

The Oregon Administrative Rules contain OARs filed through January 15, 2008

OREGON HOUSING AND COMMUNITY SERVICES

DIVISION 8

MANUFACTURED DWELLING OR RESIDENTIAL VEHICLE FACILITY CLOSURE

813-008-0005

General Purpose

OAR chapter 813, division 008 is promulgated to accomplish the general purpose of ORS 90.630 and specifically ORS 90.630 (5), (6), (7) and (8), and with ORS 90.630(7) requiring the Housing and Community Services Department to adopt rules to implement the provisions of ORS 90.630(5).

Stat. Auth.: ORS 90.630, ORS 90.800 - ORS 90.840, ORS 183, ORS 456.515 - ORS 456.723 & ORS 458.210 - ORS 458.650

Stats. Implemented: ORS 90.630, ORS 90.800 - ORS 90.840, ORS 183, ORS 456.515 - ORS 456.723 & ORS 458.210 - ORS 458.650

Hist.: HSG 4-1988, f. & ef. 10-19-88; HSG 7-1989, f. & cert. ef. 11-3-89; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 8-1991, f. & cert. ef. 12-23-91; HSG 2-1997, f. & cert. ef. 10-6-97; OHCS 17-2002, f. & cert. ef. 12-5-02

813-008-0010

Definitions

Words and terms used in OARchapter 813, division 008 are consistent with the definitions in ORS90.100.

Stat. Auth.:ORS 90.630, ORS90.800 - ORS 90.840, ORS 183, ORS 456.515 - ORS 456.723 & ORS458.210 - ORS 458.650

Stats. Implemented: ORS 90.630, ORS 90.800 - ORS 90.840, ORS 183, ORS456.515 - ORS 456.723 & ORS 458.210 - ORS 458.65

Hist.: HSG 4-1988, f. & ef. 10-19-88; HSG 3-1989(Temp), f. &cert. ef. 6-8-89; HSG 7-1989, f. & cert. ef. 11-3-89; HSG2-1991(Temp), f. & cert. ef. 8-7-91; HSG 8-1991, f. & cert.ef. 12-23-91; HSG 2-1997, f. & cert. ef. 10-6-97; OHCS 17-2002,f. & cert. ef. 12-5-02

813-008-0015

ClosureNotice

(1) Any written notice bythe landlord of termination of a rental agreement because of facilityclosure and the land or leasehold being converted to a different useshall conform with the requirements of ORS 90.630 and provide atleast the following information:

(a) The landlord's orrepresentative agent's address for contact and communications;

(b) The firm date set forthe closure of the facility or of the relevant portion of thefacility;

(c) The actions andactivities the landlord plans to take in the facility closure thatmay affect the facility tenants;

(d) The landlord'sobligations under ORS 90.630(5), (6), (7) and (8);

(e) The tenant's rightsunder ORS 90.630(4) for a 365-day closure notice or 180-day closurenotice, as applicable, including the right, if any, for payment ofmoving expenses under OAR 813-008-0030 and the eligible movingexpenses defined under OAR 813-008-0025;

(f) The voluntary benefits,if any, to be provided to the tenant by the landlord or contractedbetween the parties, together with any shortened period betweennotice and termination of the rental agreement arisingtherefrom;

(g) A copy of the statuteORS 90.630 and of this OAR Chapter 813, Division 008;

(h) Any definitionsreferenced within these rules applicable to the tenant's rights underthese rules; and

(i) A description of anycity or county regulations, laws, or ordinances that apply to tenantinterests in facility closures.

(2) Notices required by ORS 90.630 or by these rules shall be delivered personally or by first class mail to each affected tenant. If served by mail, the minimum period before facility closure shall be extended by three days, and the notice shall recite the fact and extent of the extension. 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 his or her current address and to the subtenant in possession. If the tenant's address is unknown and not reasonably discoverable, his or her copy shall be delivered to the subtenant with written instructions to forward it to the tenant. Failure of the subtenant to deliver such copy to the tenant shall not limit the landlord's right to terminate the rental agreement because of facility closure.

(3) For 365-day closure notices as provided in ORS 90.630(5)(a), the provisions of OAR 813-008-0020 through 813-008-0030 do not apply.

(4) For 180-day closure notices as provided in ORS 90.630(5)(b), the landlord shall comply with the provisions of OAR 813-008-0020 through 813-008-0030.

