



VOLUNTEER SPOTLIGHT

June Abbot

By Karen Harless



June Abbott has recently been appointed Deputy Director of MH/OSTA for Polk and Marion Counties.

She has a great deal of experience serving as a volunteer. She lived in Keizer for over 20 years and was on many committees when the city was being formed, including the planning commission and the urban renewal committee. She helped to write the Keizer City Development Code and other ordinances.

June is a member of the Oregon National Guard Reserve, belongs to the disabled Veterans Auxiliary, and is a charter member of AMVETS Auxiliary for the State of Oregon. She also volunteers in her church and is active in the HOA Board at Salem Greene MHP.

June says she loves helping people and is looking forward to meeting and helping residents in parks in her area. We welcome her to the Board.

THE **osta** REVIEW

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Thank You, Sue Foster

Board of Directors Takes on Operational Responsibilities to Lessen Financial Problems

By Jane Capron, for the Board



Board members front row are Jane Capron, Susan DeLateur, and Rita Loberger. Back row are Gary Walters, Mike Tayloe, Terry Smith and John VanLandingham. Myrna Martinez not present for photo.

Because of financial difficulties the MH/OSTA Board of Directors cannot afford to continue paying a salary to an executive director. It took over nine months to get IRS approval of our C-3 non-profit status, and until that approval was granted, we were unable to apply for foundation grants and had to rely on membership dues and donations. Dues and donations

keep us functioning but do not give us enough extra to provide a competitive salary for an administrator. Grants take a minimum of three months to process and more likely six months, so it will be well into the fall before we can hope to see enough funding to afford another executive director.

We are happy to report that Sue Foster found another good

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Thank You, Sue Foster

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position as Community Relations Manager with Good Neighbor Care, a memory-care assisted living facility in Eugene. We are fortunate that Sue will continue as a volunteer and advisor to the Board, sharing her expertise.

Meanwhile, your Board of Directors has assumed the tasks previously performed by Sue. Terry Smith from Miller Estates in Central Point continues as president and is working with Peter Hainley, director of CASA, on funding proposals. Jane Capron continues as vice-president/secretary, assuming some of Sue's jobs including editing articles for The OSTA Review. All Board members are submitting articles for publication, and Myrna Martinez is delivering extra issues of The OSTA Review from Eagle Press in Salem to the District Directors and other board members to distribute to chapters for use in membership drives. Mike Tayloe, a Springfield CPA and OSTA financial chair, will continue to prepare cash flow charts and balance sheets. His office will handle accounts payable and receivable. John VanLandingham continues to advise us on legal matters and to vet documents for publication. Rita Loberger, Washington County District Director, is routing telephone messages to District Directors Gary Walters in

Jackson County, Susan DeLateur, and new deputy director June Abbott in Marion/Polk Counties, and Jane Capron in Lane County so they, along with Rita, can answer members' and potential members' questions. With the cooperation of all members, we expect to continue functioning as always, offering education, information, protection, the development of park homeowner rights, support services, and preservation of our affordable housing.

We need everyone, all of our members, working to increase membership, since through the strength of a strong membership we exert power to enhance the benefits of manufactured park living.

We send our best wishes to Sue Foster in her new position and our sincere thanks for the many hours she dedicated to getting us well onto the road to our new non-profit status. We expected to fly into this non-profit position; instead we sort of crawled into it. But with everyone's help, we're there and slowly progressing. Thank you, Sue, for keeping us from faltering off the path. Thank you, too, to all you members who keep faith in OSTA. It's been a rocky road, but with your continued support, we're going to make it. ■

From the President

...Terry Smith



Hello everyone,. Spring is finally here and it is once again time to get outside and enjoy the weather and to make up lost time with your neighbors. Carole and I have enjoyed another winter in Yuma, Arizona, but it is always good to get back home. Our house seems so big after living in the 5th wheel for five months. It is also nice to taste good “west coast” drinking water again. Yuma water is so salty (hard) that everyone buys their drinking water. We had a home-size water softener installed, which helped us a lot.

The MH/OSTA Board of Directors and District Directors worked very hard for the membership all winter long, answering phone calls from our 1-800-423-9371 number and making park visits with individuals and groups. We receive 1-800 calls on a regular basis with all types of questions. Some people just want to have someone to talk with. We do gain new membership from these calls.

As you remember reading in the last OSTA Review, MH/OSTA has now received its C3 charitable nonprofit approval from the IRS allowing MH/OSTA the right to apply for State and Federal funding. I also mentioned that the procedure required for IRS

approval was very difficult, time consuming, and costly. Because of the longer-than-anticipated waiting period involved, it has caused a financial strain on our resources. We had to conserve our spending (which we always do) in every possible way, including the dismissing of our Executive Director, Sue Foster. This was an extremely difficult thing to do but was necessary. Sue has done so much for us during her one year of employment, and she will be greatly missed by all. When our financial resources are once again where we can hire another ED, we will do so. Sue is kind enough and caring enough to continue on as a volunteer, helping with some of her ED duties. ■

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Rent Control Found Illegal... But Wait...

