



THE osta

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OSTA Spotlight— *John VanLandingham*



John is MH/OSTA vice-president and as co-moderator of the Oregon Landlord/Tenant Coalition has again spent many hours writing and re-writing amendments to this year's bill, which

passed the Senate unanimously and is expected to also win approval in the House.

He graduated from the Virginia Military Institute with a BA in biology, and after some cross-country adventures with friends in an Edsel station wagon and a stint in the Army, he came back to Oregon, where he earned a JD degree from the UO Law School in 1977. There he met and married another law student, Martha Walters, who is now the Chief Justice of the Oregon Supreme Court. "So I'm the second best lawyer in our family," he says. They have two grown children.

He has worked for 42 years for Lane County Legal Aid Center, now merged with the Oregon Law Center. He specialized in residential landlord/tenant law issues regarding apartments until during the 1997 legislative session he met Pat Schwoch, the executive director of MHOO, and was encouraged to advocate for MH park L/T issues. For the past 22 years, John has been working to get laws passed for our benefit.

Besides his legal work, John enjoys spending time with his family and friends and indulging in various physical and mental activities.

New Law Caps Rents

Explanation by John VanLandingham

There are two parts to the law just recently signed by the Governor. The first part requires good cause to evict a tenant after the first year of occupancy. This part applies to folks who rent both the home and the space in a park, but not to homeowners in parks, since they already have good-cause-only eviction protection.

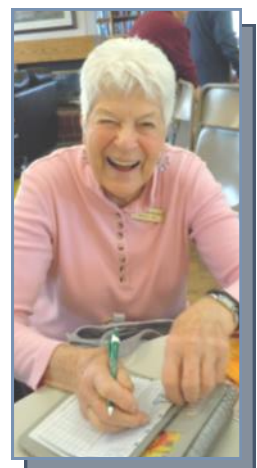
The second part of the bill is the rent cap. It's pretty high – seven percent plus CPI. It is not meant to reflect what anyone thinks is a reasonable or fair rent increase; rather it is meant to prevent big rent spikes or gouging. Some park landlords have gone over that level, apparently in an effort to drive people out.

The advocates of SB 608 viewed these two parts as necessary compliments, since a landlord could get around the good cause eviction requirement alone by giving the tenant a big rent increase, called an "economic eviction." By combining the two, a landlord cannot do that.

See pp. 7-10 for information on the Landlord/Tenant Coalition bill now in the Legislature.

Membership Special Still Available through Summer

Western Carriage MHP under the leadership of Dennis Ramsden, recruited 40 new members during the first part of their month-long membership drive, with plans to get at least 10 more new members before their 30-day period ends. Other parks taking advantage of recruiting people for just \$20 during their chosen month this spring have been Lak-eridge of Eugene, Arrowhead in Salem, Twin Cedars in Lebanon, and Golden Oaks in Springfield. Dues will revert to \$30 when these folks come up for renewal. Meanwhile, chapter presidents and membership chairs need to encourage their neighbors to renew when they receive their renewal notices in the mail. A \$30-membership is money well spent to keep MH/OSTA doing good work, influencing legislation, and answering your questions.



Right: Berta Rawie, SongBrook, writes a check to become a happy new member of MH/OSTA.



MH/OSTA
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Statewide Toll-Free Phone
(800) 423-9371

Mailing address:

PO Box 24958, Eugene, OR 97402

www.mh-osta.org and [blogging with mh-osta](#)

MH/OSTA STATE DIRECTORY

Rita Loberger

Board Member-President

Northwest District Director

(503) 968-7084 rloberger@comcast.net

John VanLandingham

Board Member-Vice President

(541) 485-1017 ext. 138 johnvl@lclac.org

Jane Capron

Board Member-Secretary

OSTA Review Editor, Lane District Director

(541) 461-8919 capron.jane@gmail.com

Nancy Inglehart

Board Member-Treasurer/NE District Director

n.inglehart.ostaboard@gmail.com

Wayne Weber

Board Member, Salem Area District Director

(503) 393-9504 wweber@yahoo.com

Bob Cottriel

Board Member, South District Director

(541) 479-3125 bobcottriel@gmail.com

Julie Massa

Board Member

(503) 537-0319 ext. 324

juliem@casaoeforegon.org

Matthew Johnson

Board Member

(541) 485-7769 mjohnson@efn.org

Jo Anne Downey

Board Member

(541) 606-6560 moonjade82@gmail.com

Deanna Vaughn

Board Member-Membership

Ordiva123@gmail.com

Sheryl Stassi-Lampman,

Board Member, Lane Deputy District Director

(541) 683-6695 sherela60@gmail.com

From the Editor...

