

**City of Stayton
City Council Minutes
March 2, 2020**

LOCATION: STAYTON COMMUNITY CENTER, 400 W. VIRGINIA STREET, STAYTON

Time Start: 7:00 P.M.

Time End: 9:55 P.M.

COUNCIL MEETING ATTENDANCE LOG

COUNCIL	STAYTON STAFF
Mayor Henry Porter	Alissa Angelo, Administrative Services Manager
Councilor Paige Hook	Keith Campbell, City Manager
Councilor Ben McDonald	Dan Fleishman, Director of Planning & Development
Councilor Christopher Molin	David Frisendahl, Police Chief
Councilor Jordan Ohrt	Lance Ludwick, Public Works Director
Councilor David Patty	Janna Moser, Library Director
	Susannah Sbragia, Finance Director

AGENDA	ACTIONS
REGULAR MEETING	
Announcements	
a. Additions to the Agenda	None.
b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	Mayor Porter declared ex parte contact due to his attendance at Planning Commission meetings. Councilors Hook, Patty, Ohrt, and Molin declared ex parte contact with community members regarding the public hearing this evening.
Appointments	None.
Public Comments	
a. Bill Martinak	Mr. Martinak spoke in regard to Philip Estates subdivision. Mr. Campbell responded.
b. Steve Poisson	Mr. Poisson provided an update on Revitalize Downtown Stayton.
a. Aaron Fricthl	Mr. Fricthl expressed concern on homelessness in Stayton.
Consent Agenda	
a. February 18, 2020 City Council Minutes	Motion from Councilor Molin, seconded by Councilor Patty, to approve the Consent Agenda as presented. Motion passed 4:0 (Ohrt abstained).

<p>General Business Marion County Tobacco and Substance Abuse Presentation</p> <p>a. Presentation – Marion County</p> <p>b. Public Comment</p> <p>c. Council Discussion</p>	<p>Susan McLoughlin provided a presentation on Tobacco and Substance Abuse Prevention.</p> <p><u>Aaron Frichtl</u> expressed interest in statistics.</p> <p><u>Steve Poisson</u> spoke about Ordinance No. 1019 and the potential smoking ban in downtown.</p> <p>Questions from the Council regarding data and statistics, meetings being held, and future presentations from Marion County regarding substance abuse.</p>
<p>Public Hearing</p> <p>a. Commencement of Public Hearing</p> <p>b. Staff Introduction</p> <p>c. Applicant Presentation</p> <p>d. Staff Report</p> <p>e. Questions from the Council</p> <p>f. Proponents’ Testimony</p> <p>g. Opponents’ Testimony</p>	<p>Mayor Porter read the opening statement and opened the hearing at 7:38 p.m.</p> <p>Mayor Porter declared ex parte contact due to his attendance at Planning Commission meetings.</p> <p>Councilors Hook, Patty, Ohrt, and Molin declared ex parte contact with community members regarding the public hearing this evening.</p> <p>Mr. Fleishman provided an introduction.</p> <p>Mark Grenz of Multi-Tech Engineering, who represents the applicant, provided a presentation.</p> <p>Mr. Fleishman reviewed the staff report.</p> <p>Council questions regarding maximum density in a Medium Density zone; buildable land on the property; affordable housing; requirements for the change of zoning request; median income in the community; availability of High Density zoning in Stayton; and City services available to the property.</p> <p>None.</p> <p><u>Casey Falconer, 810 Sunrise Drive</u> spoke in opposition to the application for annexation and zone change to High Density. Councilor Ohrt asked a clarifying question regarding opposition of the application.</p> <p><u>Josh Smith, 2105 Summerview Drive</u> spoke in opposition to the application for annexation and zone change to High Density.</p>

