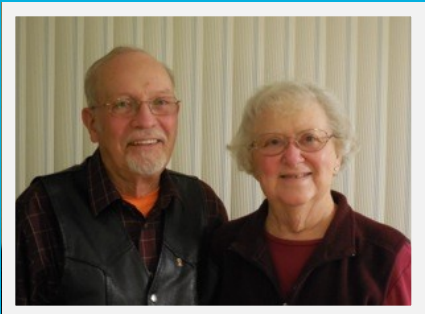




# THE Osta

## Quarterly Review

### Volunteer Spotlight— Jim and Helen Wall



We continue to honor OSTA members who have supported our organization for 25 years or more. Jim was state treasurer of the former MHOO in the late 90s, and he and Helen have attended most of the annual state meetings, except when they were off enjoying motorcycle trips, including one in New Zealand. They have enjoyed traveling on two wheels for many years with their Gold Wing motorcycle, even to square dances (picture Helen's skirts flying!)

Married for 56 years, Helen and Jim have four children, two in Oregon, one in Washington State, and one in Kenya. They lived in Salem Greene MHP during the 80s and have been in Paradise Island MHP in Salem since 1995. He spent most of his working years as an appraiser, eventually becoming a mobile home appraiser. Helen worked as a secretary for hospitals and clinics in Eugene and Salem.

They have donated to Helping Hands several times and are truly loyal OSTA members.

VOLUME 36 NO. 3

SUMMER 2015

## Coalition Bill HB 3016 Now Before State Legislature

HB 3016, which is expected to be approved by the state government and become part of state statutes, fixes issues accidentally omitted from the 2014 legislative session's Opportunity to Purchase bill. This includes restoring a capital gains tax exemption, retroactive to Jan. 1, 2015, for landlords who sell to tenants, non-profits, or housing authorities.

Other components of the bill include adding changes regarding past due and/or unpaid taxes and fees on abandoned homes. HB3016 also increases the time limit for tenants to form a park purchase committee from 10 to 15 days.

It also raises the fee paid by manufactured home owners that's collected with property taxes from \$6 a year to \$10 to support Oregon Housing and Community Services, which provides free or low-cost mediation to help settle landlord/tenant concerns. Of the \$10 fee, \$1.50 goes back to the counties to be used in billing and collecting any special assessments related to MH taxes. Park owners' yearly registration fee will increase to \$50 for parks of more than 20 spaces.

Landlords' responsibility to provide a natural gas or propane supply line to rented spaces has also been added to the habitability section of Chapter 90. These additions and changes will take effect January 1, 2016, assuming the bill passes, as is expected.

### Background on Unfair Competition in Home Sales

Some residents who are seeking to sell their manufactured homes think that landlords unreasonably reject their proposed buyers in order to compel the resident to sell the house to the landlord for a reduced/lowball price and the landlord then turns around and sells the MH for a higher price, sometimes to the very buyer the landlord just rejected or on easier terms (lower rent, worse credit history). Other residents think that landlords who are selling homes in the park compete unfairly with residents who are selling their homes by discouraging buyers from the resident or by requiring unreasonable repairs by the resident prior to approving the sale or by *(continued on page 9)*

#### A Reminder

**Our mailing address is P.O. Box 24958, Eugene, OR 97402.**

**Mail sent to the old post office box is not always being forwarded. So if you are a membership chair using old forms or have an on-line checking account, please make the address correction.**



**MH/OSTA**  
Manufactured Housing / Oregon State Tenants Association

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## *From the Editor...*

### **Having problems with your landlord and need legal advice?**

The Oregon State Bar has a web site for a program called "Modest Means," where for \$35 people can get brief answers to their legal questions. If you use this service, your district directors want to know if you got your money's worth.

**Happy Birthday to Curtis Tigard**, an OSTA member for over 25 years who was featured in the OSTA Spotlight in the Fall 2014 issue. The city of Tigard was founded by and named for his family, and the city threw him a party at the Tigard House to celebrate his 106<sup>th</sup> birthday this past April. Refreshments included birthday cake, coffee, and apple juice. Curtis lives at Royal Villa Estates MHP in Tigard.

In other birthday news, **Jacqueline Capron-Allcott, our Kids' Space reporter** for three years, just turned 13, so she is no longer a "kid" but is now a busy young lady. Grandma thanks you, Jacqueline, for writing for the OSTA Review!

**Manufactured houses are considered an excellent source of affordable housing** in our society. Those being built today are required to meet standards set by the U.S. Dept. of Housing & Urban Development (HUD). Almost 5,000 manufactured homes were produced in January this year, a 12.8% increase over January, 2014. In the mid-1990s the industry produced over 400,000 homes per year, mainly in the southern states and in California. We thank NMHOA for providing us with worthwhile tidbits of information like this to share with our readers. Now if we could just force landlords to keep their park rents affordable, we'd be happy campers!

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Our new mailing address is

**P.O. Box 24958, Eugene, OR 97402.**

## From The President...*Gary Walters*

I hate to start this column on a sad note. Our District Director for Douglas/Coos Counties, Charlie Ricker, has resigned from the board but promises to continue to be a loyal member. His dedication to MH/OSTA has affected his health, so he needs to slow down. On behalf of the state board of directors I wish Charlie a good life.

Now folks we really need more members for the state board. Our articles of incorporation allow for as many as 17, and we have only seven now. And some of us are not spring chickens any more. If you are interested, please get in touch with one of the board members and they will tell you what to do. We have very few meetings person-to-person since we have gone to meeting via computer. It sure saves on traveling expenses, as I come from Medford and Rita and Chelsea come from Portland. Getting to meetings makes for a long day and in winter driving can be very bad. And we still need district directors, so if you enjoy people, let us hear from you. Training will be provided. Rent control has been tossed around lately but nothing has come of it yet. Don't hold your breath waiting for a bill on this to be passed. In 1995 OSTA proposed a rent control bill which died in hearing. Opponents said we didn't need it due to a 1945 bill allowing rent control in the event of a national emergency. Still, there are those who are keeping the subject alive, so keep breathing and maybe panting a little on the subject.