A recent federal court ruling is discouraging to many owners of manufactured homes, especially those supporting efforts to control rents. On September 28, 2009, the Ninth U.S. Circuit Court of Appeals ruled against the city of Goleta, California's rent control ordinance. The ordinance had frozen rents at 20 percent of fair market levels, allowing owners of manufactured/mobile homes to sell them for many times their worth.

Judge Jay S. Bybee, who wrote the decision, described the ordinance as a "wealth transfer from the park owners to their tenants accomplished by the adoption of rent control."

The Court ruled that the Fifth Amendment to the U.S. Constitution provides that private property shall not be taken without just compensation. The Court noted that the purpose of providing affordable housing was

a legitimate governmental purpose but that the Fifth Amendment forbade imposing that burden solely on mobile home park owners.

According to Constitutional scholars, local governments attempting to adopt rent control will have to consider the possibility of being sued for breaking the law that forbids "takings" without just compensation. The case could be sent to the U.S. Supreme Court. That, of course, would involve a great deal of time and money and no guarantee of success.

The Ninth Circuit court has jurisdiction over federal district courts in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington and the territorial courts of Guam and the Mariana Islands.

Postscript: This decision was issued by a 3-judge panel of the Ninth Circuit, which has many

judges. Since the opinion was entered, the full Ninth Circuit has decided to reconsider this decision en banc – which means, by all the judges. Often, when the court decides to review a panel decision en banc, it indicates that the panel decision will be reversed. ■

How Does a Mobile Home Differ from a Manufactured Home?

Information from Andrée Tremoulet, Ph.D. Portland State University Institute on Aging. The definitions that follow have been edited to provide a brief explanation of the difference between "mobile" and "manufactured" structures. See ORS 446.003 for a more detailed explanation.)

Both mobile homes and manufactured homes are defined as structures a) intended for human occupancy, b) constructed for movement on the public highway, c) have sleeping, cooking, and plumbing facilities, and d) meet the construction requirements in effect at the time of construction. Mobile homes are further defined as having been constructed between January 1, 1962 and June 15, 1976. Manufactured homes must meet the National Manufactured Home Construction and Safety Act of 1974, which took effect June 15, 1976. ■

Annual Meeting Announcement

Mark your calendars for the MH/OSTA yearly meeting being planned for Saturday, October 16, at Shadow Hills Country Club in Junction City. This was such a pleasant place to meet last year that several requests have been made for meeting there again. Details in the next issue of The OSTA Review. Don't forget we'll need baskets and items for the raffle.

This Old Mobile Home

by Jim Sultz

Note: Jim Sultz owns Pacific Mobile Home Supply in Central Point, Oregon. The following information may be useful if you have friends considering buying a manufactured home or if you want to check your own house.

Ten Steps to Buying a Used Mobile Home

1. Check the roof: First check the ceiling for stains, a sure sign of roof leaks. If the roof is metal, check to make sure it has a good coating and one that has been applied in recent years. The house may have a vinyl or metal overlay roof. Find out what company installed the roof and if the guarantee is transferable. On a roof with fiberglass shingles, check the shingles for cracking and curled edges. Cracking and curling are a sign you will need a new roof soon.

2. Check under the home: Are there any obvious leaks in the fresh water lines or sewer lines? Are the vapor barrier and insulation in place and secured? Do you have concrete base pads, concrete ribbons, or a permanent foundation? There should be no wood touching the ground anywhere around the set-up blocks or skirting. Is there a plastic ground cover under the home?

3. Check the electrical wiring: Are there any exposed wires inside the home that need to be repaired? Are there any burned outlets or switches? If you are buying a home that was built prior to 1973, you're insurance company will want to know if it has aluminum wiring. Do you have ground fault circuit interrupter (GFI) receptacles in the bathroom and kitchens? How many outside outlets do you have and where are they?

4. Check the plumbing: In case of an emergency, make sure you know where your main water shut-off is (many older homes do not have shut-off valves under sinks, toilets, etc). Check in, around, and under toilets, sinks, tubs, showers, dishwashers, and washing machines. Do you notice any damp areas, water leaks, or drippy faucets? If you can look under the cabinets and vanities, you may be able to tell if any past repairs have been made. Get plumbing problems fixed before you move in.

5. Pay close attention to bathrooms and laundry room: One of the most recurring problems is dry rot under the toilet. Is the vinyl wet or discolored around the toilet? Does the toilet rock when you step

around the base? Do the shower doors slide freely? Do the bath fans work? Check for weak floors around the washer/dryer area. The dryer vent should be vented to the outside of the home.

