

Notice

Closure of Manufactured Dwelling Park

Date of Mailing:

Resident name or names:

Street address of resident:

Park address of resident, if different:

Dear Resident:

As Landlord of _____ (“the Park”), we have decided to [close the Park] [close the portion of the Park] in which the site of your manufactured dwelling is located and convert the land to a different use. This notice serves as notice of the termination of your tenancy.

Please read the following information. It is provided to you in accordance with Oregon law.

1. Closure date: The park will close on (date)_____.

2. Name, address of landlord or representative agent of landlord and other information for contact and communications:

Name: _____

Street Address: _____

City, state and ZIP: _____

Telephone number: _____

Website address: _____

Email address: _____

3. Actions that may affect tenants: The landlord plans to engage in actions and activities that may affect the tenants of the Park, including but not limited to testing, surveying and other work on the property.

4. Obligations of landlord and tenant: These obligations are stated in statute at ORS 90.645 and in administrative rule at OAR 813-008-xxx to 813-008-xxx. Copies of these laws are included with this notice. The following is a summary of the obligations. In the event of a conflict between this summary and the statutes and administrative rules, the text of the statutes and administrative rules prevails.

Period of landlord's notice to you: Before the landlord may terminate your rental agreement because of closure of the Park, the landlord must give you notice as follows:

- a. The landlord must give you 365 days' written notice of terminating your tenancy before the date of Park closure stated above, if:
 - A. The rental agreement is a month-to-month or fixed term agreement;
 - B. The Park or the portion of the Park to be closed is to be converted to a use other than as a manufactured dwelling park; and
 - C. The closure is not required by the exercise of eminent domain or by order of a federal, state or local agency.
- b. The landlord must give you 180 days' written notice of terminating your tenancy before the date of Park closure stated above, if the landlord closes the Park as a result of converting the park to a subdivision under state law.

Payment from landlord: The landlord must pay you one of the following amounts, depending on the size of your manufactured dwelling. Your payment is in the amount next to the line that is checked.

- \$5,000 if your manufactured dwelling is a single-wide dwelling.
- \$7,000 if your manufactured dwelling is a double-wide dwelling.
- \$9,000 if your manufactured dwelling is a triple-wide dwelling.

Exception to requirement of landlord payment: The landlord is not required to make the payment to you if both of the following circumstances apply:

- a. If the landlord closes the Park as a result of converting the park to a subdivision under state law; and
- b. If you buy the space or lot on which your manufactured dwelling is located and you do not move the manufactured dwelling, or if you sell the manufactured dwelling to a person who buys the space or lot.

Your notice to landlord: You must provide the landlord with a written notice of the date by which you will cease tenancy, whether by relocation or abandonment. This date must be on or before the closure date stated above. You must give the notice in writing and not less than 30 days and not more than 60 days before the date you cease tenancy. **NOTE: A landlord is not required to make the payment to you unless you provide this notice.**

Terms of landlord payment: Subject to the terms of this notice,

- a. The landlord must pay the full amount of the payment regardless of whether you relocate or abandon the manufactured dwelling.
- b. The landlord must pay at least at least one-half of the payment to you within seven days after receiving your notice as required in the preceding paragraph, and must pay the remaining amount of the payment not later than seven days after you cease tenancy.
- c. If you abandon the manufactured dwelling, the landlord may condition the landlord's payment to you by requiring you to waive any right to receive payment under Oregon's abandonment laws (ORS 90.425 or 90.675).

What the landlord may and may not do:

- a. The landlord may not charge you to store, sell or dispose of the manufactured dwelling if you abandon it.
- b. The landlord may not charge you any penalty, fee or unaccrued rent for moving out of the park before the closure date stated above.
- c. The landlord may charge you rent for any period during which you occupy the space in the park and may deduct from the payment any moneys that you owe to the landlord, such as rent or other charges.
- d. The landlord may not increase your rent in the park after issuing this closure notice.
- e. Oregon law does not limit the landlord's right to terminate your tenancy for nonpayment of rent (ORS 90.394) or other causes allowed by law (ORS 90.380(5)(b), 90.396, 90.398 or 90.632), when the landlord complies with the statutes governing eviction (ORS 105.105 to 105.168).

5. Your eligibility for a tax credit: Please review the notice of tax credit included with this notice.

6. Appeal of property tax assessment: Closure of the Park may allow you to appeal the property tax assessment on your manufactured dwelling.

7. Removal of manufactured dwelling: If you plan to move your manufactured dwelling from the Park, you must do so before the closure date.

8. Abandonment of manufactured dwelling: If you plan to abandon your manufactured dwelling, you should know that:

- a. The landlord may not charge you to store, sell or dispose of your dwelling; and
- b. The landlord may condition the payment to you that is described under "**Obligations of landlord and tenant**," above, by requiring you to waive or give up your right to receive from the landlord any payment of proceeds remaining from the sale of the abandoned property. These rights are described in ORS 90.425 and 90.675.

9. Definitions for applicable statutes and administrative rules: Applicable definitions for these laws are found in ORS 90.100, and are as follows:

- a. "Landlord" means the owner, lessor or sublessor of the dwelling unit or the building or premises of which it is a part. "Landlord" includes a person who is authorized

by the owner, lessor or sublessor to manage the premises or to enter into a rental agreement.

b. “Manufactured dwelling” means a residential trailer, a mobile home or a manufactured home as those terms are defined in ORS 446.003. “Manufactured dwelling” includes an accessory building or structure. “Manufactured dwelling” does not include a recreational vehicle.

c. “Manufactured dwelling park” means 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.

d. “Month to month tenancy” means a tenancy that automatically renews and continues for successive monthly periods on the same terms and conditions originally agreed to, or as revised by the parties, until terminated by one or both of the parties.

e. “Rental agreement” means all agreements, written or oral, and valid rules and regulations adopted under ORS 90.262 or 90.510 (6) embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises. “Rental agreement” includes a lease. A rental agreement shall be either a week-to-week tenancy, month-to-month tenancy or fixed term tenancy.

f. “Tenant,” for purposes of ORS 90.505 to 90.840, means only a person who owns and occupies as a residence a manufactured dwelling or a floating home in a facility and persons residing with that tenant under the terms of the rental agreement.

10. Applicable city or county laws: An ordinance, rule or other local law adopted by a local government before July 1, 2007, or amended before January 1, 2010, that regulates manufactured dwelling park closures or partial closures may offer you greater rights and protections than are afforded by state law. If such a local law applies, this notice must describe the additional rights and protections and include a copy of the applicable law.