Everyone take care and think about joining us other volunteers on the State Board.

*Gary*



## Fred Schwoch, Rest in Peace

Long-time MHOO president, died on March 19, 2015. The memorial service was in April at the United First Methodist Church not far from Fred and Pat's home in the Nut Tree Ranch MH Park.

Fred was one of the founders of the MH Landlord/Tenant Coalition, along with his wife Pat. Fred, like Pat, was a larger than life character, Navy veteran, long-time bar musician, recovering alcoholic, passionate supporter of MH park residents in general and his wife in particular. Once, after tenant advocate Peter Ferris implied in testimony before a legislative committee that Pat was lying, Fred challenged Peter to a fight in the Capitol hallway. And Peter was a good 30 years younger than Fred. The guards had to break it up.—**John VanLandingham**

About 12 years ago Pat was answering questions at Falcon Wood Village, an ELS park in Eugene owned by Sam Zell, a billionaire and motorcycle enthusiast. When someone got hot about high rents, Fred interrupted Pat by asking to "say a word."

He kind of swayed on his boot heels (he always wore boots) and drawled, "Welllll noooooow, I'll tell ya how to take care of your problem and that s.o.b." Everybody's ears perked up because we were finally going to get answers from the head man himself!

"The next time Sam Zell and his Zell's Angeles motorcycle gang are coming to town," Fred said, "somebody needs ta get out ahead of time and string a strong wire across the highway about this high [pointing to his chest] "They hit that wire at 80 mph, it should stop 'em dead."

Then Pat gave a little chuckle and said, "Oh, Fred" in that tone of voice that meant, "He's such a bad boy but how can you help but love him?" Everybody laughed, the tension was broken, and Pat was able to go on and explain tenant rights. —**Jane Capron**

I remember Fred telling people that if they had problems with landlords to let him know and he'd bring his shotgun! I don't think he really meant he'd shoot anyone, but you could never tell with Fred. — **Ken Capron**

I liked and very much admired Fred. He and Pat both did so much for everyone living in mobile/manufactured home communities, including Miller Estates where my wife and I live. They inspired me to become involved in OSTA and follow Fred as state president. His were hard boots to fill! I miss you Fred. — **Terry Smith**

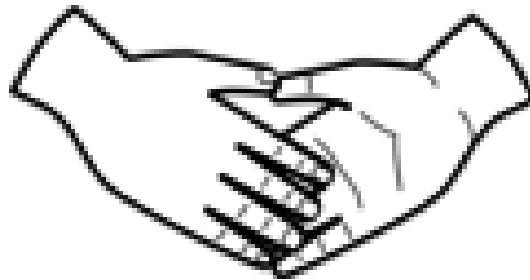


## OSTA Neighbors Get a Helping Hand from Our Members



*Linda Massey, an OSTA member at Lee's MHP in Eugene, shopped smart and got good deals on a refrigerator and stove to replace ones that didn't work like they should. Her old refrigerator ran constantly freezing stuff like lettuce, but the new one we helped her buy runs like a dream. And with her new stove, she can cook on all four burners and use an oven that heats and bakes. Linda is very thankful for OSTA's help.*

At Oceanview Mobile Estates in Brookings, Diane Ross got a Helping Hand to replace damaged sheet rock in her bedroom and install a 4x8 sheet of plywood on the roof. Black mold had infested her bedroom and created a health hazard. She is grateful to OSTA for helping correct the problem.



**Note: We need donations to keep this program going. If you know of a business or person outside the MH community that might help, let them know their donations are tax-deductible and that they will receive a written heartfelt thank you to show their tax accountant.**



*A member from Twin Cedars in Lebanon, Jean Petermen thinks Helping Hands is a "wonderful, wonderful program" and "I can't say thank you enough... especially to Charlie and Jane." Jean enjoys talking on the phone and is shown here calling Gary to tell him how wonderful the board is to help with the expense of replacing her toilets and rotten flooring.*

## Are You Just Getting Older, or Do You Have..."It"?

Brains of older people slow down because they know so much. They aren't really weak or suffering from... you know... IT. We've got so much information stored up there that it's sometimes hard to pull it out. Like when you go into another room to get something and stand there wondering what you came for. Don't think of that as a memory problem—it's nature's way of making us get some exercise.

The Alzheimer's Associations compares signs of the disease to typical age-related changes. If you sometimes forget names but remember them later, that's typical of an older brain. If you make errors sometimes in balancing your checkbook, well, that happens. If you sometimes need help using setting on these new-fangled gadgets like microwaves and DVRs and don't even start me on computers, it makes your kids feel good to help you. Forgot what day of the week it is? Maybe nothing much changes from day to day so what difference if it's Monday or Tuesday? It's just your brain aging along with your body. It's not IT. But, it is bad if you have trouble reading, judging distance, and seeing colors or contrasts—Don't drive! Older people getting cataracts, however, is normal.

Often it's hard to find the right word, but listen to the kids. Their vocabularies are really lacking sophistication and variety. We all make bad decisions occasionally, so hang up on those robo calls. Those robots and live strangers who call are smooth talkers, but don't listen even if you haven't talked to anybody for week. They only want your money. Tired of the demands made on you by friends, family, housework, yard work, etc.? Be glad you have something to do and pace yourself. Remember coffee breaks are good for us. A little chocolate break wouldn't hurt, either.

