

# **FREQUENTLY ASKED QUESTIONS (FAQ)**

## **Manufactured Home Park Communities**

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## Documents

- **Rental Agreement:**

*Q. What is a Rental Agreement?*

A. The Rental Agreement includes monthly rent cost, security deposits, fees, installation charges, improvements tenant may/must make to rental space, conditions the landlord applies in approving manufactured home purchase, occupancy limitations, pets/and or admission criteria, process for changing park rules and regulations, and more. The Rental Agreement is a binding legal contract and may not be changed without the agreement of both landlord and tenant. [ORS 90.510\(4\)](#)

- **Statement of Policy:**

*Q. What is a Statement of Policy?*

A. The statement of Policy provides prospective tenants with park policies, space size and location, zoning and federal fair-housing age classifications, rent adjustment history, services provided by the landlord, park policy regarding rental agreement termination, facility policy regarding informal dispute resolution, and more. This document does not require a signature by the tenant and is not a part of the rental agreement [ORS 90.510\(1\)](#). By statute [ORS 90.510\(2\)](#), the rental agreement and facility rules and regulations shall be attached as an exhibit to the Statement of Policy.

- **Park Rules:**

*Q. What is a Park Rules document?*

A. Park Rules describe in detail regulations concerning the tenant's use and occupancy of the park facilities. Examples include parking, playing of loud music, yard maintenance, hazardous materials storage, laundry facility hours, swimming pool access, pet leash requirements, and vehicle speed limits ([ORS 90.510\(6\)](#)). Park Rules can be changed at any time per [ORS 90.610\(3\)](#) and do not require the tenant's signature.

## Rights and Responsibilities

- **Rental agreements:**

*Q. Can a landlord require a tenant to sign a new rental agreement?*

A. All rental agreement changes must be mutually agreed upon by landlord and tenant. A tenant with a month-to-month rental agreement does not have to sign a new one, even if the park owner asks him/her to do so. [ORS 90.510\(4\)\(a\)](#)

*Q. How can tenants get a copy of their rental agreement?*

A. The landlord must furnish the tenant with a rental agreement and any amendments under [ORS 90.220\(3\)](#). Within a reasonable time, the landlord must allow a tenant to see his/her rental agreement. If the tenant requests a copy, charges may not exceed 25 cents per page or the landlord's actual copying costs. [ORS 90.305\(4\)\(b\)](#)

**Q.** *Can a landlord change the size of a tenant's space?*

**A.** A rental agreement is a binding and legal contract, which states the size/dimensions of a tenant's space. However, a landlord may provide equivalent space to accommodate lot-line adjustments that are necessary for park operations. [ORS 90.510\(5\)\(a\)](#)

**Q.** *If a rental agreement is violated for a length of time, can a landlord require a tenant to stop the violation and evict the tenant for non-compliance?*

**A.** If a landlord accepts rent during three or more separate rental periods, the right to terminate the rental agreement for a known violation is waived. Safety issues may be exempt. [ORS 90.412\(2\)](#), Waiver of Termination of Tenancy. Acts not constituting waiver of termination of tenancy are found under [ORS 90.414](#).

- **Water and sewer:**

**Q.** *Can a tenant be required to pay water and sewer in addition to rent?*

**A.** The landlord may apportion the total cost of utilities among all tenants unless a tenant's rental agreement states otherwise. Costs can be spread to tenants using square footage, number of occupants in a home, or any combination of factors that provide for equitable division.

A "sub-metering" system where use of the utility (typically water) is measured by a meter associated with each manufactured home. Tenants must be given six months notice before a landlord can convert to a sub-metering system. The system must also include a rent deduction, not less than an amount comparable to the amount of the rent, previously allocated to the utility averaged over at least the preceding six months. [ORS 90.537](#)

- **Rent increases:**

**Q.** *How often can a landlord of a manufactured home park raise the rent?*

**A.** Oregon does not have "rent control," and there are no restrictions on the size or frequency of rent increases [ORS 90.600\(1\)](#). If renting month-to-month, a tenant must be given 90-days written notice prior to the rent increase. A tenant with a fixed-term lease, which must be at least two years, must honor any rent, cost-of-living or other defined increase stipulated in the terms of the lease [ORS 90.540](#) (permissible forms of tenancy). If not renewed, fixed-term lease agreements automatically revert to a month-to-month tenancy agreement, having the same terms and conditions, but now subject to month-to-month rent-increase practices [ORS 90.545\(5\)](#) (fixed-term tenancy expiration, renewal or extension).

