



MANDATORY MEDIATION AND INFORMAL DISPUTE RESOLUTION IN OREGON

State legislation requires manufactured home park landlords to amend Rental Agreements to provide for a Mandatory Mediation Policy (Oregon Revised Statute 90.767). The policy must include an explanation of the process and format for mediation and provide information on mediation services available. Statute currently calls for establishment of an “Informal Dispute Resolution”, commonly referred to as voluntary mediation. Both aspects of mediation are viable, however, mandatory mediation compels parties to meet at least once and suspends any court action until completion of the mandatory mediation.

1. How to Initiate Mediation or Informal Dispute Resolution

Mediation may be initiated by a Landlord or Tenant. Either party may contact the mediation services available through: (a) park manager, (b) Local Community Dispute Resolution Center (CDRC), or (c) Manufactured & Marina Communities Resource Center (MMCRC) hotline: 1-800-453-5511 (Toll Free in Oregon) or phone: 503- 986-2145 or email: mcrc@oregon.gov or the [MMCRC Website](#).

2. Disputes Eligible for Mandatory Mediation

- Those between the landlord and one or more tenants, initiated by any party.
- Voluntary informal dispute resolution – those between any two or more tenants, initiated by either party.

Consistent with statute, upon intake the CDRC will determine the eligibility of an issue for mediation (reference Section 6 below).

3. Good Faith Efforts

Participants must make good faith effort to: (a) schedule a mediation within 30 days after initiation; (b) attend and participate; and (c) cooperate with reasonable requests of the mediator.

Mandatory mediation only: If a party refuses to participate in good faith in mandatory mediation with another party, or uses mediation to harass another party, the other party: (a) has a defense to a claim related to the subject of the dispute for which mediation was sought; and (b) is entitled to damages of one month’s rent against the party. It is also considered a winning rebuttal to a lawsuit over that dispute.

4. Effect of Filing for Mediation

Between the commencement and conclusion of the mediation:

- If the request for mandatory mediation is made before the landlord files a Forcible Entry and Detainer, Oregon Revised Statute 90.767 calls for a “stay” or “toll” (suspension) of any related court action until conclusion of the mandatory mediation.
- A party may not file a court action over the dispute until conclusion of the mandatory mediation; (c) tenant has continuing duty to pay rent; and (d) landlord’s receipt of rent does not constitute a waiver under Oregon Revised Statute 90.412(2).

5. Matters Subject to Mediation

Except as provided in Section 6, below, the following disputes are eligible for mediation: (a) landlord or tenant compliance with the rental agreement or Oregon Revised Statute Chapter 90 (Oregon landlord/tenant statutes); (b) landlord or tenant conduct within the Park; and (c) rule changes initiated under Oregon Revised Statute 90.610.

6. Matters Not Subject to Mediation

- Park closures
- Sales of parks
- Rent increases for periodic tenancies
- Rent payments or amount of rent due
- Unauthorized person in possession under Oregon Revised Statute 90.403
- Unless initiated by the victim, disputes involving domestic violence, sexual assault or stalking or between the victim and the alleged perpetrator
- Termination notices given for: (i) nonpayment of rent; (ii) conduct resulting in 24-hour notice; (iii) three-strikes notice under Oregon Revised Statute 90.630
- Disputes arising after the termination of the tenancy (e.g., under abandonment statutes or service and enforcement of writ of execution and eviction trespass notice).

7. Confidentiality

Subject to Oregon Revised Statute 36.220 (confidentiality of mediation communications and agreements), all communications between the parties and mediator are strictly confidential and may not be used in any legal proceedings.

8. Limitations on Mediation Process

Participation in mediation does not require any party to: (a) reach an agreement on any or all issues submitted; (b) participate in more than one mediation session; (c) participate for an unreasonable length of time in a mediation session; or (d) waive or forego any legal rights or remedies.

9. Designees for Parties

Any party may designate any other person, including a non-attorney (“Designee”), to represent the interests of that party provided that the Designee has complete written authority to bind that party to any resolution of the dispute reached in mediation. The Designee shall be equally bound by all rules of the mediation, including confidentiality.

10. Resolution/Nonresolution

The mediator shall notify Oregon Housing and Community Services whether a dispute was resolved, but may not disclose the contents of any resolution.