# Chapter News

## Shadow Ranch, Roseburg

Officers installed in late March at reactivated Chapter 2343 are, left to right, Laurie Breier, vice-president, Stephanie Giles, secretary, Michael Wiley, treasurer, and Carol Hanrahan, president. Former Douglas/Coos County District Director Charlie Ricker facilitated the reorganization. We thank Shadow Ranch members for remaining loyal to OSTA, some for many years, as we welcome this chapter's return.

## Scandia MHP, Junction City

*from Ruth Kiscoan, Chapter President*

The park will be having a bake and yard sale July 17 and 18. Proceeds from the bake sale inside the clubhouse will go toward holiday parties for residents and news letter printing expenses. Residents will conduct individual garage sales. The public is invited, of course. The park is at 1225 W. 10<sup>th</sup> in Junction City.



*Shadow Ranch officers*

## Lane District Meeting

*from Jane Capron, Lane District Director*

Over 40 people from 11 district MH parks met at SongBrook MHP for the semi-annual district meeting this spring to hear Rep. Nancy Nathanson, one of the main sponsors of the 2015 Landlord/Tenant Coalition Bill, HB 3016, explain the components of the bill. Those attending also discussed the rules and regulations in Chapter 90. Helping with discussion groups were SongBrook members Rene Forrer, Mark Harden, and Ken and Jane Capron (see Right 2 Know in this issue to access the material for use in your own chapters). Mark had a question about service animals, so we've included an article about them elsewhere in this issue. Rene Forrer, Debbie and Mark Harden, and Barbara Campbell served refreshments provided by the SongBrook OSTA chapter.

## Miller Estates, Central Point

*from Terry Smith, Chapter President*

This has been a busy time of the year for the Miller Estates Neighborhood Home Owners Association (NHOA). We are presently working with the Central Point Police Department in getting Miller Estates registered as a Neighborhood Watch community. We also updated our Miller Estates phone directory and will have an ice cream social in early June.

We are looking for a new NHOA treasurer to replace Paula Chambers, who moved to Vancouver WA to be near her family. Shirley Shelton and Carole Smith, my wife, hosted a well-attended going away party for Paula, who was also the editor of our monthly newsletter. Noreen Peterson and Shirley Shelton have taken over that job.

I recently had two families approach me asking to become MH/OSTA and NHOA members, which is very rewarding, as that means we are doing something right for our community.

## River Bend Mobile Resort, Reedsport

*from Suzanne Westen, Chapter Secretary*

Nestled between the Umpqua River and Schofield Creek, part of the Umpqua basin, this spot feels like heaven. All kinds of water fowl to watch, fishing unlimited and water-front lots that have a beautiful view of the water as the tide goes in and out daily. Designated as an adult park, for those 55 and older, it makes a perfect retirement spot. Beneath this beauty, however, big problems exist. Built on an old mill site using a large amount of organic material, large sinkholes, cracks, water and earth shifting has occurred. In many cases, homes have wall separation measured in inches, not parts of an inch. After years of fighting with the landowner over who is responsible for the land, not the rented space, we thought we were finally seeing daylight.

Continued on p.6

**Chapter News Continued**

We had formed The Residents' Committee, in the early 2000s to represent the home owners and meet twice a year. From this group we elected the Residents' Executive Committee. Last year the chair and his wife met with the owner on civil terms, got control of the management of the park moved to the son of the owner, and compiled a priority list of repairs needed and which lots should have their problems addressed first. The owners were also made aware of ORS Chapter 90 and their responsibilities under those laws. After meeting with us, they assured us that the lots would be repaired, so we were hopeful that we would see improvements. Unfortunately, the owner has refused to fix anything, so we now have had no choice but to retain an attorney and move forward with a lawsuit against the land owner in order to get not only home repairs due to sink holes and soil movement, but also repairing roads, securing the levee, and performing required maintenance on water and sewer systems.

Because repairs must be made in order to save some of our homes, we are seeking low income legal assistance for a few of the residents, which will assist the entire development in ascertaining legal rights in the future having the resource of MH/OSTA has been a godsend for our residents and having the two committees work on newsletters, social events, strategic planning and reassuring residents has been an invaluable asset to our residents and will continue to be in the future.

**Myra Lynne HOA/OSTA**

*from Gary Walters, Chapter President*

First of all, it started getting hot here, in the 90s, in April, so I'm afraid we're in for a hot summer. Our park-wide yard sales were the first weekend in May, and the HOA/OSTA chapter sold hot dogs, sodas, and water. We had our home owners meeting on May 19. We are so pleased to have great new managers. We urge all our residents to look in on their neighbors and do a little something special for someone who could use a helping hand. We never know when we might need some kindness in return one day.

**Royal Mobile Estates, Jacksonville**

*from Dee Evers, Chapter President*

I recently attended an interesting and informative class offered through OLLI (Oscher Lifelong Learning Institute) sponsored by Southern Oregon University on equipping our homes for aging and/or disabilities. As I evaluated my own 15-year-old manufactured home, I knew immediately that there would need to be major changes, some of which I could not afford, such as 36-inch doorways to accommodate a wheelchair. My bathroom doorways are 29 inches with the doors pushed back all the way. Hallway recommended width is 48 inches. Building a ramp requires a lot of room, twelve feet of ramp for every one-foot of elevation. When my son measured for me, it would require taking down a tree, which the park would probably not approve! I suppose a ramp could have angles or curves and meander in order to avoid the tree.

Other important considerations related to safety and comfort were mentioned, such as better lighting for older eyes, removal of dangerous throw rugs, which cause many falls, clearing away clutter, and changes in kitchen cabinets to make it easier to get at items as physical limitations develop.

**Shady Acres/Salem Mobile Estates**

*From Val Jean Pease, Chapter President*

Our OSTA chapter coordinated a program to get bark dust for the park residents' yards. "Bark Boys" donated half a truck-load and our chapter donated the other half, made possible by small donations. Park manager Vicki Church and yardman Jeff delivered the bark dust and the Pease family spread it for those who could not do so. Everyone seemed to appreciate it. It was a worthwhile project.