- **Park rules:**

**Q.** *Can a landlord change park rules without notifying tenants?*

**A.** Changes to park rules without proper notice are not valid. Landlords must give tenants 60 days notice of pending changes. Tenants then have 30 days to respond to or reject proposed changes. [ORS 90.610\(3\)](#)

**Q.** *What rights do tenants have when a landlord provides new park rules that state pets are no longer allowed?*

**A.** A landlord may change rules and regulations to regulate the activity of all pets in a facility. However, a tenant may keep a pet that is legally living with him/her at the time the landlord provides notice of the proposed change to park pet rules. [ORS 90.530\(1\)](#)

- **New manager:**

**Q.** *If a landlord hires a new park manager, must park tenants be notified?*

**A.** Landlords are required to notify tenants in writing of a change of the person authorized to receive notices and messages on the landlord's behalf. [ORS 90.605](#)

- **New owner:**

**Q.** *Can an owner sell the park without notifying tenants?*

**A.** Owners are only obligated to notify Tenants Associations (committee of seven) or Facility Purchase Associations of any receipt of written offers of purchase or engagement of sales agents. [ORS 90.810](#)

A landlord may change rules and regulations to regulate the activity of all pets in a facility. However, a tenant may keep a pet that is legally living with him/her at the time the landlord provides notice of the proposed change to park pet rules. [ORS 90.530\(1\)](#)

- **Evictions:**

**Q.** *What are the tenant's rights when given an eviction notice?*

**A.** An eviction notice may be given only if the landlord finds good cause, including violation of a law, ordinance, park rule, or rental provision agreement. The landlord must give the tenant 30-days written notice before the eviction date to allow tenants to rectify any problem. If no action is taken, the landlord has the right to file an eviction action against the tenant with the court. If the violation is corrected but is repeated within six months, written notice is reduced to 20 days. Correcting a problem will not avoid eviction, but the tenant can present evidence that the violations never occurred or were corrected during the court hearing. [ORS 90.510\(6\)](#) and [ORS 90.630 \(1\)\(4\)](#)

**Q.** *What are some of the possible notices for eviction a tenant can receive?*

**A.** Times and causes vary:

**24 hours** – [ORS 90.396](#)

For outrageous or extreme conduct; though difficult to define, generally can include:

- A serious threat of immediate infliction of personal injury or actual infliction of any substantial personal injury.
- Intentional infliction of substantial damage to the premises.
- Intimidation of others.
- Engaging or promoting prostitution, the manufacture, delivery, or possession of controlled substances.

**72 hours** – [ORS 90.394](#)

- Failure to pay rent within seven days of due date may generate a 72-Hour Notice for Nonpayment, at which time the tenant may remedy the situation by

making payment or coming to an arrangement (in writing) with park management. If no payment or arrangement is made, the landlord will file a FED (Forcible Entry and Detainer) with the court. The court will issue a notice for both parties to appear on a specific date, at which time both sides present their defense and a ruling is made. Courts are not predisposed to eviction, and often if the tenant pays on the spot or comes to an agreement with the landlord as late as the date of the court appearance, eviction will be avoided. However, if the tenant fails to appear, the court will award the landlord a favorable judgment by default, leading to eviction. Note if late with a payment three times in the last 12 months, the tenant may not be able to remedy the situation.

**30 days**

- Violation of law or ordinance as it relates to tenant's conduct. [ORS 90.740](#)
- Violation of Park Rules or Rental Agreement. [ORS 90.510\(6\)](#)

**20 days**

- A tenant has the right to correct a violation within the terms of a 30-day notice. If the same problem occurs again within six months, the landlord only needs to provide a 20-day notice.