Fire Prevention Guidelines—We were distressed to hear that a man living in a manufactured house at Rainbow Gardens MHP in Keizer died when an electrical problem started a fire in the home he shared with his wife. Neighbors were able to save the wife, but the rescuer was seriously burned and had to spend time in a Portland hospital burn unit. Rita Loberger and Nancy Inglehart paid a visit to the heroic rescuers and presented them with a grocery gift card on behalf of OSTA, while neighbors at Rainbow Gardens set up a Go-Fund-Me account for the widow. News reports indicated there were no smoke alarms in the destroyed home. On page 15 we're repeating fire prevention tips for manufactured homeowners. Call the Red Cross to ask about having free smoke alarms installed. If you already have them, and you should, check to make sure they're working. They might save your life. See photos pp. 3 and 11.

A Note about Email Addresses—If e-mail address changes, please notify us so we have you listed correctly in the database. Also let us know if any other information changes, like your phone number.

Chapter Presidents—If you would like a copy of the state board minutes, please email me. The minutes are available to all members who request them. Also, we'd like to know if someone leaves your park.



NOTES IN OUR MAILBOX

Could there be a clarifying statement in the Review about "Associate Membership" which is listed on the last page of the Review as a membership designation? Who it is for and how much does it cost to get this membership?

--Carol Hanrahan,

Shadow Ranch, Roseburg

Associate members do not live in manufactured home communities. They support our MH/OSTA mission, have voting rights, can serve on the state and chapter boards, and pay the same dues. Currently three of our state board directors are associate members.

Good newsletter. Enjoyed Dee Evers column! --Kathleen Gorham,
Jacksonville Mobile Estates

Thank you for all you do! --Roger and Judith Moses,
Rogue River Mobile Estates, Grants Pass

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From The President...

Rita Loberger



Spring has barely begun and already we are planning our fall convention for Oct. 19 at the Comfort Inn in Albany. As this location is closer to Portland, we are anticipating a better representation from our northern chapters. Watch for

more information and a registration form in our September OSTA Review.

Some of you may not understand the relationship between NMHOA (the National Manufactured Home Owners Association) and our MH/OSTA. NMHOA works primarily at the national level on federal policy initiatives, safety, design, and energy efficiencies of new manufactured homes. MH/OSTA works for manufactured home owners in Oregon who rent the space under their homes in MH parks. I am the western regional director for NMHOA and the host for this year's national convention Nov. 20-21 at the Portland Hilton. I sure hope some of you will help me out and plan to attend. Yes, you read that right! Two conventions close together—our OSTA annual meeting and the national meeting. I'm up to my ears!

I wish you all a wonderful summer.
Get out there and enjoy that sunshine.

Rita

An OSTA Outreach to a True Hero *from Nancy Inglehart*

On March 3, 2019, the Keizer Fire Department responded to an emergency call that a mobile home was engulfed in fire at the Rainbow Gardens Mobile Village.

The story itself is tragic, but the underlying story of a neighbor and his dog shows the true heroism and compassion for neighbors. Toby, the Labrador, alerted his owners, Linda and Dan Garcher, that something was seriously wrong. Dan and Linda went outside and immediately saw their next-door neighbors' mobile home engulfed in flames. Dan went into the flames and rescued his neighbor, and while Linda rolled her in the grass to put out the flames on her clothing, Dan tried to go in and save her husband, but it was too late. Both Dan and the neighbor were rushed to Emanuel Burn Center in Portland. Dan spent three weeks in therapy and returned home for outpatient care. The neighbor is now staying with relatives.

I proposed an outreach to the OSTA Board to honor the Garchers and Toby, and we unanimously approved a visit and a \$100 gift card from Fred Meyer for them and a separate one for \$25 to recognize Toby. Rita and I made a visit to Dan, Linda and Toby to chat with them and present the cards and a letter of recognition on March 30.

The biggest thing we came away with that day was the humble attitude that Dan has, despite all he is going through. They are the true heroes who did not pause for even a second to help in a time of need. There is so much more to the story they would perhaps like to share at our annual meeting in October.