Homeowners enjoy their little bit of heaven despite problems.

## RIGHT<sup>2</sup>KNOW

### Reasonable Rules in Manufactured or Mobile Home Parks and Floating Home Marinas

*It is important to realize that changes may occur in this area of law. This information is not intended to be legal advice regarding your particular problem, and it is not intended to replace the work of an attorney.*

A landlord of a mobile home park (also called a manufactured dwelling park) or floating home marina must have written rules and regulations about how tenants use the rented space and park or marina facilities, and they must be attached to the Statement of Policy given to tenants when they move in. Rules and regulations are considered to be a part of the rental agreement (which also must be in writing). These rules and regulations do not need to be the same for all tenants at all times, so long as the rules are applied fairly. Your landlord may enforce a rule or regulation only if it promotes the convenience, safety or welfare of the tenants; protects the landlord's property from abusive use; or helps all tenants have fair use of shared services and facilities. The rule or regulation must also meet all of the following criteria:

- The rule must be reasonably related to the purpose for which it is adopted, and it must be reasonably applied.
- The rule must be clear enough to inform the tenant fairly of what he or she must do or not do.

The landlord may not impose the rule in order to avoid the landlord's obligations under the law.

These criteria allow your landlord some leeway in making and enforcing rules differently for different tenants. For example, a landlord can have different rules for new tenants who move into the facility. The old rules might allow woodpiles in the carport for existing tenants, while the new rules for new tenants do not. In addition, state and federal anti-discrimination laws require landlords to make reasonable accommodations to rules to afford tenants with disabilities an equal opportunity to use and enjoy their dwelling, so, for example, your landlord might allow a tenant who uses a wheelchair to have special parking privileges.

A landlord may waive his or her right to enforce a rule, by accepting performance by the tenant that varies from the terms of the rule or by accepting rent for at least 3 months while knowing that the tenant is not complying with the rule, such as by having a prohibited pet. A landlord can avoid waiving a rule by giving the tenant a written warning notice. A facility landlord never waives the right to enforce a rule regarding maintenance of the dwelling or the space.

Manufactured dwelling and floating home facility landlords may also issue reasonable occupancy guidelines. If your landlord chooses to have such a rule, the rule must be based on reasonable factors. Such factors may include the size of the dwelling and that of the rented space. Other reasonable factors to consider would be any discriminatory impact on groups legally protected against discrimination based on race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income or disability, and limitations placed on utility services governed by a water or sewage permit. Any occupancy guideline may not be more restrictive than limiting occupancy to two people per bedroom of the dwelling.

If your facility landlord changes the rules to no longer allow pets, you may keep a pet already legally living with you at the time your landlord provides notice of the rule change. Furthermore, you can replace the pet with a pet similar to the one living with you at the time the landlord provided notice of the proposed change. However, new rules about the activities of pets — as opposed to rules prohibiting pets — apply to all pets in the facility, including those living in the facility before the new rule. Keep in mind that any new rule must meet the criteria described above. If you entered into a rental agreement after Oct. 31, 1997, your facility landlord may not charge you extra for having a pet. However, tenants who own pets and start renting a facility space after that date may be required to sign a pet agreement and carry liability insurance for the pet. A violation of the pet rules or keeping an unpermitted pet on the premises can result in an eviction (with a right to cure the first violation) and also can result in a fine or fee of \$50 or more, for the second or subsequent violations after a written warning, per violation, if the violation relates to an unpermitted pet or pet waste and the pet agreement or the rules allow a fee for that.

Violation of certain other rules or rental agreement provisions may also result in similar fines or fees for the second or subsequent violations, after a written warning. Examples include improper use of a vehicle on the premises (i.e., speeding) or late payment of a utility or service charge.



**RIGHT<sup>2</sup>KNOW Cont**

Tenants may use any common areas or facilities for any lawful activity, including tenant association meetings or tenant organizing. The landlord may impose reasonable restrictions on the time and manner of use, including requiring a deposit to ensure that the area is not damaged or left unclean. But the landlord may not require tenants to acquire a bond or insurance policy as a condition for using common areas or facilities in the park or marina.

A manufactured dwelling or floating home facility landlord may propose rule changes, including those that greatly change the original agreement with a tenant. The landlord must simply give written notice of the rule or regulation change to all tenants in the facility not already subject to the proposed rule. Unless a majority of tenants not already subject to the rule object in writing within 30 days of the date the notice was served, the change becomes effective for all tenants no less than 60 days after the date the notice was served by the landlord. One tenant per rented space may object to the proposed rule change, either by an individual written objection to the landlord or by signing a petition with other tenants. Sometimes a tenant may sign more than one petition or sign a petition and file a separate objection. In such cases, the tenant's most recent vote will count and the earlier ones will not. The landlord's notice must include a copy of any old rule and the proposed change, as well as a form describing the tenant's right to vote on the change. This right to vote provision does not apply to rent increases.

On the other hand, a landlord may not unilaterally change a rule or provision of the rental agreement, except with regard to the following: pets as described above; converting the method of billing for utilities to the sub-metering method; removal of hazard trees or access to the space to remove a hazard tree; rent increases; or changes required by state or local law.

Sometimes landlords will seek to change the rules by offering the tenants a new rental agreement with new rules. Existing tenants are not required to accept or sign this new agreement.