	<p><u>Erika Ingraham, 623 Summerview Drive</u> spoke in opposition to the application for annexation.</p> <p>Councilor Hook declared a conflict of interest due to the previous community being her sister. However, this will not cause her bias in her decision.</p> <p><u>Gerry King, 975 Fern Ridge Road</u> spoke in opposition of the application for annexation and zone change to High Density.</p> <p><u>Kori Sing, 1254 Kent Court</u> spoke in opposition of the application for annexation and zone change to High Density.</p>
h. Governmental Agencies	None.
i. General Testimony	<p><u>Margaret Ables, 2140 Wildflower Drive</u> spoke about the changes in the conceptual development from the first public hearing to this evening.</p> <p>Councilor Patty declared a conflict of interest as he is a friend of Ms. Ables.</p> <p><u>Randy Cranston, 372 SE Church Street, Sublimity</u> spoke about the history of the property at Foothills Church.</p>
j. Questions from the Public	<p><u>Bill Martinak, 15556 Coon Hollow Road</u> inquired about if the hearing is continued would there be a chance for further public comment. Mr. Fleishman responded.</p> <p><u>Aaron Fricthl, 12326 Golf Lane, Sublimity</u> inquired about the development of the property and access. Mr. Fleishman responded.</p> <p><u>Casey Falconer, 810 Sunrise Drive</u> inquired about requirement of a conceptual drawing. Mr. Fleishman responded.</p> <p><u>Steve Poisson, 1750 E. Pine Street</u> inquired about percentage of City zoned Low, Medium, and High Density. Mr. Fleishman responded.</p>
k. Questions from the Council	Council questions regarding the requirement for a conceptual plan; affordable housing; and whether the applicant still wishes to move forward with High Density.
l. Applicant Summary	Mr. Grenz responded and requested the hearing be continued to allow for them to provide a new conceptual plan for High Density zoning.
m. Staff Summary	Mr. Fleishman provided a staff summary.

<p>n. Close of Hearing</p> <p>o. Council Deliberation</p> <p>p. Council Decision on Ordinance No. 1043</p>	<p>Motion from Councilor Ohrt, seconded by Councilor Patty, to continue the public hearing on the application of Gene Jones (Land Use #11-07/19) until April 6, 2020 and ask the applicant to bring back a conceptual drawing for the High Density zoning by March 16, 2020.</p> <p><u>Council Discussion</u> regarding future public notice of the continued public hearing for the April 6, 2020 meeting; encouragement to applicant to submit a conceptual plan as soon as possible for the public to review; potential foot traffic; and significance of the proposed change.</p> <p>Motion passed 5:0.</p> <p>None.</p> <p>None.</p> <p>The Council took a brief recess at 9:24 p.m.</p> <p>The meeting reconvened at 9:29 p.m.</p>
<p>General Business Intergovernmental Agreements with Marion County for 2020 Slurry Seal and Asphalt Pavement Overlay Programs</p> <p>a. Staff Report – Lance Ludwick</p> <p>b. Public Comment</p> <p>c. Council Discussion</p>	<p>Mr. Ludwick reviewed the staff report.</p> <p>Council questions regarding how and why areas were chosen for a slurry seal; and potential work session to discuss how to address streets requiring a total reconstruction.</p> <p><u>Aaron Frichtl</u> spoke about partnerships and potential grant funding to rebuild streets. Mr. Ludwick responded.</p> <p>Nothing further.</p>
<p>Communications from Mayor and Councilors</p>	<p>Motion from Councilor Hook, seconded by Councilor McDonald, to direct staff to look at other communities similar to Stayton’s size that have an Affordable Housing definition and the State definition, and draft a policy for Stayton to define Affordable Housing.</p> <p><u>Council Discussion</u>: Brief discussion with staff if any additional clarification was needed to move forward.</p> <p>Motion passed 5:0.</p>

	<p>Motion from Councilor Hook, seconded by Councilor Ohrt, to direct staff to look at policies around state for mobile home zones and present these to the Council.</p> <p><u>Council Discussion</u>: Councilor Patty asked for clarification on the motion. Councilor Hook responded.</p> <p>Motion passed 5:0.</p> <p>Councilor Patty provided a summary of the recent Chat with a Councilor event.</p> <p>Motion from Councilor Ohrt, seconded by Councilor Hook, to schedule a work session for a deeper discussion on streets.</p> <p><u>Council Discussion</u>: Brief discussion on street ratings and reason behind the motion.</p> <p>Motion passed 5:0.</p> <p>Motion from Councilor Molin, seconded by Councilor Hook, to do a feasibility study with costs for a crosswalk or flashing yellow light at the corner of Third Avenue and Fern Ridge Road. Motion passed 5:0.</p> <p>Motion from Councilor Ohrt to schedule a work session to discuss homelessness. Upon learning this subject will be placed on the next Council agenda, Councilor Ohrt withdrew her motion.</p>
<p>Communication from City Staff</p>	<p>Mr. Campbell spoke on the City's partnership with Marion County.</p>
<p>Future Agenda Items</p> <ul style="list-style-type: none"> a. Public Hearing – Supplemental Budget b. Public Hearing – Surplus Properties c. Emergency Management Equipment Update 	

APPROVED BY THE STAYTON CITY COUNCIL THIS 16TH DAY OF MARCH 2020, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____

By: _____

Henry A. Porter, Mayor

Date: _____

Attest: _____

Keith D. Campbell, City Manager

Date: _____

Transcribed by: _____

Alissa Angelo, Administrative Services Manager



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: March 16, 2020
SUBJECT: Public Hearing Regarding Disposal of Surplus Property

ISSUE

The issue before the City Council is a public hearing prior to offering surplus property for sale to the public. The hearing is the opportunity for the public to comment on pending sale of these properties.

