

HOUSE COMMITTEE ON RULES, REDISTRICTING, AND PUBLIC AFFAIRS

February 16, 2001
1:30 PM

Hearing Room D
Tapes 21 - 23

MEMBERS PRESENT: Rep. Carl Wilson, Chair
Rep. Richard Devlin, Vice-Chair
Rep. Dan Doyle, Vice-Chair
Rep. Dan Gardner
Rep. Bill Garrard
Rep. Steve March
Rep. Cherryl Walker

MEMBERS EXCUSED: Rep. Bruce Starr
Rep. Joanne Verger

STAFF PRESENT: Cara Filsinger, Committee Administrator
Jennifer Goodman, Committee Assistant

MEASURE/ISSUES HEARD: HB 2703 – PUBLIC HEARING
HB 2631 – PUBLIC HEARING

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 21, A		
004	Chair Wilson	Calls the meeting to order at 1: 33 p.m. Opens a public hearing on HB 2631.
<u>PUBLIC HEARING HB 2631</u>		
009	Cara Filsinger	Committee Administrator. Reviews HB 2631.
013	Representative Jeff Merkley	District 16. Expresses concern regarding Section 1 subsection 4 line 22. Suggests that the tenant is dependent on the good will of the manager/owner and that by signing a petition, may jeopardize this relationship.
089	Chair Wilson	Closes the public hearing on HB 2631 and opens a public hearing on 2703.
<u>PUBLIC HEARING HB 2703</u>		
092	Filsinger	Reviews HB 2703.
102	Don Miner	Submits and testifies in support of HB 2703 from (EXHIBIT A) . Explains that this bill gives the Oregon Department of Transportation through the DMV the power to revoke a dealer's certificate to do business if the dealer knowingly deceives a lender. Describes the background of this bill. Points out that this proposal only applies in the context of the sale of a manufactured home.
238	Greg Harmon	Oregon Manufactured Housing Association. Speaks in support of HB 2703. Reviews his resume and discusses Commonwealth Real Estate Services. Believes that this bill will authorize lenders to enforce the conduct of manufactured housing sellers.
351	Rep. Doyle	Asks how other states are dealing with this problem.
354	Harmon	Responds that he does not have that information.
358	Rep. Doyle	Asks how long it will take to see results from this program.

368	Harmon	Believes an immediate positive impact would take place. Adds that the passage of this bill would reinforce the positive aspects of the association to the public. Continues to state that interest rates will also fall.
393	Rep. Doyle	Asks if any recommendations arose out of the work group.
398	Miner	Responds that this issue was not addressed.
408	Chair Wilson	Expresses interest in the fiscal impact. Asks if Mr. Miner is comfortable investing more power to the Department of Transportation.
423	Miner	Replies that he has always found them to be responsible.
TAPE 22, A		
006	Rep. Garrard	Asks if it is easy for a dealer with a revoked certificate to obtain another.
012	Miner	Responds that he does not believe this person could obtain another.
017	Chair Wilson	States that there is a representative from DMV/Oregon Department of Transportation(ODOT).
019	Rep. March	Asks if there should be an emergency clause.
024	Miner	Replies that DMV would know. Adds that this is a good idea.
032	Kelly Taylor	ODOT. Expresses some concern because this is not their normal function. Describes the department's process under this bill. Explains that she has some questions regarding fiscal impact.
071	Chair Wilson	Asks her to explain the revocation process and what happens when it is contested
072	Taylor	Explains the process. Sends out a notice of suspension, informs them of their right to due process, then it goes to a hearing.
083	Chair Wilson	Asks if the license is suspended from the time of citation or if due process is required.
085	Taylor	Replies that due process is required.
087	Chair Wilson	Verifies that the department is already familiar with the revocation process.
089	Taylor	Replies that she is familiar with this process. Adds that she is unfamiliar with the investigating and reporting that will be necessary under HB 2703.
089	Allen Conley	Manufactured Housing Communities of Oregon (MHCO). Testifies in support of this bill. Wishes to clean up the business and cut down on the amount of repossessed homes. Adds that he fully supports an emergency clause.
120	Chuck Carpenter	MHCO. Reiterates Mr. Conely's remarks.
132	Pat Schwock	Manufactured Home Owners of Oregon. Testifies in support of HB 2703. Describes an incident regarding an unscrupulous lender.
160	Chair Wilson	Asks for further fiscal information from ODOT and DMV.
178	Rep. March	Asks is self funding would be possible.
180	Chair Wilson	Agrees that it is a possibility.
183	Rep. Devlin	Suggests that there should be an emergency clause.
189	Rep. Garrard	Recommends that the process of the DMV's tasks should be clearly defined.
196	Chair Wilson	Closes the public hearing on 2703 and opens a public hearing on 2631.