6. Realtors: Over the past few years a lot of realtors have taken up selling used mobile homes. Finding one that specializes in mobile or manufactured homes can be a big help. They not only represent the seller but may also know about potential problems in the house. A good realtor will also know about park rules and regulations. Before putting down earnest money, you should check with the park manager to discuss your plans. It may also be a good idea to talk to the previous owner and to the surrounding neighbors.

7. Home inspections: Most mortgage lenders will generally require a home inspection. Among other things, inspectors will check for pests and dry rot problems. For someone that is not familiar with manufactured/mobile homes or can't check out the home themselves, home inspections are a good thing and can save you money. Try to find an inspection service that specializes in manufacture homes. An inspection can run anywhere from \$150 to \$350, depending on how extensive a job you want done.

(continued on Page 6)

This Old Mobile Home (Continued from Page 5)

8. Check appliances and heating-A/C system: Before you move in, actually turn on such things as range/oven, refrigerator, dishwasher, garbage disposal, washer and dryer and let them run through a complete cycle. Have a licensed HVAC contractor check out the heating and air conditioning system thoroughly.

9. Windows and doors: Many of the older mobile homes that were built in the 70s and 80s had windows and doors that were not very energy efficient. A lot of homeowners have replaced their older windows and doors with new thermal pane/vinyl windows and insulated doors. If so, this can be a big savings to you since replacement of doors and windows can run in the neighborhood of \$2,000 to \$3,000. So ask if the windows have been replaced or if there has been any insulation added in the walls or attic.

10. General appearance: Are the carpet and vinyl floors in good shape? Has the house been painted recently inside and out? Are countertops and sinks in good shape (no chips)? Are there any holes in the doors or sheetrock panels? These panels can be a costly repair since most of the vinyl-coated sheetrock patterns are no longer available. ■

New Law Offers Property Tax Relief to Owners of Some Manufactured/ Mobile Homes in Larger Oregon Cities

House Bill 3640 was sponsored in the 2010 Special Session of the Oregon State Legislature by Eugene District 14 Representative VAL HOYLE. The new law requires the county assessor in counties of over 340,000 people to cancel the property tax assessment for manufactured structures if the assessed value of all manufactured structures taxable as personal property of the taxpayer is less than \$12,500.

The bill was passed and signed into law by the Governor on March 18. The bill was also sponsored by Representatives CLEM, DOHERTY, HOLVEY, KAHL, KOTEK, NOLAN, RILEY, and Eugene Senator CHRIS EDWARDS.

Representative Hoyle was appointed to fill the District 14 seat when Senator Chris Edwards was appointed to become Senator after former Senator Vickie Walker accepted the position of Oregon State Director for Rural Development with the U.S. Department of Agriculture. ■

ORS Chapter 90 STUDY NOTES

The next four pages are a study guide to help you become more familiar with the laws that affect you as a park homeowner. There are 50+ statutes that specifically apply to 'Manufactured Dwellings.' Some of the other 76 Chapter 90 'Residential Landlord and Tenant' statutes affect us as well. And Chapter 90 cross references additional ORS chapters we need to be aware of.

To further complicate things, laws change – that's why they are called Oregon *Revised* Statutes! But understanding current laws can help you understand what difference a new law or a change to an existing one may make. Learning the law is a never-ending process, but that's no reason not to begin. The more you know, the better you can protect your home investment and lifestyle.

Please remember that learning about the law may help you to know what to do or not do, but it doesn't make you a substitute for a lawyer. If you think you might need a lawyer, you probably do.

Call one and ask.

The next four pages are designed as a 'pull-out' section that you can remove and put in a file or binder to keep for future reference. You may even want to form a study group in your park. We will do more study guides in upcoming newsletters. ■

RIGHT2KNOW Statute Study Guide

ORS 90.725



(Reprint: Spring 2010 OSTA Review)

(Landlord Rights and Obligations)

90.725 Landlord or agent access to rented space; remedies

ORS 90.725 Verbatim

1. A landlord or a landlord's agent may enter onto a rented space, not including the tenant's manufactured dwelling or floating home or an accessory building or structure, in order to inspect the space, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services, perform agreed yard maintenance, equipment servicing or grounds keeping or exhibit the space to prospective or actual purchasers of the facility, mortgagees, tenants, workers or contractors.

The right of access of the landlord or landlord's agent is limited as follows:

(a) A landlord or landlord's agent may enter upon the rented space without consent of the tenant and without notice to the tenant for the purpose of serving notices required or permitted under this chapter, the rental agreement or any provision of applicable law.

(continues)

ORS 90.725 Study Notes

Note: This section is modeled after a similar law regarding an apartment landlord's rights and duties of access, ORS 90.322—adjusted to fit MH park tenancies.