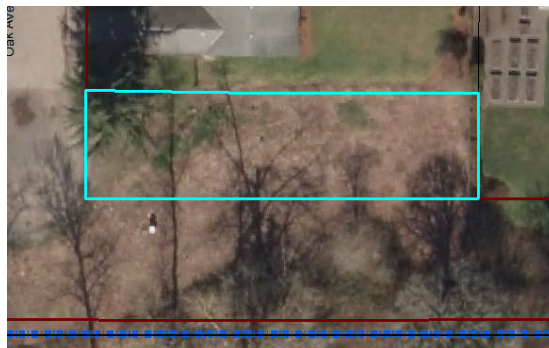
BACKGROUND INFORMATION

On February 3, the City Council adopted Resolution 999 declaring that two parcels of City-owned land are surplus property and directing that they be offered for sale to public by sealed bids. These properties are a 4,500 square foot lot on the east side of N Oak Ave and a 1,000 square foot lot at the end of N Birch Ave. In accordance with state law, Resolution 999 requires that public hearing be held prior to the sale.

A brief description of the two properties is repeated from the February staff report:

N Oak Ave east lot

This tax parcel, 091W09DC06700, was obtained from Marion County in 1989, presumably tax foreclosed property. This property is located at the corner of N Oak Ave and W Water St. It is 4,500 square feet in area.



N Birch Ave lot

This tax parcel, 091W10CD05900, is located at the south terminus of N Birch Ave, south of W Ida St. A 1985 letter in the files indicates this property, approximately 1,000 square feet in area, was obtained in 1979 for the future extension of N Birch Ave between Ida and Water Streets.



Should the Council direct staff to proceed with the sales, staff will solicit sealed bids for the properties, by alerting neighboring property owners and by a public notice on the City's website and in the Stayton Mail.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Direct staff to proceed with the sale of both properties.
Move to direct staff to proceed with the sale of both properties.
2. Direct staff to proceed with sale of one property.
Move to Direct staff to proceed with the sale of only (the N Oak Ave property) (the N Birch Ave property)
3. Direct staff to not sell either property.
Move to direct staff to cancel the sale of both properties.



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry A. Porter and the Stayton City Council

FROM: David Frisendahl, Police Chief and Keith Campbell, City Manager

DATE: March 16, 2020

SUBJECT: Homelessness

BACKGROUND INFORMATION

At the February 3rd, 2020 City Council meeting the Governing Body requested the Police Chief provide an informational presentation regarding homelessness and how the City deals with the issue in Stayton. Staff has prepared a presentation on the issue.

ENCLOSURE

- League of Oregon Cities – Housing and Homelessness Improvements White Paper

Housing & Homelessness Improvements

The LOC will work to increase the technical assistance programs and resources available from the state directed at long-term housing planning and development site readiness programs. In addition, there need to be investments from the state in programs that assist homeless persons into temporary and permanent housing, housing development for low income and moderate income housing, and infrastructure to service housing.

Background

Across Oregon, the price of housing is rising at a pace faster than the state's economic growth. This is particularly felt in Oregon's rural and frontier regions. Moreover, high-growth, metropolitan areas are under increasing strain to meet market demands resulting from the high rate of in-migration. The state economist has identified multiple constraints that contribute to the inability of the construction industry to meet this need, such as a shortage in construction workers, the price of land, the number of shovel-ready lots, and the availability of financing. Cities have identified their need for state investment in land use technical assistance; infrastructure costs; incentive analysis; encouraging private investment; and workforce development.

Similarly, cities across the state are seeing more homelessness, representing a variety of populations, including: families, youth, and those impacted by mental health issues or addiction. City employees, particularly public safety officers, are often the first contact for those experiencing homelessness, but cities do not directly provide social services or crisis housing. Instead, cities rely on private, county and state programs to provide these services. The availability of affordable housing will address a segment of the homeless population's need.