**Q.** *How can a tenant get help with a pending eviction?*

**A.** Mediation services are available through each county's Community Dispute Resolution Center. Tenants and landlords are given an opportunity to settle disputes in a friendly, non-judicial environment. If no county mediation services are offered, contact the MCRC office for assistance. [ORS 90.610\(2\)](#) requires landlords to have an informal dispute resolution policy.

- **Maintenance:**

**Q.** *Who maintains the common areas of the park?*

**A.** The landlord oversees maintaining the park's common areas, which are defined as all areas controlled by the landlord and held out for the general use of tenants. [ORS 90.730\(1\)\(5\)](#).

Tenants are responsible to maintain trees and/or shrubbery located on their rental space. Statute is generally interpreted as requiring the landlord to be responsible for removing any trees in the park, whether in the common areas or on a tenant's rented space.

[ORS 90.730\(5\)\(c\)](#)

- **Home sales:**

**Q.** *What rules apply when tenants decide to sell their manufactured home?*

**A.** A tenant must get the landlord's approval to sell their home and on the prospective buyer as a future tenant, as per [90.680\(4\)\(b\)\(d\)](#). The landlord has seven days to reject the buyer after receiving an application from the seller. Causes for rejection can include failure of the buyer to meet the landlord's conditions for approval, as per [ORS 90.680\(6\)\(a\)\(b\)\(c\)](#), or failure of the buyer's references to respond to the landlord in the

time allotted. The landlord must provide the tenant in writing with reasons for rejecting a prospective buyer. [ORS 90.680\(6\)\(b\)](#)

- **Dispute management:**

**Q.** *What should Tenants do if they have a dispute with the landlord or another tenant?*

**A.** Every park landlord must provide a process establishing informal dispute resolution of disputes that may arise concerning rental agreements. Usually written notification regarding an issue may be all that's required to start the process. [ORS 90.610\(2\)](#).

The facility policy regarding informal dispute resolution, which may vary from park to park, must be included in the statement of policy given to the tenant, as per [ORS 90.510\(1\)\(h\)](#). If a landlord is unable to help tenants resolve the dispute, many Oregon counties have Community Dispute Resolution Centers that may be able to provide mediation services. Tenants may also contact the MCRC office for information on mediation resources.

**Q.** *What can tenants do when their landlord instructs them to work with each other to solve tenant-to-tenant issues?*

**A.** Attempting to work matters out directly with a neighbor is always best. If that fails, follow the park's dispute resolution process. A signed written complaint may be all that is required to begin the dispute resolution process. [ORS 90.510\(1\)\(h\)](#)

If an agreement cannot be reached, your county's Community Dispute Resolution Center may be able to provide you with dispute resolution services. If your county does not offer mediation services, contact the MCRC office. Arrangements will be made to put you in touch with a mediation resource in your area. [ORS 90.610\(2\), \(4a,b\)](#)

Additional links:

Community Dispute Resolution: <http://oocdr.uoregon.edu/cdrc/>

Oregon Mediation Association: [www.omediate.org/](http://www.omediate.org/)

**Q.** *What can a tenant do about a neighbor's dangerous/aggressive pet?*

**A.** A landlord will want to know of violations of park leash laws, and threats or potential threats of personal injury. In addition to potential fines (possibly associated with park rules, various municipal codes and animal control authorities), owners of dangerous pets can be evicted after 24-hour notice. [ORS 90.396\(2\)\(a\)](#)

**Q.** *How can a Tenants Committee help park tenants?*

**A.** A Tenants Committee, elected by park tenants, may represent tenant issues to the landlord or the landlord's representative. All tenants should be notified and given an opportunity to provide input to the committee. MCRC staff is available to work with a park's efforts to form a tenants' committee (see brochures below). [ORS 90.600\(5\)\(a\)](#)

[- Tenants Committee Brochure – English](#)

[- Tenants Committee Brochure – Spanish](#)

- **Park registrations:**

*Q. Why are manufactured home parks registered?*

A. Oregon law requires every landlord of a facility to register in writing with the Housing and Community Services Department. A landlord is also required to notify the Department, in writing, of any change in the required registration information no later than 60 days after the change. [ORS 90.730\(Sec. 2\)\(1\)](#)

*Q. How are manufactured home parks registered?*

A. Landlords may register their parks by accessing the OHCS Web site at [www.ohcs.oregon.gov](http://www.ohcs.oregon.gov). Select “Manufactured Home Parks” from the menu on the left then select “Landlords Register Your Park Here” and click on the “Online registration/update form.” Once the form is completed, the landlord may chose to e-mail the form by clicking on “submit” or “print the form and mail it to the address provided at the bottom of the form.