Subsection (1) establishes that the landlord, including manager, can come onto your space but not into your home or carports, sheds, and other buildings for inspections and repairs but only for certain purposes, such as to examine changes you have made, like adding decorative items (for example, butterflies on the side of your house). The landlord can also come onto your space if you agreed in writing that he could perform certain services like mowing the grass, fixing a broken sewer pipe, trimming bushes and tree branches. He can also come on your space to show it to people who might want to buy the park, people to whom he owes money, or to workers and contractors.

Paragraph (1) (a) says that a landlord or manager doesn't need the tenant's permission and doesn't need to give advance notice before entering your space to serve notices that pertain to Chapter 90 or the rental agreement.

PLEASE NOTE

Right2Know Factsheets are provided by **MH/OSTA** to help manufactured homeowners who rent space in Oregon's manufactured home parks better understand their rights as homeowner/park tenants. While these factsheets are about Oregon law, they **SHOULD NOT BE CONSIDERED LEGAL ADVICE**. The factsheets are for educational purposes to help build better relationships between homeowners and park management. Factsheet information is directed only to homeowner/park tenants and may not apply to renter/park tenants relationships, or other landlord-tenant relationships. Oregon Revised Statutes are shown from the most recent ORS at the time of the printing of the factsheet and do not include cross-referenced statutes. For complete and most current ORS go to: www.ohcs.oregon.gov/OHCS/CRD/OMDPCR/docs/chapter90.shtml.

If you need legal advice, we strongly encourage you to seek the assistance of an attorney.

ORS 90.725 Verbatim (continued)

(b) In case of an emergency, a landlord or landlord's agent may enter the rented space without consent of the tenant, without notice to the tenant and at any time. "Emergency" includes but is not limited to a repair problem that, unless remedied immediately, is likely to cause serious damage to the premises. If a landlord or landlord's agent makes an emergency entry in the tenant's absence, the landlord shall give the tenant actual notice within 24 hours after the entry, and the notice shall include the fact of the entry, the date and time of the entry, the nature of the emergency and the names of the persons who entered.

(c) If the tenant requests repairs or maintenance in writing, the landlord or landlord's agent, without further notice, may enter upon demand, in the tenant's absence or without consent of the tenant, for the purpose of making the requested repairs until the repairs are completed. The tenant's written request may specify allowable times. Otherwise, the entry must be at a reasonable time. The authorization to enter provided by the tenant's written request expires after seven days, unless the repairs are in progress and the landlord or landlord's agent is making a reasonable effort to complete the repairs in a timely manner. If the person entering to do the repairs is not the landlord, upon request of the tenant, the person must show the tenant written evidence from the landlord authorizing that person to act for the landlord in making the repairs.

ORS 90.725 Study Notes (continued)

Paragraph (1) (b) says that in case of fire, flood, earthquake, a broken water main, an overflowing sewer and other emergencies, the landlord can enter onto your space without first getting your permission or giving you notice to prevent damage to the property. If you're not at home, he must notify you that he was there giving the date and time of entry along with the reason (the emergency).

Paragraph (1) (c) says that if you have written a note asking for repairs or maintenance, the landlord can come to fix things without further notice at reasonable times. Your request can specify hours that are convenient for you. If a repairman comes, he must show you written evidence from the landlord that he is authorized to make the repairs.

ORS 90.725 Verbatim (continued)

(d) (A) If a written agreement requires the landlord to perform yard maintenance, equipment servicing or grounds keeping for the space:

(i) A landlord and tenant may agree that the landlord or landlord's agent may enter for that purpose upon the space, without notice to the tenant, at reasonable times and with reasonable frequency. The terms of the right of entry must be described in the rental agreement or in a separate written agreement.

(ii) A tenant may deny consent for a landlord or landlord's agent to enter upon the space pursuant to this paragraph if the entry is at an unreasonable time or with unreasonable frequency. The tenant must assert the denial by giving actual notice of the denial to the landlord or landlord's agent prior to, or at the time of, the attempted entry.

(B) As used in this paragraph:

(i) "Yard maintenance, equipment servicing or grounds keeping" includes, but is not limited to, servicing individual septic tank systems or water pumps, weeding, mowing grass and pruning trees and shrubs.

(ii) "Unreasonable time" refers to a time of day, day of the week or particular time that conflicts with the tenant's reasonable and specific plans to use the space.

(e) In all other cases, unless there is an agreement between the landlord and the tenant to the contrary regarding a specific entry, the landlord shall give the tenant at least 24 hours' actual notice of the intent of the landlord to enter and the landlord or landlord's agent may enter only at reasonable times. The landlord or landlord's agent may not enter if the tenant, after receiving the landlord's notice, denies consent to enter. The tenant must assert this denial of consent by

ORS 90.725 Study Notes (continued)

Paragraph (1) (d) talks about a manager agreeing to take care of your yard on a regular basis and/or servicing septic tanks and water pumps, weeding, mowing, pruning. Whatever the terms of that agreement are, they must be in writing (which could be your rental agreement). The agreement may provide that the landlord need not give advance notice before entering. Again landlords must come at a reasonable time. If they come too often or at inconvenient times, the tenant can refuse in writing to allow entry onto the space.