People who are displaced from a limited supply of housing are often living in cars or co-habiting with other families in single-family homes. If more affordable housing is created, these residents will have a stable place from which they can rebuild their family's security and financing. However, there are other segments of the homeless population that need more than a house they can afford. They need programs and services that provide support, social services, and job training to stay housed. Therefore, investment in affordable housing is not enough to meet their needs. Investment in the services that help people stay in housing is the only means to prevent their return to homelessness.

Cities have expressed the desire to be partners in both creating more housing and ensuring that people can stay in these homes once they are housed. However, cities also recognize that their role is as a partner and facilitator. Cities cannot become the social service provider, nor do most have the resources to directly develop housing projects. Nevertheless, cities can work to plan for increased housing, help developers find the means to create housing, assist those that they encounter to find shelter, and bring all partners to the table to address housing and homelessness issues.

Desired Outcome

Housing and homelessness issues defy a single answer. To assist cities in addressing these issues, the League will focus on: additional technical assistance that will help cities plan for affordable housing; a stronger partnership for long-term solutions to homelessness; and an increased state investment in housing development and services for the homeless.



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: April 20, 2020
SUBJECT: Manufactured Dwelling Park Regulation and Protection

ISSUE

Upon a motion from Councilor Hook, the City Council on March 2 requested that staff conduct some research on what other cities in Oregon have done to protect the residents of manufactured dwelling parks from closure.

BACKGROUND INFORMATION

Manufactured dwelling parks are defined by Oregon statute as “a place where four or more manufactured dwellings are located, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee.” Within Stayton’s Land Use and Development Code, they are referred to as Mobile Home Parks.

There are currently three mobile home parks in Stayton. The oldest, Stayton Motor Court, is located at 1145 W Washington St. This park contains 28 units located on 1.3 acres of land (21.5 units per acre). It is a “legacy park,” developed before there were any land use regulations or review process. Within the park there is one site-built structure. Several of the units in the park are recreational vehicles or converted motor vehicles. Of the units that would be considered as manufactured dwellings, all are single-wide and are older mobile homes – meaning those built before the federal construction standards for manufactured housing went into effect in 1976. The park is owned by Stayton Trailer Court LLC, with a Molalla mailing address. It appears from the mailing addresses of the owners of the units in the assessor’s records that three of the units in this park are rental. Two of the units are owned by a couple with the same mailing address as the park owner.

The second park in Stayton is the Oak Estates Mobile Park. This park was constructed in the mid-1970s and has 86 units on 15.5 acres of land (5.5 units per acre). There is a mix of single-wide and double-wide units in the park. The park is owned by Oak Estates MHC LLC, with a Costa Mesa, CA mailing address. It appears that as many as 13 of the units are renter-occupied, based on the mailing addresses of the unit owners. Four of these units are owned by an entity that shares a mailing address with the park owner.

Stayton's newest park is the Boulders, on Fern Ridge Road, constructed in the early 1990s. The park has 44 units on 9.5 acres (4.6 units per acre). The park is mostly double-wide units with a handful of single-wides. The park is owned by Boulders MHC LLC, with a Portland mailing address. All but two of the units in the park appear to be owner-occupied. There are two units for which the owner has a PO Box. It is therefore unknown whether they are owner-occupied or rented.

Together the three parks contain 156 dwellings, 4.8% of the total housing units in the City.

Nationwide and throughout Oregon, manufactured dwelling parks are at risk of closure due to the higher value to owners through conversion to other uses. According to a July, 2019 article in *The Oregonian*, Oregon has seen 73 manufactured dwelling park closures in the past 20 years for a loss of 2,700 homes. The article also states that in the two years prior to publication another 40 parks had filed notices of intent to sell, though that does not necessarily mean closure. (<https://www.oregonlive.com/business/2019/07/one-of-oregons-biggest-stocks-of-affordable-housing-the-mobile-home-is-in-peril-despite-state-interventions.html>)

In response to this risk, the Legislature has responded with the allocation of funds to support residents of parks and to assist with the replacement of older manufactured housing units. In addition the State has created the Manufactured Communities Resource Center within the Housing and Community Services Department to assist resolve disputes between tenants and park owners and to assist tenants in coping with potential park closure.

(<https://www.oregon.gov/ohcs/Pages/manufactured-home-park-living-our-services.aspx>)

ANALYSIS

Councilor Hook expressed concern over the fate of tenants of a mobile home park should the owner choose to close the park. Manufactured dwelling parks are unique in that the tenants own their own dwelling structures, but are tenants of the property. The difficulty and expense of moving a manufactured dwelling, should the park close, frequently presents overwhelming circumstances for the residents of a park.

