Residential Landlord and Tenant Law section 732, Landlord registration, registration fee.

RULE TEXT:

(1) The department will charge the manufactured dwelling park landlord a registration charge of $50 for each manufactured dwelling park with more than 20 spaces and $25 for each manufactured dwelling park with 20 or fewer spaces owned or managed by the manufactured dwelling park landlord. This charge is due to the department on January 1st of each year along with the manufactured dwelling park registration.

(2) The manufactured dwelling park landlord shall pay the registration charge through one of the allowed methods specified on the registration form.

(3) Manufactured dwelling park landlords must specify the park or parks to be registered with each payment submitted.

(4) The department may assess additional charges to recover costs or waive charges as it deems appropriate for the submission of changes and corrections to manufactured dwelling park registrations.

STATUTORY/OTHER AUTHORITY: 2009 OL Ch. 816, Sec. 2, 3. 4, 2005 OL Ch. 619

STATUTES/OTHER IMPLEMENTED: 2009 OL Ch. 816

AMEND: 813-065-0110

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

NOTICE FILED DATE: 10/30/2018

RULE SUMMARY: Update rule to reflect change to ORS 90.645(3). The Consumer Price Index (CPI) will be used to calculate the amount that a landlord is required to pay the tenant for each space for which a rental agreement is terminated in the event of a park closure.

RULE TEXT:

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

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

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

(c) The actions and activities the landlord 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 landlord 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 landlord is not required to make the payment under ORS 90.645(1) unless the tenant gives the landlord 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 landlord 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);

(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 landlord 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 landlord is not required to make the payment; and

(B) A notice that the landlord is not required to make the payment under ORS 90.645(1) unless the tenant gives the landlord 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 landlord 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 "landlord," "manufactured dwelling," 'manufactured dwelling park," "month-to-month tenancy," "rental agreement," and "tenant"

(2) A landlord 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 landlord 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 landlord. 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 landlord's right to terminate the rental agreement because of facility closure.

(3) For the notice of the closure of a manufactured dwelling park or part of a park that the landlord of the park must give tenants under ORS 90.645(3), the Office of Manufactured Dwelling Park Community Relations 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 90.650, 446.543

STATUTES/OTHER IMPLEMENTED: ORS 90.645, 90.650, 446.543