Paragraph (1) (e) states that, other than with the exceptions described in (a) through (d) above, the landlord/manager needs to give you at least 24 hours' actual notice if they're coming on your space and the times must be reasonable. Reasonable hours are usually between 8 a.m. and 5 p.m. as with a regular workday. You have the right to deny access (but see subsection (5) next page).

ORS 90.725 Verbatim (continued)

giving actual notice of the denial to the landlord or the landlord's agent prior to, or at the time of, the attempt by the landlord or landlord's agent to enter.

(2) A landlord shall not abuse the right of access or use it to harass the tenant. A tenant shall not unreasonably withhold consent from the landlord to enter.

(3) A landlord has no other right of access except:

- (a) Pursuant to court order;
- (b) As permitted by ORS 90.410 (2);
- (c) As permitted under ORS 90.539; or
- (d) When the tenant has abandoned or relinquished the premises.

(4) If a landlord is required by a governmental agency to enter a rented space, but the landlord fails to gain entry after a good faith effort in compliance with this section, the landlord shall not be found in violation of any state statute or local ordinance due to the failure.

(5) If the tenant refuses to allow lawful access, the landlord may obtain injunctive relief to compel access or may terminate the rental agreement pursuant to ORS 90.630 (1) and take possession in the manner provided in ORS 105.105 to 105.168. In addition, the landlord may recover actual damages.

(6) If the landlord makes an unlawful entry or a lawful entry in an unreasonable manner or makes repeated demands for entry otherwise lawful but that have the effect of unreasonably harassing the tenant, the tenant may obtain injunctive relief to prevent the reoccurrence of the conduct or may terminate the rental agreement pursuant to ORS 90.620 (1). In addition, the tenant may recover actual damages not less than an amount equal to one month's rent. [1999 c.676 §2; 2005 c.619 §23]

ORS 90.725 Study Notes (continued)

Tenants can't unreasonable deny landlords entry to their space just as the landlord cannot harass the tenant or abuse the right of entry. Being nice works two ways.

This subsection describes situations not covered by these requirements: if a judge has signed a court order, the landlord has the right to come into the tenant's space. It also references two other statutes: 90.401 (2) that says that after the tenant is absent from the space over seven days, the landlord can enter, and 90.539 that says that the landlord can enter the space to read a sub-meter but no oftener than once a month and only between 8 a.m. and 6 p.m. The landlord must leave as soon as he's read the meter. Finally, the landlord can enter the space if you have abandoned the home and the park.

This subsection says that if a governmental agency requires a landlord to enter the space and the landlord fails, after a good faith effort, the governmental agency cannot punish the landlord for that failure. "Good faith" means being honest and sincere. If the tenant unreasonably denies access to the landlord, the landlord can (1) get a court order requiring the tenant to allow access, (2) terminate the tenancy with a 30-day cause notice, and/or (3) sue the tenant for the landlord's actual damages.

The tenant can get a court order against the landlord for unlawful entry of any kind or for lawful entry in an unreasonable manner, such as repeatedly demanding entry, even if lawful, if those demands include harassment. In such cases the tenant would be entitled to the equivalent of a month's rent.

Rents Went Up and Social Security COLAs Didn't

We get complaints about space rents in manufactured home parks going up each year. Some residents have pleaded with their owners to have mercy through meetings, letters, and petitions, but so far we haven't heard of any park groups convincing their owners to freeze rents during this economically difficult time.

Really hurting are people, often widows, who are trying to get by on their social security checks. Without a Cost of Living Adjustment in January, people living hand-to-mouth and day-to-day have to cover the \$20 or more increase in space rent with the same amount of money they got last year. We know there are folks juggling expenses for food and medicines trying to meet their rents.

Many owners don't bother to justify rent increases; they just give us notice that our rents are going up. Other owners try to justify the rent increase by telling us why it's going up. Those who justify cite the Consumer Price Index (CPI).

There are several indexes, and the owners use the most common one that is known as the Consumer Price Index Urban (CPI-U), which did go up just under 3%. It tracks the cost of living of 87% of the population in urban areas of 150,000 and up. The Consumer Price Index-Wages

(CPI-W) tracks the cost of living of wage earners and clerical workers, who make up 32% of the population. This is the index Social Security uses for retirees. The CPI-W didn't increase mainly because energy prices dropped and the cost of a market basket of goods stayed pretty stable.