Recognizing this tenant-landlord relationship is different than the typical relationship in a rental apartment, the Oregon Legislature has provided additional protections to tenants in a manufactured dwelling park. ORS 90.645 through 660 address the closure of manufactured dwelling parks and provides that when a park owner wishes to close a park, tenants must be provided with one year's notice and be provided with between \$6,000 and \$10,000 depending on the size of the manufactured dwelling unless the tenant buys the space on which the manufactured dwelling is located or sells the manufactured dwelling to someone who buys the space. In addition, there are state tax credits available to owners of homes in a manufactured dwelling park that is closed. Attached is a fact sheet on manufactured dwelling park closure rules from the Oregon Housing and Community Services Department.

There are a number of Oregon cities that have crafted additional regulations and restrictions on the closure of manufactured dwelling parks, including Wilsonville, Forest Grove, and Oregon City. However, ORS 90.660 prohibits a city from enforcing any local regulation regarding mobile home park closures or partial closures that was adopted after July 1, 2007. Therefore, Stayton

is not able to enact any new protections for the residents of the City's parks. A copy of this statute is attached.

In August 2018, the City of Portland adopted an ordinance amending the city's Code to create a new zoning district. This district, the Residential Manufactured Dwelling Park (RMP) zone, allows manufactured dwellings as the only permitted use, thereby prohibiting parks from being converted to another use without going through a zone map amendment process. The city's zoning map was amended to apply the RMP zone to 57 of the 58 manufactured dwelling parks in the City of Portland. Staff has communicated with the City of Portland and learned that there have been no appeals or challenges to the City's new zone.

In 2016, a collaboration of local, state, federal and non-profit agencies produced a "local agency toolkit" for dealing with potential mobile home park closures and tenant displacement. That publication is available from staff, should any council member be interested in further reading. The toolkit recommends an eight step framework for engaging stakeholders and service providers to efficient responses, decision making, and resource utilization. These steps are:

- **Designate a Lead Agency** to do park assessment and coordinate outreach to owners, residents and services
- **Conduct an Inventory** of Parks in your community
- **Assess the Risks** associated with your Parks
- **Build a network** of engaged service providers
- **Locate/prepare organization to perform counseling services** for residents (housing counseling agency) who may need to seek alternate housing
- **Develop a plan of action** on how to address park closure
- **Get familiar with funding options** for park improvement and preservation, building alternate sites, and/or resident relocation (included in appendix to toolkit)
- **Adjust the recommended tools** and process to fit your community

The background information above constitutes the second step, but no effort has been made to connect with park owners or residents or with potential service providers. The three parks in Stayton appear to be in stable ownership. The Oak Estates and Boulders are owned by corporations in the mobile home park business. The Stayton Trailer Court is in what could be described as "family ownership." Staff has heard of no information to indicate that any of the parks are threatened with closure.

OPTIONS

The City Council is presented with the following options.

- 1. Complete the remaining steps recommended by the Toolkit**
- 2. Initiate the process to amend the Comprehensive Plan, Land Use and Development Code, and Zoning Map to create a mobile home park zone**
- 3. Take no action**



Oregon Housing and Community Services Department

Manufactured Communities Resource Center (MCRC)

For More Information
Salem: 503.986.2145
Toll Free: 1.800.453.5511
Email: mcrweb@hcs.state.or.us

MANUFACTURED DWELLING PARK CLOSURE RULES

1) The landlord of a park may terminate a month to month or fixed term rental agreement for a manufactured dwelling park space by:

- A) Providing the tenants with a 365 day notice which shall state; at a minimum:
 - a) That the landlord is closing the park, or a portion of the park, and converting the land to a different use;
 - b) Designate the date of closure; and
 - c) Include the tax credit notice:
 - (1) Stating the eligibility requirements for the credit;
 - (2) Information on how to apply for the credit;
 - (3) Any other information required by the Office of Manufactured Dwelling Park Community Relations; and
 - (4) State that the closure may allow the taxpayer to appeal the property tax assessment on the manufactured dwelling.

2) Paying the tenant for each space one of the following amounts

- A) \$5,000 if the manufactured dwelling is a single wide;
- B) \$7,000 if the manufactured dwelling is a double wide; or
- C) \$9,000 if the manufactured dwelling is a triple wide.

The landlord shall pay at least one-half of the payment amount to the tenant within seven days after receiving from the tenant the following notice:

- (1) 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, whether by relocation or abandonment of the manufactured dwelling.
- (2) The landlord is not required to pay the tenants the amounts under A, B, and C unless the tenant gives the landlord the notice as described under (1).
- (3) The landlord must pay the tenant the full amount regardless of whether the tenant relocates or abandons the manufactured dwelling.