*Legal editor: John VanLandingham, February 2015.*

*This article can be found on the Oregon State Bar website at [www.osbar.org/public/legalinfo/1249\\_RightsMobileHome.htm](http://www.osbar.org/public/legalinfo/1249_RightsMobileHome.htm) and is reprinted with permission. Links to other Oregon landlord and tenant information articles online can be found at <http://www.osbar.org/public/legalinfo.html#landlordtenant/>.*

**Buyer Beware!**

Warren Buffet, Chairman of Berkshire Hathaway, had to defend charges recently against the company concerning the lending practices of the group's manufactured home unit. Some of the 40,000 shareholders attending the annual meeting last month and CNBC, The Seattle Times, and the Center for Public Integrity questioned him about the lending practices of 3G Capital, Berkshire Hathaway's investment firm that makes loans on Clayton Homes, which operates under 18 different names. This firm makes more manufactured/mobile home loans than any competitor and charges as much as 15% in fees to borrowers, according to the Seattle newspaper, meaning home buyers can end up owing more than the houses are worth.

In rebuttal, Buffett said Clayton retained most of its mortgages after it lent to buyers, so it lost money if buyers defaulted and that only about 3% defaulted each year. Buffet said the article overstated Clayton's profit at 20% when its actual net profit is 2%.

We still say *caveat emptor* which means **Let the Buyer Beware!**



*(continued from page 1)*

offering better terms or lower standards to the landlord's buyer than to the resident's buyer. And other residents are concerned that some landlords sell a home on consignment for a resident to a buyer who pays double or more what the landlord pays to the resident. Some of these residents are concerned that there's a conflict when a park manager gets a commission on homes that the park is selling and wonder if there's not a financial incentive for a manager to disapprove the resident's sale. Rep. Nancy Nathanson (Dist. 13) recently met with a group of residents of a Eugene senior park who voiced these concerns. Rep. Nancy Nathanson (Dist. 13) recently met with a group of residents of a Eugene senior park who voiced these concerns. The result of that discussion and further study resulted in HB 3016, sponsored by Representatives Nathanson, Kenemer, Gilliam, and Gomberg with the support of the Landlord/Tenant Coalition. The bill passed the House unanimously in April and at publication deadline for the OSTA Review, was in the Senate.

### **Written Contract Now Required**

And so the new bill requires the landlord and tenant selling a house to first enter into a written consignment contract covering at least the following: the term of the contract (not to exceed 180 days unless the parties extend the contract in writing); the estimated square footage of the home, and the make, model, year, VIN, and license plate number, if known; the offering price of the home and whether lender financing will be permitted; the amount of any earnest money deposit; whether or not the transaction will be closed through a state-licensed escrow; all known liens, taxes, and other charges existing against the dwelling or home that must be removed in order to convey marketable title to the prospective buyer; a general description of how the dwelling or home will be marketed to the public; how the landlord will be compensated for the consignment; also how the gross sale proceeds will be applied first to liens, taxes, actual costs of sale, the landlord's compensation, and other closing costs, to arrive at the net sale proceeds payable to the tenant; and if the transaction is not closed in escrow, whether the landlord or tenant will apply to the DCBS for an ownership document on behalf of the purchaser within 25 days of the date of sale; the contract must also include an account in writing and payment to the tenant for the sale and transfer of title within 10 days after a sale. And if the landlord advertises a dwelling or home for sale within the facility, the tenant may advertise the sale of the tenant's dwelling or home with a sign posted in a similar manner and similar location. A landlord can sell dwellings he owns to a prospective purchaser at a price or on terms, including space rent, that are more favorable than for dwellings offered for sale by tenants, but he may not make knowingly false statements about the quality of a tenant's dwelling or home to a prospective purchaser. A landlord or tenant who sells a dwelling or home must deliver title to the dwelling or home to the purchaser within 25 business days after completion of the sale.

### **What the Buyer Should Expect**

When a prospective purchaser requests an application, the landlord must also provide copies of the statement of policy, the rental agreement and the facility rules and regulations, although there may be a copying charge. These documents can be in an electronic format. Screening criteria for application acceptance must be similar for both landlord and tenant sales. Removed from the current statute is the condition that a prospective purchaser has to pay any back rent or correct any of the home's disrepair or deterioration. —This summary of HB 3016 compiled from information supplied by John Van Landingham, LL/Tenant Coalition Moderator.

*[Ed.'s Note: Information printed in the last issue of The Review having to do with paying back rent and taxes and making repairs will no longer apply. Because this article is continued in the Right 2 Know section of this issue, we recommend that you keep both issues together for future reference and study on the subject of selling your manufactured home.]*

## Oregon's Opportunity to Purchase Legislation What It Means and How to Prepare Yourself

Oregon's Opportunity to Purchase legislation, which took effect on January 1, 2015, requires park owners to give notice to residents if the park is for sale. If a tenants association is already in place, the tenants association will receive the notice. If no tenants association is formed, every resident will receive a notice. Oregon Housing and Community Services will also receive notice.

### **Be prepared for your future!**

Familiarize yourself with all opportunities available to preserve your park and keep rents affordable. These approaches can include a resident purchase through the formation of a nonprofit cooperative, ownership by a nonprofit entity, and public ownership by an organization like a housing authority. Be sure to check with fellow community members about which options they might prefer.

### **Plan Ahead!**

Start talking with your neighbors and think about whether or not you'd like to pursue a resident park purchase if your owner decides to sell. You may decide as a group that you're not interested in a purchase at all.

**By law, the timeline to respond to your manufactured home park owner's /landlord's notice is very short, so you must be ready to act very quickly.**

If tenants decide to respond, they have 10 calendar days to:

1. Notify the owner in writing that they are interested in competing to buy the park;
2. Form a single tenants committee with the purpose of purchasing the park, or identify an existing such ten-ants committee, and designate a representative to communicate with the owner; and
3. Request certain financial information from the owner about the park.