Unlike CPI-U which is based on a full year's worth of inflation, CPI-W, which determines Social Security COLAs, is based on the third quarter of the previous year. Inflation was flat in the July-September quarter for the CPI-W because energy prices were down 25%. Other prices increased such a small amount that we would have gotten a 2.1% reduction in our COLA had Congress not forbidden a downward adjustment when it set up the program. But prices for the full year increased 2.7%, and that's the CPI-U on which landlords base rent increases.

In 1972 Congress voted to begin Cost of Living Adjustments to take effect in 1975 based on the CPI-W. In January, 2009, retirees got a 5.8% COLA. This is the first year since the program began in 1975 that there has been no increase in the COLA. Furthermore, the Congressional Budget Office projects low inflation until at least January, 2011 or 2012, so it may be 2013 before we see a COLA, and then

it's projected to be a 0.8% payment.

To soften the blow, Congress is debating a \$250 stimulus payment for retirees in the system. If that happens, the 57 million Social Security recipients will cost the government \$14 billion.

*--from Bureau of Labor
Statistics Information*

The CPI Market Basket of Goods

The Bureau of Labor Statistics tracked 7,000 families in 2005 and 2006 on their quarterly spending habits for more than 200 items. These included:

- Food and Beverages such as cereal, milk, coffee, chicken wine, snacks)
- Housing including fuel oil and bedroom furniture
- Clothing
- Transportation, including new vehicles, airline fares, gasoline, car insurance
- Medical Care, including drugs, medical supplies, doctors visits, glasses and eye care, hospital services
- Recreation, like TVs, toys, pets, sports

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Coalition Connections

Sub-Metering Water

by Rita Loberger

MH/OSTA plays a big part in the make-up of the Manufactured Housing-Landlord/Tenant Coalition – the group that proposes the bills that become our Chapter 90 statutes. As far back as 1995, we were told we must formulate the terminology in agreement with the other members of the coalition before our additions to these laws could be considered for implementation. As any of you who have consulted these laws know, we have made great steps to gain rights for renters. State laws will supersede any terminology in a lease or contract presented to us as new residents of a community.

The coalition got off to an early start this last year for the ‘short session’ issues we felt needed to be addressed. As we normally meet monthly, our sessions were as often as weekly for awhile. Our main issue was the sub-metering of our communities and the obstacles we needed to overcome policies previously set as precedence.

This is not a new issue. Going back as far as our Winter ’07 issue of The OSTA Review, one can see how long it takes to make and pass the laws we have in our Chapter 90.

At this time, we are entertaining speakers who have the knowledge and experience to

put together the wording that will pass as law. Most recently we have heard from Jill Hoyenga, the Water Management Services Supervisor of the Eugene Water and Electric board. We have had two water meter companies – Ferguson Waterworks and Wireless Utilities/Edison Micro-Utilities. Dave Leland from the Oregon Safe Water program was another recent speaker. We are attempting to cover all aspects of this subject from back-flow connections to authorized plumber charges for installation. We have finally overcome the EPA issue of sub-metering communities not being declared a “regulated water utility” as was first proposed. The list goes on – testing issues, placement of these meters (under the homes or within feet of the manufactured home), types of meters and how they can be read, forms of billing if well water could be sub-metered or continue to be billed through the rent, and the cost of installation.

Senator Suzanne Bonamici has checked into federal funding and not found it available for installation costs and charges for inspection of meters once in place. Senator Bonamici is continuing to seek funding. One of the suggestions to help with this issue was a bulk permit for inspection of groups of meters. We continue

to inquire into various sides of these issues prior to requiring landlords to install these units.

In addition, the coalition is beginning to discuss a selling park landlord’s duty to negotiate with residents who want to buy the park, sometimes referred to as “right of first refusal.”

Representative Nancy Nathanson sponsored a bill in the 2009 legislative session about this subject, and the coalition hopes to suggest improvements for the 2011 session. ■

The CPI Market Basket of Goods

(Continued from Page 11)

- Education and Communication, including tuition, postage, telephone, computer
- Other Goods and Services like tobacco, haircuts, personal services, and funeral expenses.

The resulting CPI also included various government-charged user fees like:

- water and sewer
- registration fees
- vehicle tolls
- sales and excise taxes

Not included are income and Social Security taxes, investments, real estate, and life insurance but instead only items related to day-to-day consumption expenses.

--from Bureau of Labor Statistics
Information

News from Lane District

from Jane Capron

District Meeting

This Spring about 50 people from nine parks in Lane and Linn Counties met in Eugene for a district meeting at SongBrook. OSTA members and potential members submitted questions and in return received valuable advice from Eugene attorney Matthew Johnson. It is MH/OSTA's stated mission to educate and inform park home owners of their rights, and this meeting certainly furthered that mission. The SongBrook OSTA chapter board provided coffee and cookies.