3) If the manufactured dwelling is abandoned;

- A) The landlord may condition the payment required under 2 upon the tenant waiving any right to receive payment under ORS 90.425 (abandonment) or ORS 90.675 (ownership change).

MANUFACTURED DWELLING PARK CLOSURE RULES

- 4) **The landlord may not charge the tenant to store, sell or dispose** of the abandoned manufactured dwelling.
- 5) **The landlord may not charge a tenant any penalty, fee or unaccrued rent** for moving out of the manufactured dwelling park prior to the end of the 365 day notice period.
- 6) **A landlord may charge a tenant for rent** for any period during which the tenant occupies the space and may deduct from the payment amount required under 2 any unpaid moneys owed by the tenant to the landlord.
- 7) **The landlord may not increase the rent** for a manufactured dwelling park space after giving a notice of termination to the tenant of the space.
- 8) **The landlord is not limited by the closure notice to his right to terminate a tenancy for non payment of rent** or for other causes provided by statute.
- 9) **Closure of the park may allow the tenant to appeal the property tax assessment** on the manufactured home.
- 10) **The tenant may be eligible for a tax credit of up to \$5,000** if the tenancy in a manufactured dwelling park ended in a tax year that begins on or after January 1, 2007, and before January, 2013 To be eligible the tenant must meet all of the following requirements:
 - A) Own the manufactured home;
 - B) Rent space in a manufactured dwelling park that is closing;
 - C) Occupy the manufactured dwelling home as the principal residence;
 - D) Receive notice that the park is closing; and
 - E) Move out (and all members of the household) of the mobile home park on or after January 1, 2007 because of the park closure notice.

90.645 Closure of manufactured dwelling park; notices; payments to tenants; rules.

(1)(a) If a manufactured dwelling park, or a portion of the park that includes the space for a manufactured dwelling, is to be closed and the land or leasehold converted to a use other than as a manufactured dwelling park, and the closure is not required by the exercise of eminent domain or by order of federal, state or local agencies, the landlord may terminate a month-to-month or fixed term rental agreement for a manufactured dwelling park space:

(A) By giving the tenant not less than 365 days' notice in writing before the date designated in the notice for termination; and

(B) By paying a tenant, for each space for which a rental agreement is terminated, one of the following amounts:

(i) \$6,000 if the manufactured dwelling is a single-wide dwelling;

(ii) \$8,000 if the manufactured dwelling is a double-wide dwelling; or

(iii) \$10,000 if the manufactured dwelling is a triple-wide or larger dwelling.

(b) The Office of Manufactured Dwelling Park Community Relations of the Housing and Community Services Department shall establish by rule a process to annually recalculate the amounts described in paragraph (a) of this subsection to reflect inflation.

(2) Notwithstanding subsection (1) of this section, if a landlord closes a manufactured dwelling park under this section as a result of converting the park to a subdivision under ORS 92.830 to 92.845, the landlord:

(a) May terminate a rental agreement by giving the tenant not less than 180 days' notice in writing before the date designated in the notice for termination.

(b) Is not required to make a payment under subsection (1) of this section to a tenant who:

(A) Buys the space or lot on which the tenant's manufactured dwelling is located and does not move the dwelling; or

(B) Sells the manufactured dwelling to a person who buys the space or lot.

(3) A notice given under subsection (1) or (2) of this section shall, at a minimum:

(a) State that the landlord is closing the park, or a portion of the park, and converting the land or leasehold to a different use;

(b) Designate the date of closure; and

(c) Include the tax credit notice described in ORS 90.650.

(4) Except as provided in subsections (2) and (5) of this section, the landlord must pay a tenant the full amount required under subsection (1) of this section regardless of whether the tenant relocates or abandons the manufactured dwelling. The landlord shall pay at least one-half of the payment amount to the tenant within seven days after receiving from the tenant the notice described in subsection (5)(a) of this section. The landlord shall pay the remaining amount no later than seven days after the tenant ceases to occupy the space.