PUBLIC HEARING HB 2631

222	John MacDuimad	MHCO. Describes his park and the rules involved. Reviews his experiences with rule changes done by discussion with the
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		tenants.
343	Carpenter	Submits and testifies from (EXHIBIT B) by Phillip Querin, legal counsel for MHCO.
TAPE 21, B		
000	Carpenter	Continues reading from (EXHIBIT B) .
023	Rep. Garrard	Asks for the definition of a confidential written communication
025	Carpenter	Replies that it would be a secret ballot. Describes his feelings regarding open voting and intimidation.
047	Rep. Garrard	Asks if these papers are like any other covenant that a homeowner would sign.
049	Carpenter	Responds that they are similar. Adds that the renter will be given the rules of the community. Explains however that things do change. Adds that if rules are not adopted then they can be put in the new resident packets.
078	Rep. Garrard	Asks if both parties have to live with the contract first signed.
083	Carpenter	Replies that circumstances do change.
091	Chair Wilson	Asks for examples of changes that have occurred.
097	MacDuimad	Replies the 18-year age limit and landscaping issues. Explains that he will no longer attempt a rule change but that he assigns new rules in the new tenant packets.
124	Chair Wilson	Asks for typical rule changes that owner's request.
126	Al Conely	MHCO. Replies that the rules were one page 26 years ago and has grown now to 26 pages. Explains rule changes regarding vehicles, fences, heat pumps, patios, clotheslines, lattice woodwork, wood storage, smoking, and garage sales.
187	Rep. Devlin	Asks about Pg. 1 line 26. Asks him to define the term "material."
193	Carpenter	Responds that he will need to get back to them. Adds that he wants people to be fully informed for voting purposes.
206	Rep. Devlin	Asks if court action is the only recourse for someone who is dishonest.
214	Carpenter	States that he is interested in the truth.
225	Rep. March	Asks if these rules can be adopted through an informal dispute resolution process. Asks also about rule changes affecting only those who do not have them in the contract. Suggests that rules changes affect everyone.
244	Carpenter	Responds that the informal dispute process is available for owners and tenants. Adds that the process of adopting rules would still have to go through the process outlined in statute. Asks Representative March to repeat his question.
271	Rep. March	Repeats his question.
273	Carpenter	Responds that the tenant receives the rules when they join. Adds that if they do not want to live by the rules they can leave. Explains that many times residents suggest rule changes. Adds that he is concerned that all is more uniform.
323	Garrard	Asks if the term vote actually means a vote.
332	Carpenter	Responds that it is not a vote. Explains that 51% of the spaces in the community have to support rule changes.
350	Chair Wilson	Explains that he will have to leave early and they may not have time to conduct a work session on HB 2581.
361	Fred Schwock	Manufactured Home Owners of Oregon. Submits and testifies in opposition from (EXHIBIT C) .
TAPE 22, B		
020	Pat Schwock	Manufactured Home Owners of Oregon. Submits and testifies

in opposition to HB 2581 from **(EXHIBIT D)**. Concerned that the manager or owner can intimidate tenants into signing or refraining from signing petitions. Suggests that nobody reads all the paperwork regarding rules. Adds that mediation should be used to deal with evictions.

097 Rep. Doyle Asks why it is a problem for renters to vote on rule changes that do not affect them.

107 Pat Schwock States that she wants to sit down with the residents and figure out a single new set of rules.

121 Rep. Doyle Asks why it is a problem to have residents vote on a rule that does not affect them.

126 Fred Schwock Responds that it can make a difference on the vote number. Believes that rules should affect all residents.

154 Rep. March States that dispute resolution does not always work. Suggests that there should be binding mediation.

161 Pat Schwock Responds that her answer is no. Believes that arbitration is too costly.

174 Susan Delateur Mobile Home Park Resident. Testifies in opposition on HB 2631. States that Owners/tenants are on unlevel playing ground and does not feel that park owners are forthcoming with information regarding rules.

231 Eve Ford Oregon Dispute Resolution Commission. States that she is neutral at this time. Expresses concern regarding HB 2631 because it inhibits the use of voluntary dispute resolutions. Adds that she is willing to join a work group.

293 Paul Brewer Oregon Park Owners Alliance. Testifies in support of HB 2631. Expresses concern that people sign petitions without really considering the issue. Believes that full disclosure of all information is important.

347 Brad Fudge President of the Manufactured Housing Communities of Oregon. Testifies in support of HB 2631. States that his goal is conformity.

364 Jack Sikking Mobile Home Park Owner. Testifies in support of HB 2631. Believes this bill is an attempt to bring some order to mobile home parks. Adds that rules are created to improve the life of tenants.

398 Rep. Walker Suggests some amendments to the bill.

442 Brad Fudge Responds that her amendments sound good.

458 Rep. March Expresses concern regarding intimidation by the owners to the tenants regarding signing petitions.

486 Brewer States that as petitions are passed around rumors grow. Suggests that tenants often feel intimidated not just by the landlord but also other tenants.

TAPE 23, A

040 Rep. Doyle Expresses concern regarding the manipulation of votes by the owners.

058 Fudge States that he believes all tenants should live under the same rules.

065 Rep. Garrard Believes that this is a partisan issue. Adds that mediation between the owners and renters should clear this matter up.

074 Fudge Agrees that communication is key.

077 Vice-Chair Devlin Closes the public hearing on HB 2631 and adjourns the meeting at 3:28 p.m.

Submitted By,

Jennifer Goodman,
Committee Assistant

Reviewed By,

Cara Filsinger,
Committee Administrator

EXHIBIT SUMMARY

- A – HB 2703, written testimony, Don Miner, 2 pp.**
- B – HB 2631, written testimony, Philip C. Querin, 2 pp.**
- C – HB 2631, written testimony, Fred Schwoch, 2pp.**
- D – HB 2361, written testimony, Pat Schwoch, 2pp.**