Woodland Park Estates

Orval Tubbs, who has been an OSTA member for many years, helped with MH/OSTA accounts payable and receivable during the past six months. He has offered to aid the Board in other ways during this transition period, and in April Terry Smith, President, appointed Orval to the committee planning the annual meeting scheduled for

October. MH/OSTA appreciates our dedicated members who serve behind the scenes, and we could use more Orvals working to help us all.



Speaker of the House Dave Hunt, left, with long-time friend and OSTA member Kay DeBates from SongBrook. Orval Tubbs from Woodland Park is on the right.

SongBrook

A Town Hall Meeting in May that introduced Val Hoyle, State Representative from District 14, brought together manufactured home park owners and others from the Eugene/Springfield area. Speaker of the House Dave Hunt was the featured speaker, and other local Representatives

attending to discuss issues and answer questions were Nancy Nathanson, Terry Beyer, and Paul Holvey.

There appeared to be some confusion as to the purpose of a town hall meeting. They are informal public meetings where citizens gather to voice their opinions and hear responses from public figures and elected officials. The purpose of these meetings is for citizens to make their opinions heard and to influence elected officials in their decision making. SongBrook provided the meeting place and the Rep. Hoyle organized the agenda. This was not an OSTA meeting, although questions concerning manufactured home parks were discussed.

Jane Mickus is the new chapter president at SongBrook.

Bella Casa

Bella Casa Mobile Home Park in Pleasant Hill is our newest chapter, # 920. Members met to install officers in mid-May and look forward to working with the landlord on amenities that will benefit homeowners, perhaps including a basketball area. Officers are Nancy Cummins, president, Bonnie Snyder, vice-president, and Karen Barlow, secretary-treasurer. These three plus Diane Dawes are serving on the bylaws committee. ■

TEST YOUR I.Q. MHP LAW

True or False? A landlord must give you 24 hours notice before entering onto your rented space to serve a notice that you have broken a park rule.

“conflict with the tenant's reasonable and specific plans to use the space.”

FALSE. A landlord can enter your space to serve notices, to handle an emergency, if you have requested repairs in writing, or if he has a written agreement from you to perform yard or equipment maintenance. The times of entry must not

News from Southern Oregon

from Terry Smith and Lois Urton

Miller Estates

The Miller Estates OSTA chapter in Central Point thanks their park owners, The Miller Trust, for doing such a good job in presenting changes in the park rules and regulations. The professional way the new rules were presented and the fact that they followed the State Statutes is much appreciated by all home owners.

Myra Lynne

The Myra Lynne Homeowners were happy to donate \$500.00 to OSTA. Chapter president, Gary Walters, called the board together for a unanimous vote to give the money. Gary is the new MH/OSTA District Director for Southern Oregon. He was voted in

by the MH/OSTA Board of Directors at their April 19th meeting. He had been working as a deputy director for the past eight months. Chapter members are very proud of Gary and his wife, Ginger, who both give their time and effort to our chapter and also to the state OSTA organization.

The activities committee has been busy with monthly dinners, the main source of chapter fundraising. The last dinner was pulled pork sandwiches, homemade potato soup, and pudding. The Cinco de Mayo was beef or pork tacos, rice and beans, and ice cream. The group recently had a yard and bake sale and a hot dog sale, always a moneymaker. Funds go to giving out welcome

baskets that include maps and listings of attractions to new families moving into the park. Ginger Walters is chairman of the committee with Cleo Atkins, Barbara Hall, Beverly Kalams and Lois Urton.

Myra Lynne is a park of over 200 units so qualifies for the new Chapter 90 statute of sub-metering. Residents hope that the meters, to be installed by July, will conserve water, but are somewhat apprehensive about how they will work.

Election of new officers is coming up and the nominations are in the works. The current board wants to involve new members and get everyone interested in the elections. Besides a new board, the chapter is looking for ideas to keep the park an inviting and great place to live. ■

News from Marion/Polk Counties

from Susan DeLateur and Karen Harless

District Meeting

Salem Greene hosted the May 15 district meeting where OSTA members shared activities and concerns within their parks. Those attending also got an update of MH/OSTA happenings. Susan DeLateur, District Director, led discussion assisted by June Abbott, new Deputy Director for this area and a resident of Salem Greene.

Salem Greene

The Salem Greene Homeowners Association is very active, according to correspondent Karen Harless. They sponsor a breakfast and a lunch every month and a dinner once a quarter with some type of entertainment. In addition, there are casino nights, Bingo, patio sales in July, a bazaar in November and various potlucks throughout the year. In May, 43

residents attended a dinner planned by the board. The entertainment was the Rose City Banjoliers from Portland. Everyone thought the dinner was good and the music was awesome. One of the residents used to sing with the band and was asked to join them on one number.