(5) Notwithstanding subsection (1) of this section:

- (a) A landlord is not required to make a payment to a tenant as provided in subsection (1) of this section 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, whether by relocation or abandonment of the manufactured dwelling.
- (b) If the manufactured dwelling is abandoned:
 - (A) The landlord may condition the payment required by subsection (1) of this section upon the tenant waiving any right to receive payment under ORS 90.425 or 90.675.
 - (B) The landlord may not charge the tenant to store, sell or dispose of the abandoned manufactured dwelling.
- (6)(a) A landlord may not charge a tenant any penalty, fee or unaccrued rent for moving out of the manufactured dwelling park prior to the end of the 365-day notice period.
- (b) A landlord may charge a tenant for rent for any period during which the tenant occupies the space and may deduct from the payment amount required by subsection (1) of this section any unpaid moneys owed by the tenant to the landlord.
- (7) A landlord may not increase the rent for a manufactured dwelling park space after giving a notice of termination under this section to the tenant of the space.
- (8) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to 105.168.
- (9) If a landlord is required to close a manufactured dwelling park by the exercise of eminent domain or by order of a federal, state or local agency, the landlord shall notify the park tenants no later than 15 days after the landlord receives notice of the exercise of eminent domain or of the agency order. The notice to the tenants shall be in writing, designate the date of closure, state the reason for the closure, describe the tax credit available under section 17, chapter 906, Oregon Laws 2007, and any government relocation benefits known by the landlord to be available to the tenants and comply with any additional content requirements under ORS 90.650. [2007 c.906 §2; 2017 c.198 §1]

Note: The amendments to 90.645 by section 2a, chapter 906, Oregon Laws 2007, become operative January 1, 2020. See section 2b, chapter 906, Oregon Laws 2007, as amended by section 1, chapter 83, Oregon Laws 2011, and section 34, chapter 750, Oregon Laws 2013. The text that is operative on and after January 1, 2020, including amendments by section 2, chapter 198, Oregon Laws 2017, is set forth for the user's convenience.

90.645. (1)(a) If a manufactured dwelling park, or a portion of the park that includes the space for a manufactured dwelling, is to be closed and the land or leasehold converted to a use other than as a manufactured dwelling park, and the closure is not required by the exercise of eminent domain or by order of federal, state or local agencies, the landlord may terminate a month-to-month or fixed term rental agreement for a manufactured dwelling park space:

- (A) By giving the tenant not less than 365 days' notice in writing before the date designated in the notice for termination; and

- (B) By paying a tenant, for each space for which a rental agreement is terminated, one of the following amounts:
 - (i) \$6,000 if the manufactured dwelling is a single-wide dwelling;
 - (ii) \$8,000 if the manufactured dwelling is a double-wide dwelling; or
 - (iii) \$10,000 if the manufactured dwelling is a triple-wide or larger dwelling.
 - (b) The Office of Manufactured Dwelling Park Community Relations of the Housing and Community Services Department shall establish by rule a process to annually recalculate the amounts described in paragraph (a) of this subsection to reflect inflation.
- (2) Notwithstanding subsection (1) of this section, if a landlord closes a manufactured dwelling park under this section as a result of converting the park to a subdivision under ORS 92.830 to 92.845, the landlord:
- (a) May terminate a rental agreement by giving the tenant not less than 180 days' notice in writing before the date designated in the notice for termination.
 - (b) Is not required to make a payment under subsection (1) of this section to a tenant who:
 - (A) Buys the space or lot on which the tenant's manufactured dwelling is located and does not move the dwelling; or
 - (B) Sells the manufactured dwelling to a person who buys the space or lot.
- (3) A notice given under subsection (1) or (2) of this section shall, at a minimum:
- (a) State that the landlord is closing the park, or a portion of the park, and converting the land or leasehold to a different use;
 - (b) Designate the date of closure; and
 - (c) Include the tax notice described in ORS 90.650.
- (4) Except as provided in subsections (2) and (5) of this section, the landlord must pay a tenant the full amount required under subsection (1) of this section regardless of whether the tenant relocates or abandons the manufactured dwelling. The landlord shall pay at least one-half of the payment amount to the tenant within seven days after receiving from the tenant the notice described in subsection (5)(a) of this section. The landlord shall pay the remaining amount no later than seven days after the tenant ceases to occupy the space.
- (5) Notwithstanding subsection (1) of this section:
- (a) A landlord is not required to make a payment to a tenant as provided in subsection (1) of this section 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, whether by relocation or abandonment of the manufactured dwelling.
 - (b) If the manufactured dwelling is abandoned:
 - (A) The landlord may condition the payment required by subsection (1) of this section upon the tenant waiving any right to receive payment under ORS 90.425 or 90.675.
 - (B) The landlord may not charge the tenant to store, sell or dispose of the abandoned manufactured dwelling.

(6)(a) A landlord may not charge a tenant any penalty, fee or unaccrued rent for moving out of the manufactured dwelling park prior to the end of the 365-day notice period.