**CASA of Oregon** provides technical assistance to residents who wish to purchase, own and operate the park as a cooperative. However, the resident purchase of a park does not work for every community. **St. Vincent De Paul** is a nonprofit organization that purchases and operates parks; they own the property and the residents do not, however, they strive to keep rents affordable. **Local housing authorities** can also purchase manufactured home parks in order to preserve them and keep rents affordable. It is best to research first, check the interest in your community, and *then* contact these organizations for more information.

**NOTE:** Manufactured home community owners expressed concern that there are often "splinter" or multiple tenant groups (in conflict) within parks. Under the new law, owners only have to work with one tenant group. If there is a struggle for tenant power within your park, that struggle needs to be resolved before pursuing a resident purchase. Please consult experts such as MH-OSTA if you are having difficulty with unification.

If a resident purchase isn't what your community prefers, the designated tenants committee can contact the other organizations listed in #1, such as St. Vincent De Paul.

If your owner notifies you of an impending sale and you're interested in a resident or nonprofit purchase, your designated group of community leaders should contact CASA of Oregon, St. Vincent De Paul, or a local housing authority immediately to determine whether a resident or nonprofit purchase is feasible.

### **Useful Links:**

Legislation: <http://tinyurl.com/qav4mcj> Detailed summary of the legislation: <http://tinyurl.com/nh4w79w>

CASA of Oregon: Opportunity to Purchase [www.casaoforegon.org](http://www.casaoforegon.org); Teri Smith @503-537-0319 ex.316

St. Vincent De Paul: [www.svdop.us](http://www.svdop.us)

## Thoughts on Aging— Fun Stuff

by Gus Daum

From somewhere in my memory bank, my mind was interrupted by a song from over seventy years ago, written late in the Great Depression years:

*Are ya havin' any fun,  
Whatcha gettin' outa livin'  
If other people do, so can you  
Have a lotta fun.*

The song reminds me, at least, of the excessive time spent in that old devil, Responsibility. On tomorrow's TO DO list (My heavens, you do keep one, don't you!), where have you scheduled a fun activity, something you really like to do?

There are activities that I could perform at some level of skill, but if it doesn't bring me some satisfaction or enjoyment, get me out of the way for someone who would enjoy and likely do those activities better.

Sometimes our role can be so simple. Check in with a fragile or ill neighbor, who has given us prior permission, to be sure they're OK; deliver a hot meal to a family member who is working late today; join a telephone "chain gang" formed to deliver neighborhood messages. Offer a cheerful voice to a despondent store clerk, even the rude one, who may have more troubles than we imagine. There are many local needs that need fixing requiring little more than short term help from someone who cares.

We've all read or heard, "Act as a child." Not childish, but like a child who laughs just because it's funny or sings too loudly at church before being told loud singing is not appropriate. Sometimes it is worthwhile to sit back and remember that first ice cream cone we licked, the wet morning grass between our toes, splashing in a mud puddle just because it was there and we weren't supposed to do it.

Ever hear a long-ago song and feel like dancing to it but don't because someone might be watching? Did you quit singing when your voice started cracking? Love to sit and listen to good music during the day, but couldn't spare the time from picking up the house, lest someone come by—who wouldn't care anyway.

Some TV ad we've heard says, "If it feels good, do it." Take a minute or an hour to remember what you really enjoy for fun. Then, be sure to put it on tomorrow's TO DO list.



## Chocolate Calculator



1. First of all, pick the number of times a week that you would like to have chocolate (more than once but less than 10).

2. Multiply this number by 2.

3. Add 5.

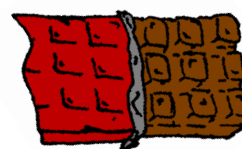
4. Multiply it by 50 - We'll wait while you get the calculator.

5. If you have already had your birthday this year add 1765.  
If you haven't, add 1764.

6. Now subtract the four digit year that you were born.

You should have a three digit number. The first digit of this was your original number (i.e., how many times you want to have chocolate each week).

The next two numbers are YOUR AGE!



## Red Dinner Plates for Dieters

We've read that smaller plates cause people to eat less, obviously because you can't pile as much food on smaller plates. But did you know that research also shows that eating off of bright red plates prompts people to eat less? Leaves more room for chocolate!





Dear Marlena,

*Our Committee of 7 knows we can't question rent increases, but we've gotten increases in both sewer and garbage rates, and we know the city hasn't raised sewer rates, and our garbage rate was raised with just a month's notice in mid-year, when our rental agreements state that utility charges can be raised just once a year in January. We are requesting a meeting with the owner to challenge these illegal charges. Would you be able to sit in on the meeting and help us arrive at a solution?* —Committee Chair

Dear Committee Chair,

In addition to providing mediation for individuals in conflict, most community mediation centers are able to provide a professionally trained individual or team to sit in on your meeting and help the participants arrive at a solution. They can also help in preparing a vision statement or strategic plan or working through and reaching agreement on a very controversial issue. Many mediators are comfortable and skilled in doing mediations or facilitated meetings, and the skills used in both settings are very nearly the same, though the process used in each type of meeting may be different.

Mediators and facilitators are both neutral parties that are not so much interested in a particular outcome of a meeting, but are rather concerned with the process of a peaceful and productive cooperation among the participants of the meeting. What is also important, and must be addressed prior to the start of any such meeting, is establishing the role of the mediator(s) assigned to your case.

In your question to me you have requested someone to “sit in” on your meeting to help you arrive at a solution to your controversy. That suggests that you might be looking for us to supply a skilled person to keep a record of the meeting and be a watchdog to make sure the meeting does not go too far afield of what you wish to happen.

We can supply an individual or team to fulfill whatever role you have in mind. However, given the facts that you have given so far, I'd like to suggest that we provide you with a team skilled in mediation and group process, and that you consider the mediation process from the beginning for your group meeting.