*Q. What happens if the owner of a manufactured home park fails to register?*

A. The Housing and Community Services Department may assess a civil penalty against a landlord if the Department finds that a good faith effort was not made to comply with 90.730 Sec. 2, landlord registration. [ORS 90.730\(Sec. 4\)](#)

*Q. How can the registration of a manufactured home park be verified?*

A. Registration may be verified on the MCRC Web site at:

[www.oregon.gov/OHCS/MDP\\_Manufactured\\_Dwelling\\_Park\\_Directory\\_Oregon.shtml](http://www.oregon.gov/OHCS/MDP_Manufactured_Dwelling_Park_Directory_Oregon.shtml)

- **Continuing Education:**

*Q. Are landlords required to take continuing education courses?*

A. Oregon law requires the landlord to complete six hours every two years of training relating to Oregon Revised Statute [Chapter 90](#) (Landlord Tenant Law), ORS 105.105 to 105.468, Fair Housing law, or other law relating to landlords and tenants,

The Housing and Community Services Department ensures that continuing education classes are held at least once every six months, taught by persons approved by the department and affiliated with a statewide nonprofit trade association that represents manufactured housing interests. If a good faith effort is not made to comply with this requirement, a civil penalty may be assessed. [ORS 90.730\(Sec. 3\)\(Sec. 4\)](#)

Tenants may view the approved trainers and their Web sites as well as the training calendar at:

[www.ohcs.oregon.gov/OHCS/MDP\\_Manufactured\\_Dwelling\\_Park\\_Landlord\\_Training\\_Services.shtml](http://www.ohcs.oregon.gov/OHCS/MDP_Manufactured_Dwelling_Park_Landlord_Training_Services.shtml).

**Continued -**

- **Park Closures:**

**Q.** What rules apply to park closings?

**A.** The following rules apply when tenants who own their homes and rent their spaces in a manufactured dwelling park receive notice that their park is closing:

- The landlord must provide tenants with a 365-day notice..
- The landlord must pay tenants who qualify \$5,000 for a single-wide, \$7,000 for a double-wide, and \$9,000 for a triple-wide home. To receive payment, the tenant may be required to waive any right to receive payment under [ORS 90.425](#) (abandonment) or [ORS 90.675](#) (ownership change). Any rent due for space occupancy may be deducted from this amount.
- The landlord may not charge the tenant to store, sell or dispose of the abandoned manufactured dwelling.
- The landlord may not charge a tenant any penalty, fee or un-accrued rent for moving out of the manufactured dwelling park prior to the end of the 365-day notice period.
- The landlord may not increase rent for a manufactured dwelling park space after giving a notice of termination to the tenant.
- The landlord is not limited by the closure notice to his/her right to terminate a tenant for nonpayment of rent or for other causes provided by statute.
- Closure of the park may allow a tenant to appeal the property tax assessment on his/her manufactured home.
- Tenants may be eligible for a tax credit of up to \$5,000 if their tenancy in a manufactured dwelling park ended in a tax year that began on or after January 1, 2007 and before January 2013.

Closure of a manufactured home park can be a difficult process for both landlords and tenants. Landlords who intend to close a park or tenants who have received a closure notice may contact the Manufactured Communities Resource Center for assistance.

[ORS 90.645](#)

**\*\*\* PLEASE NOTE \*\*\***

Wilsonville, Forest grove, Bend, Oregon City, Eugene and Clackamas County have ordinances that regulate park closures. Homeowners living within these jurisdictions should contact their city or county to get the full details of the ordinance that applies to them.