(b) A landlord may charge a tenant for rent for any period during which the tenant occupies the space and may deduct from the payment amount required by subsection (1) of this section any unpaid moneys owed by the tenant to the landlord.

(7) A landlord may not increase the rent for a manufactured dwelling park space after giving a notice of termination under this section to the tenant of the space.

(8) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to 105.168.

(9) If a landlord is required to close a manufactured dwelling park by the exercise of eminent domain or by order of a federal, state or local agency, the landlord shall notify the park tenants no later than 15 days after the landlord receives notice of the exercise of eminent domain or of the agency order. The notice to the tenants shall be in writing, designate the date of closure, state the reason for the closure, describe any government relocation benefits known by the landlord to be available to the tenants and comply with any additional content requirements under ORS 90.650.

(10) The Office of Manufactured Dwelling Park Community Relations shall adopt rules establishing a sample form for the notice described in subsection (3) of this section.

90.650 Notice of tax provisions to tenants of closing manufactured dwelling park; rules.

(1) If a manufactured dwelling park or a portion of a manufactured dwelling park is closed, resulting in the termination of the rental agreement between the landlord of the park and a tenant renting space for a manufactured dwelling, whether because of the exercise of eminent domain, by order of a federal, state or local agency or as provided under ORS 90.645 (1), the landlord shall provide notice to the tenant of the tax credit provided under section 17, chapter 906, Oregon Laws 2007. The notice shall state the eligibility requirements for the credit, information on how to apply for the credit and any other information required by the Office of Manufactured Dwelling Park Community Relations or the Department of Revenue by rule. The notice shall also state that the closure may allow the taxpayer to appeal the property tax assessment on the manufactured dwelling.

(2) The office shall adopt rules establishing a sample form for the notice described in this section and the notice described in ORS 90.645 (3).

(3) The department, in consultation with the office, shall adopt rules establishing a sample form and explanation for the property tax assessment appeal.

(4) The office may adopt rules to administer this section. [Formerly 90.635; 2011 c.83 §2]

Note: The amendments to 90.650 by section 7a, chapter 906, Oregon Laws 2007, become operative January 1, 2020. See section 7b, chapter 906, Oregon Laws 2007, as amended by section 3, chapter 83, Oregon Laws 2011, and section 35, chapter 750, Oregon Laws 2013. The text that is operative on and after January 1, 2020, is set forth for the user's convenience.

90.650. (1) If a manufactured dwelling park or a portion of a manufactured dwelling park is closed, resulting in the termination of the rental agreement between the landlord of the park and

a tenant renting space for a manufactured dwelling, whether because of the exercise of eminent domain, by order of a federal, state or local agency or as provided under ORS 90.645 (1), the landlord shall provide notice to the tenant that the closure may allow the taxpayer to appeal the property tax assessment on the manufactured dwelling.

(2) The Department of Revenue, in consultation with the Office of Manufactured Dwelling Park Community Relations, shall adopt rules establishing a sample form and explanation for the property tax assessment appeal.

(3) The office may adopt rules to administer this section.

Note: 90.650 (4) was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 90 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

90.655 Park closure notice to nontenants; report of tenant reactions.

(1) A landlord that gives a notice of termination under ORS 90.645 shall, at the same time, send one copy of the notice to the Office of Manufactured Dwelling Park Community Relations by first class mail. The landlord shall, at the same time, send a copy of the notice, both by first class mail and by certified mail with return receipt requested, for each affected manufactured dwelling, to any person:

(a) That is not a tenant; and

(b) (A) That the landlord actually knows to be an owner of the manufactured dwelling; or

(B) That has a lien recorded in the title or ownership document records for the manufactured dwelling.

(2) A landlord that terminates rental agreements for manufactured dwelling park spaces under ORS 90.645 shall, no later than 60 days after the manufactured dwelling park or portion of the park closes, report to the office:

(a) The number of dwelling unit owners who moved their dwelling units out of the park; and

(b) The number of dwelling unit owners who abandoned their dwelling units at the park.

[2007 c.906 §3]

90.660 Local regulation of park closures. A local government may not enforce an ordinance, rule or other local law regulating manufactured dwelling park closures or partial closures adopted by the local government on or after July 1, 2007, or amended on or after January 1, 2010. An ordinance, rule or other local law regulating manufactured dwelling park closures or partial closures may not be applied to reduce the rights provided to a park tenant under ORS 90.645 or 90.655. [2007 c.906 §4; 2009 c.575 §1]