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813-008-0020

Alternate Manufactured Dwelling or Floating Home Space

(1) The landlord shall notify the tenant, in writing, of alternate space to which the tenant can move the manufactured dwelling or floating home at least 45 days before delivering a 180-day notice of termination.

(2) The tenant shall determine, solely at the judgment and discretion of the tenant, if the alternate space identified in the 45-day notice described above is acceptable and shall notify the landlord in writing of his or her decision within 20 days of receiving the notice of the alternate space.

(3) The landlord shall secure the space acceptable to the tenant from the time of acceptance until the date the relocated manufactured dwelling or floating home is approved for the tenant's occupancy. Costs to secure the space for this period shall be included in the landlord-paid moving expenses.

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813-008-0025

Moving and Set Up Expenses

(1) Actual moving and set-up expenses shall be paid or reimbursed by the landlord, as agreed by the parties, for moving the tenant's manufactured dwelling or floating home, together with all possessions, to another acceptable location. Eligible expenses include, but are not limited to:

- (a) Costs for removing and reinstalling skirting;
- (b) Costs for disconnecting and reconnecting utilities, including fees related thereto;
- (c) Costs for disconnecting and reinstalling awning(s) and deck(s);
- (d) Trip permit and public inspection fees;
- (e) Transportation costs;
- (f) Set-up charges;
- (g) Costs for manufactured dwelling or floating home improvements necessary to meet destination facility space standards;
- (h) Costs for packing and unpacking manufactured dwelling or floating home contents as necessary for unit relocation for elderly and disabled persons, as those persons are defined in this Chapter;
- (i) Costs for temporary housing and meals for the tenant during unit relocation and set up; and
- (j) Landlord expenses to secure the relocation space acceptable to the tenant from the time of tenant acceptance until the date the relocated manufactured dwelling or floating home is approved for occupancy.

(2) Notwithstanding the foregoing, the amount of moving and set-up expenses required to be paid by the landlord under these rules shall not exceed actual cost or \$3,500, whichever is less, unless otherwise agreed to by the landlord.

Stat. Auth.: ORS 90.630, ORS 90.800 - ORS 90.840, ORS 183, ORS 456.515 - ORS 456.723 & ORS 458.210 - ORS 458.650

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& cert. ef. 11-3-89; HSG2-1991(Temp), f. & cert. ef. 8-7-91; HSG 8-1991, f. & cert. ef. 12-23-91; HSG 2-1997, f. & cert. ef. 10-6-97; OHCS 17-2002, f. & cert. ef. 12-5-02

813-008-0030

Payment of Expenses

- (1) The tenant and landlord shall agree in writing upon the moving and set-up method and source of services to be provided for same not less than 20 days before the tenant's required moving date.
- (2) The tenant shall submit billings or paid receipts for expenses eligible for reimbursement to the landlord within ten days of receipt of same. The landlord shall timely pay unpaid billings directly to the vendor and shall reimburse the tenant for appropriate expenses paid directly by the tenant. The landlord shall make payment for or reimbursement of appropriate expenses not later than 20 days following receipt of any such billings or paid receipts.
- (3) Based upon written agreement with the tenant, the landlord may contract directly with vendors as may be cost advantageous in accomplishing the tenant's move so long as such services are mutually agreed upon by landlord and tenant and performed by appropriately registered or licensed and bonded tradesmen or agents.
- (4) If no agreement is timely reached between landlord and tenant prior to a tenant's required moving date, the landlord shall timely reimburse the tenant for appropriate moving and set-up expenses consistent with these rules.

Stat. Auth.: ORS 90.630, ORS 90.800 - ORS 90.840, ORS 183, ORS 456.515 - ORS 456.723 & ORS 458.210 - ORS 458.650

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813-008-0040

Waiver

The Director may waive or modify any requirements of OAR 813, division 008, unless such waiver or modification would violate applicable federal or state statutes or regulations.

Stat. Auth.: ORS 90.800 - 90.840, ORS 183, ORS 456.515 - ORS 456.723 & ORS 458.210 - ORS 456.650

Stats. Implemented: ORS 90.800 - 90.840, ORS 183, ORS 456.515 - ORS 456.723 & ORS 458.210 - ORS 456.650

Hist.: OHCS 17-2002, f. & cert. ef. 12-5-02

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