Regardless of how we choose to name the meeting, I'd suggest that once our mediators are assigned to your case, that they begin preparing for the meeting by meeting with you to clarify the specific issue(s) to be addressed and what you hope to happen as a result of the meeting. They will also want to meet with other “stakeholders,” and particularly the manager(s) and owner(s) for their insight into their interests and positions. They might also want to meet with other park residents if the situation warrants. After these pre-meetings, the mediation team will be in a better position to suggest their most useful role and the specific process to be used at the joint meeting.

If there is going to be a whole roomful of disgruntled park residents and just one or two management, it would be best to limit the number of Committee folks who talk (as Chair, you would probably be one). Otherwise, the manager/owner may feel somewhat intimidated by the numbers of people expressing their ideas, and perhaps repeating what others have already said. Emotions can run high. If many residents wish to attend the meeting, choosing one or two speakers from your Committee will help “balance the power” and the process will lead to more productive interaction between the group and the manager.

There is a lot to think about ahead of time, isn't there?

I also suggest that you contact the Manufactured Communities Resource Center to research state regulations to find out about the legalities of your specific situation.

Communicating well about upsetting issues is hard, and using your local mediation center's resources can help guide you to effective and calm resolutions.



## Are Service Animals Considered Pets?

Oregon's Landlord/Tenant laws don't mention service animals, just regular pets, but SongBrook resident Mark Harden was asked questions about service animals at the Lane District meeting, and so, because we try to help people, we researched the subject. The following section on pets, 90.530, applies to all pets, but what if your service animal is bigger than your rules and regs allow? What if the landlord doesn't allow pets in the community center? First look at what the laws says, and then see the guidelines about service animals that follow.

### **ORS Chapter 90.530 Pets in facilities; rental agreements; violations.**

(1) Notwithstanding a change in the rules and regulations of a manufactured dwelling or floating home facility that would prohibit pets, a tenant may keep a pet that is otherwise legally living with the tenant at the time the landlord provides notice of the proposed change to the rules and regulations of the facility. The tenant may replace a pet with a pet similar to the one living with the tenant at the time the landlord provided notice of the proposed change. New rules and regulations that regulate the activities of pets shall apply to all pets in the facility, including those pets that were living in the facility prior to the adoption of the new rules or regulations.

(2) A rental agreement between a landlord renting a space for a manufactured dwelling or floating home and a tenant renting the space must comply with the following:

(a) A landlord may not charge a one-time, monthly or other periodic amount based on the tenant's possession of a pet.

(b) A landlord may provide written rules regarding control, sanitation, number, type and size of pets. The landlord may require the tenant to sign a pet agreement and to provide proof of liability insurance. The landlord may require the tenant to make the landlord a co-insured for the purpose of receiving notice in the case of cancellation of the insurance.

(c) A landlord may charge a tenant an amount for a violation of a written pet agreement or rules relating to pets not to exceed \$50 for each violation.

**Service Animals:** The owner must have a documented disability defined under the ADA (Americans with Disabilities Act) and the dog must be trained to help its handler with the disability. While the animal can't disrupt its environment, the ADA doesn't require official certification, which means there isn't much oversight. Service dogs guide the blind, alert the deaf, remind persons with a mental illness to take prescribed meds, help individuals with PTSD, and recognize and react to seizure alerts. They are considered working animals, not pets.

A person with a disability has a right to have a trained service animal assist them in most places of business; emotional support animals don't have to be trained as long as they behave, but it is strictly up to individual states to grant the right for these animals to accompany their owner into public places, and as far as we can tell, Oregon does not grant that right to people with emotional support animals or psychiatric service dogs (see Oregon Education & Culture Code 346.680). If a person with a disability and a fully trained PSD qualifies under the ADA, they would still have regular protections under the ADA, but no additional ones. When we see working animals, we should try to remember that they aren't out to be petted or bothered. They are working dogs that need to concentrate on helping their person.

## Notes in Our Mailbox

*As a resident of Summer Oaks community, I appreciate the current newsletter. Lots of excellent information in it. Too bad the Register-Guard doesn't have newsworthy news in it. Just my opinion. Thanks for all your hard work. —Jim Pilling, Eugene*

*Dear OSTA Folks, I have moved from Shorepines. No new manager ever arrived, as I'd hoped, so things go on as usual there. I now live in Florence. You publish an excellent magazine, filled with great stories and good ideas for change. I appreciated the legal information, such as about dangerous trees. Thank you for the good work you do. —Lisa Readell, Coos Bay*

## **NMHOA Director Offers Tips for Protecting Yourself and Your Home**

**by Ishbel Dickens, NMHOA Executive Director**

Problems in your community? Be pro-active. Many people contact National Manufactured Home Owners Association (NMHOA) seeking help with individual problems in their manufactured housing community. Often, by the time they call NMHOA, their problem has escalated and it may be too late for much of anything to be done. Here are some useful tips that might help home owners so that they can be as pro-active and prepared as possible to address issues before they get out of control.