Hollywood Estates

Eva Sehnal is the new president for this park in Salem. We wish her joy in the job and great cooperation from residents! ■

News from Northern Oregon

from Rita Logerberger

As renters, we are all aware of the situations that place us from time to time between management and happiness. As a director, I hear questions about working with management on a weekly basis. The answers to a lot of these questions are in the rental contracts and statements of policy we signed when we moved in.

OSTA is unable to contact potential residents when they are applying to move into a park. So we are unable to point out a few of the loopholes that the park owners and lawyers present to us “in writing” and unless we ‘take it to an attorney before signing’ (as is suggested on the back page of most contracts), we sign in full trust that we are buying our home and renting our land. As we settle in to our new home and community and become more involved in the functions therein, we begin to hear about these fall-between-the-slots type of problems. Our initial thoughts are why does this happen to me or us? What can I or we do to correct what we feel is an injustice in the contract?

Several of my calls can be referred to the document the callers have signed. If this is not the case, it is wise to check with your park managers or neighbors who will tell you if you have a Committee of Seven. We have mentioned how to formulate this

group, and information is available on our MH/OSTA.com website. By law the landlord or his representative is required to meet with the committee at least once, but not more than twice a year regarding problems that arise and cause dissension among the residents. Should these problems not be resolved during this meeting, the committee has the legal right to call for mediation.

Eldorado

Sometimes there's nothing can be done about a problem, such as one with wild animals. Last summer, at Eldorado, where I live, Mother Nature bestowed upon us a multitude of black and white kitties – the fragrant type. Despite the repeated caging and hauling and methods suggested to us to rid our community of these small but smelly critters, they continued to come, nay breed and infest all corners of our community. There appeared to be NO method

available to us to rid our neighborhood of these fellas. In jest, I suggested to our regional managers that we collect the families and take them to our local vet who would defume them and we could then keep them as ‘pets’. This did not sit well. – No humor I guess. With the onset of fall, there were fewer sightings and fewer calls. Hibernation is a good time of year. We're keeping our fingers crossed now as “the season” arrives.

This is only one of the cases over which we have no control. OSTA Directors get numerous calls and multiple problems. We give advice where we can, but stress it is NOT legal advice. We refer callers to their Tenants Committee or off site mediation should they not have a group in their community. On occasion, I have been able to contact the managers or in some cases the owners to work out a ‘gray area’ that will work as a solution for all involved. ■

Donation Drive Now In High Gear

In April and May renewing members were generous in sending in a bit extra with their dues, and we thank them, since dues and donations are what sustain us. The Board of Directors matched half of all the money donated. That isn't something the directors can continue to do, but we still need your donations. The \$500 from Myra Lynne was most welcome, and we thank that chapter for their generosity. Hopefully more of you, both individually and as chapters, will elect to make donations to help us work for you. Thank you.



MH/OSTA
PO BOX 701
SPRINGFIELD, OR 97477

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We are your neighbors.

MH/OSTA Vision

Be the place that the owner of a home in any Oregon manufactured home park:

- Calls for help and directly, or by knowledgeable referral, receives the help they need.
- Trusts to protect and enhance the security, affordability, and quality of their housing choice.

MH/OSTA Mission

Continue to grow a membership network of park homeowners who are increasingly better organized and able to provide and promote:

- Ready access to park homeowner education and information;
- Awareness, protection, and development of park homeowner rights;
- Connection to park homeowner support services provided by others;
- Preservation of manufactured home ownership as affordable housing.

***We are stronger together
than we are alone.***



MH/OSTA MEMBERSHIP APPLICATION

If a friend or neighbor gave you this copy of

THE
osta REVIEW

and you would like to start receiving a quarterly copy, it's easy!
Just become a member of MH/OSTA, for \$30 a year (the equivalent of \$2.50 a month) you'll get the OSTA Review, plus a whole lot more!

Join your neighbors today!



YES!

I want to join my neighbors to protect my rights as a homeowner.

☐

NEW MEMBER

☐

RENEWAL

☐

ASSOCIATE MEMBER

PLEASE PRINT. Please note that we respect your privacy. Your personal information is used for membership purposes only. We do not sell or share your information with any other business or organization.

LAST NAME

FIRST NAME

NAME OF SECOND RESIDENT IN HOUSEHOLD

NAME OF MANUFACTURED HOME PARK

ADDRESS

SPACE NUMBER

CITY / STATE / ZIP

HOME PHONE WITH AREA CODE

CELL PHONE WITH AREA CODE

EMAIL ADDRESS.

NOTE: Providing your email address enables us to communicate with you inexpensively. Again be assured that your information is never sold or shared.

(OPTIONAL)
Referred by:

Please enclose \$30.00 per household annual membership dues (that's only \$2.50 per month.)

Checks payable to MH/OSTA and mail to:
MH/OSTA
PO BOX 701
SPRINGFIELD, OR 97477