



Oregon

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2022 Dispute Resolution Advisory Committee Report

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The Manufactured Communities Resource Center (MCRC) was established at Oregon Housing and Community Services (OHCS) in 1989 by the Oregon Legislature (ORS 446.543) with three main purposes:

- To provide services and activities to support the improvement of manufactured home park landlord-tenant relationships;
- To develop and implement a centralized resource referral program for tenants and landlords to encourage voluntary dispute resolution; and
- To maintain a directory of manufactured home parks.

In 2019, Senate Bill 586 expanded the scope of MCRC to include mediation services for floating home facilities, including marinas, thus changing the name to Manufactured and Marina Communities Resource Center (MMCRC).

Additionally, SB 586 introduced the concept of mandatory mediation, compelling landlords and tenants to schedule at least one engagement within 30 days of a dispute at a manufactured dwelling park or floating home facility with the assistance of qualified landlord/tenant mediators. SB 586 also required OHCS to establish a Manufactured and Marina Communities Dispute Resolution Advisory Committee (DRAC). The committee is tasked with monitoring the implementation of mandatory mediation and to advise OHCS regarding the viability and continuance of the mandatory mediation program and its grants as required by SB 586. The legislation also created funding to support legal representation to lower-income tenants, addressing disputes involving legal matters related to marina and manufactured home park living.

Membership in the DRAC currently consists of mediators, tenants, a representative from the Oregon State Tenants Association (OSTA), and a legal aid attorney. As of August 2022, the DRAC currently has nine members. OHCS staff oversee the coordination of the committee and are continuing to recruit additional representatives from interested groups.

Implementation of SB 586: What is going right?

Mediation Grantee Service Report

Over the past biennium, there was a total of 67 fully completed mediation reports as of Aug. 2, 2022. Of the completed 67 reports, nine indicated the services were declined, so no mediation took place. With 58 completed mediations, 149 clients were served. However, almost half of all sessions did not indicate whether the mediation was mandatory or voluntary. Most conflicts were

between the landlord and tenant, with only a handful between tenants. Others included parent conflicts, parental reunification, and purchasing a home. Most mediation sessions covered multiple issues, other issues, rule violations, and maintenance issues. The “other” category contains domestic, landlord, safety, parent, and neighbor issues. The results of mediation mainly ended in complete agreement by all parties. However, even during mediation sessions where services were declined, there were still five sessions that did not take place. Eleven sessions ended in partial agreement, and only seven ended in no agreement.

Mediation is the flagship program of MMCRC. However, efforts to introduce mandatory mediation to tenants and landlords have been hampered by the COVID-19 pandemic and wildfires across the state. Nevertheless, volunteers with a broad range of experience have been recruited and listed in Appendix A. COVID-19 precautions required participants to adapt and transition from in-person mediation to remote video conferencing. Community Dispute Resolution Center (CDRC) management and volunteer mediation staff in all counties have adapted to the changing environment.

Universal understanding of mandatory mediation remains an issue. Often there are issues that impact multiple parties in a park that are not resolved through the current tenants committee process or because there was no tenants committee. This results in group mandatory mediation, as opposed to multiple individual events that could overburden CDRC staff and park management. Tenant-on-tenant dispute mediation (which must be initiated by park management) has created concern as some managers believe some disputes are too trivial to address through mediation. There is no avoiding subjectivity and varying levels of experience, but park management is entrusted to maintain the "peaceful enjoyment" of the park for all residents. The interpretation of park rules often requires management participation. Thus, a letter of compliance needs to be shown to authorities to verify compliance or lack thereof.

To increase efficiency in CDRC and MMCRC, a collaborative effort is engaged in streamlining MMCRC's invoicing process. Pertinent forms are in the process of being digitized. Rather than using an itemized price list, CDRCs will withdraw allocated funding reflective of current activity. This change improved the CDRC's ability to deliver remote services, cover increased operating costs, and support greater outreach to manufactured and floating home communities. As OHCS prepares for the 2023 annual registration process, staff are working to identify the marinas covered by this program from the information that was provided by DRAC members who live in them and/or are marina owners. To date, OHCS has identified 36 marinas, and their information has been loaded into the MMCRC directory. Each marina received a welcome letter that shared information on OHCS and the annual registration process.

To assist both landlords and tenants in navigating recent updates to relevant landlord/tenant law, OHCS staff have prepared an additional fact sheet, the MMCRC Mandatory Mediation - Subsequent Small Claims Solution.

Implementation of SB 586: What are the challenges?

Education and computer literacy trainings are part of an ongoing effort to achieve broader adoption by tenants unaccustomed to digital systems. Addressing this challenge will be even more important as outreach shifts to virtual platforms in response to COVID-19. Key performance indicators normally obtained by written participant evaluations and questionnaires

are no longer viable, as remote mediations do not lend themselves to a simple exchange of documents. Web-based evaluations and questionnaires are a part of the streamlining effort, and participants will receive tutorials on how to complete them. To make the mandatory mediations as effective as possible, extra focus has been placed on determining whether issues between landlords and tenants rise to the level of park-wide concerns, which could be addressed through park-wide communication workshops, or whether they are more suitable for mandatory mediation conducted among a smaller set of stakeholders.

Next Steps: How can we improve the program?

To further improve the mandatory mediation process, DRAC members plan to focus on the following efforts:

- Continue negotiating a contract to provide legal representation to low-income facility tenants in addressing disputes involving legal matters arising under ORS Chapter 90.
- Include [LC 560](#) as part of its 2023-25 Legislative Agenda. The DRAC unanimously approved moving forward with this legislative concept to extend the committee and its work to Jan. 2, 2027.
- Identify ways to ensure all stakeholders become more comfortable and experienced with video conferencing technology and web-based tools. Formal invitations will be extended by Oct. 30 to Oregon State Tenants Association chapters and tenants committees to request MMCRC participation in their monthly meetings.
- Create web-based tools to collect key performance indicators and evaluation feedback.
- Develop resources for park-wide communication workshops that can be used for issues that are suitable for the mandatory mediation process. This is under discussion with CDRCs.


APPENDICES

Appendix A – Dispute Resolution Advisory Committee Members

Name	Organization	Committee Role	Service Area of Coverage
Brian Graunke	Mediation Director, Resolve Dispute Resolution	Chair	Jackson, Josephine, and Klamath Counties
Tera Cleland	CDRC Director, City of Gresham's East Metro Mediation	Co-Chair	Portland Metro, Multnomah County
Heather Wright	Director, Neighbor to Neighbor, Inc.	Member	Marion, Linn, and Benton Counties
Jan Hamer	Owner and Resident, River's Bend Marina	Member	Marina Owner, Columbia County
Nancy Inglehart	Community Partner, Oregon State Tenants Association	Member	Statewide
Patrick Sponsler	Grant Administrator, Oregon Office for Community Dispute Resolution, University of Oregon	Member	Statewide
John Van Landingham	Attorney, Lane County Legal Aid/Oregon Law Center	Member	Lane County
Pat Vachter	Manager, Parr Acres	Member	On-site Manager (Owner Agent) and Park Resident, Marion County
Angela Garvin	OSTA	Member	Statewide

Appendix B

 [Mandatory Mediation and Informal Dispute Resolution in Oregon](#)

 [MMCRC Mandatory Mediation – Subsequent Small Claims Solution](#)

 [Mandatory Mediation Flowchart](#)

 [Request For Mediation – Noncompliance](#)