1. Know your rights and your responsibilities
  - a. Most communities have some sort of rules and regulations which govern tenancy and it is important to know those rules to help avoid misunderstandings with management or other home owners;
  - b. Local ordinances and state laws likely apply to residents of MH communities, providing home owners with special rights of tenancy.
2. Write it down (document everything you can)
  - a. The first step whenever you fear a problem is brewing, is to take the time to identify what exactly the problem is – sit at your table and write down as clearly and concisely as possible, exactly what is happening and why this is a potential problem;
  - b. If the problem relates to a perceived violation of community rules, take photos to show your situation is no different than many others in the community (e.g., you were given a comply/ vacate notice for still having your holiday lights draped around your door when they are supposed to come down by Jan 31, but several neighbors also still have their lights up);
  - c. If a problem persists over time, such as with overgrown weeds or lack of proper maintenance, take repeated dated photographs at regular intervals to demonstrate the situation was one of neglect and not merely an isolated incident.
  - d. If you are attempting to dialog with the community owner/manager about the problem, be sure to keep careful track of what was said, by whom, and on which dates – keep a diary.
3. File a formal complaint
  - a. If an informal approach yields no response, file a formal complaint with the community owner/management, if appropriate. Many communities have complaint forms available—fill them out, citing relevant rules or laws and make copies for your records;
  - b. Keep a paper trail of all communications related to the issue.
4. Keep it respectful
  - a. Communicating with community owners/managers can often be fraught with tension or fear. Be sure to stay respectful even if you are not being treated well—management is in a position of power and you don't want things to get personal;
  - b. Shouting, screaming, profanity and name-calling will accomplish little, it is far better to approach management in an unemotional, business-like manner and accompanied by a good friend who can act as a witness if things do get out of hand and;
  - c. Remember, community managers are employees taking orders from either a property management company or directly from the owner. If they don't follow orders they might get fired and the new manager might be even worse! Try to remain on cordial terms with management, especially if they are also residents of your community;
  - d. Maintain the moral high ground – it will serve you well in the end.
5. Follow up
  - a. If you have a conversation with management where certain things are agreed to, follow up with a letter that highlights what you heard and suggest that if you do not hear back from management by a certain date, then you will assume that they too agree with the contents of your letter; (Continued on p. 15)

## Tips for Protecting Yourself ... Continued

b. If you agree to do something to rectify the situation, then do it in a timely manner, and contact management to let them know that you have fulfilled your part of the bargain.

c. Don't give management "ammunition" to use against you by not complying with reasonable rules;

d. Again, take photographs to document you did what you agreed to do.

### 6. Reach out to fellow home owners

a. Is there a home owner association in your community? If so, they are your first line of defense in addressing problems;

b. If you have no home owner association, ask neighbors if they are having similar problems and attempt to form a group of concerned residents to meet with management or circulate a petition seeking remedies. There is a strength in numbers and the more neighbors who join you, the better your chances of success!

### 7. Seek outside help

a. Do not wait until the last minute to seek help. Being pro-active can often make a huge difference;

b. If you can't find help among fellow residents, seek assistance from housing and senior advocacy groups or governmental entities that might be willing to lend support;

c. Do not hesitate to contact your elected officials. Much of the relationship between home owners and community owners is dealt with at the local and state level. Sharing a problem situation with your elected officials helps educate them about the issues related to manufactured housing community living and could encourage them to champion legislation that would result in stronger legal protections for manufactured home owners. If management is unresponsive or at fault, write your community owner and "carbon copy" your elected officials with such correspondence;

d. Consider contacting local media. Press coverage is a way to help tell our story and publicly expose injustice but should be saved for the most outrageous cases;

e. If the situation is legal in nature, then contact your local bar association to find out what resources may be available to you – local legal clinics, pro bono attorneys, legal aid, senior services, etc. Try to find attorneys with experience in mobile/manufactured home law;

f. Contact NMHOA – we are here to help you – [ishbel@nmhoa.org](mailto:ishbel@nmhoa.org) 206.851.6385 (*reprinted with permission*).

## Household Hints

*From Donna Zabel,  
Scandia Village, Junction City*

- Keep brown sugar soft by storing with a couple of marshmallows.
- Install a regular coat rack low down the wall to store shoes safely off the floor.
- Create a thrifty watering can by puncturing holes in the top of a used milk bottle.
- Remove pet hair from furniture and carpets with a squeegee.
- Water straight from the tap becomes cloudy when frozen. To make ice cubes crystal clear, allow a kettle of boiled water to cool slightly and use this to fill your ice cube trays.
- Use a large muffin tin to cook stuffed peppers in the oven. It will help keep them upright.
- To prevent potatoes budding, add an apple in the bag.
- Add half a teaspoon of baking soda to the water when hard-boiling eggs to make the shells incredibly easy to peel off.
- WD40 can be used to remove crayon marks from any surface.
- To tell if eggs are fresh, immerse them in a bowl of water. Fresh eggs will lie on the bottom while stale eggs will float to the surface.
- To clean a wooden chopping board, sprinkle on a handful of Kosher salt and rub with half a lemon. Rinse with clean water and dry to ensure it is clean and germ-free.
- Use ice-cubes to lift out indentations made by furniture on your carpets.
- Prevent soil from escaping through the holes in the base of flowerpots by lining with large coffee filters.
- To sharpen scissors, simply cut through sandpaper.
- Use rubber bands to help open a jar easily: place one around the jar lid and another around the middle of the glass. The rubber provides friction to prevent your hands from slipping.
- To prevent your eyes watering while chopping onions, wipe the chopping board with white vinegar (which won't affect the taste of the onions).
- Store bed sheets inside their pillowcases for easy storage and access.
- Drop a couple of denture cleaning tablets into the toilet bowl at night to clean off stubborn stains.
- Use cupcake cases to cover drinks glasses in the summer and prevent flies from dropping in.
- Use egg boxes to store delicate Christmas tree decorations.
- Use a rubber band to rescue a stripped screw.
- Wrap rubber bands around the ends of a coat hanger to prevent dresses from slipping off.

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**MH/OSTA**  
Manufactured Housing / Oregon State Tenants Association

**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  
PO Box 24958  
Eugene, OR 97402

If a friend or neighbor gave you this copy of THE  
MH/OSTA MEMBERSHIP APPLICATION

# 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.



<http://mh-ostablog.blogspot.com/>

MEMBER NUMBER

LAST NAME

FIRST NAME

NAME OF SECOND PERSON IN HOUSEHOLD

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.

MANUFACTURED/MOBILE HOME PARK NAME

Would you like to receive your OSTA Review via e-mail? ☐

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

Checks payable to MH/OSTA and mail to:  
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PO Box 24958  
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