**Linda and Dan
Garcher with
gift certificates
presented to
them and Toby
by OSTA.**



Chapter News

Springbrook Estates, McMinnville

from June Hormel, Chapter President

The annual four-sided inspections have started in our park, so there is a lot of concern from residents about management's expectations of things needing to be done. The inspection letters give 30-60 days to complete the list and threatens eviction if the list isn't completed on time. I've prepared a flyer about our MH/OSTA chapter and hope to add a few more members.

Falcon Wood Village, Eugene

from Carene Davis-Stitt, Chapter President, and Sheryl Stassi-Lampman, Membership Chair

Andy Davis, NE District Leader for the Eugene-Springfield Community Emergency Response Team, spoke at the recent MH/OSTA general meeting, with all residents of the park invited to learn about emergency preparedness for our community.

In April ODOT presented a program on future roadway changes. Construction will begin with the Delta/Beltline Highway interchange later this year. Residents had many questions, including the feasibility of adding a stoplight at the park entrance.

Our park manager will be inspecting spaces and homes in an effort to enhance all areas of the park. The pool opened Memorial Day weekend for the summer season.

Twin Cedars, Lebanon

from Carolyn Moore, Chapter President

Our first fundraiser, a garage sale in April, started our treasury account. Members generously offered many items as well as their time and energy. Not only did we do well monetarily but we also met more of the residents, spread the word about OSTA to a member of another Lebanon Manufactured Home Park, gave out several applications and donated the leftover items to a local charity. We had our special membership drive in May and will keep spreading the word as to what OSTA is and how residents can benefit from joining.

Knoll Terrace, Canyonville

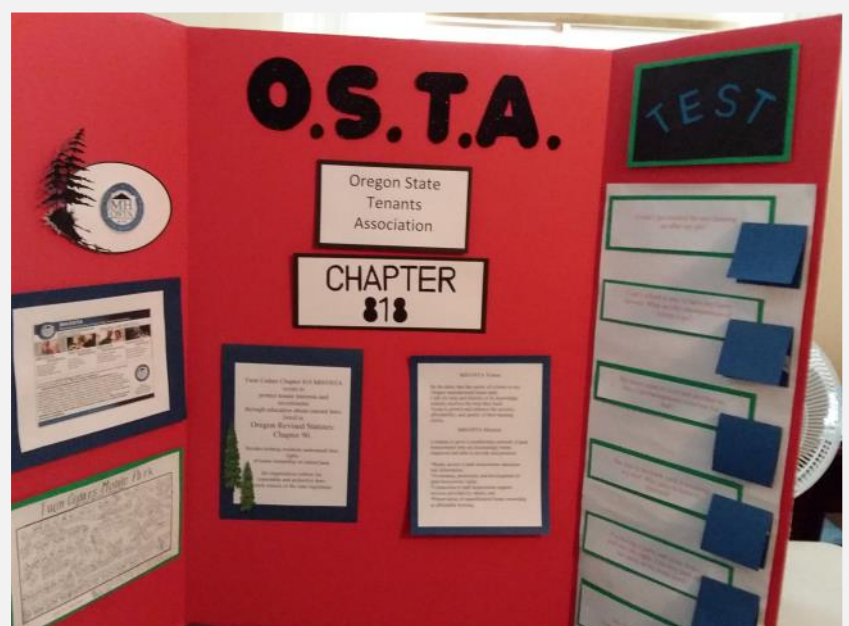
from Lillian Anderson

Thankfully everyone here survived "snow-magedon," the power outages, the serious rains, and the water pump failures that we have been experiencing. We are definitely looking forward to some drier weather ahead.

In April, we had a meeting with the residents to inform them of updates and to exchange ideas to improve our community. Several safety issues were raised, such as speeding and sidewalk and roadway repairs. We live in a senior community and are not as spry as we were in our youth, so naturally we are concerned about these issues and will be addressing them with management in a written letter and a meeting. Wish us luck.

In May, we had our annual spring potluck and enjoyed good food and fun.

Below A poster board was created and displayed at the sale at Twin Cedars to offer information about OSTA. There was a section with some test questions about the park rules and Chapter 90. Later that section was used on the OSTA bulletin board at the clubhouse/mailroom.



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(Chapter News continued from p. 4)

SongBrook, Eugene

from Jane Capron, Reporter

John Hamilton, president, conducted the semi-annual meeting in April. Business included the election of a new secretary—Chris Johnson, and a new board member—Dave Mickel. Mark Harden, vice-president, reported that the Malabon Elementary School, SongBrook's adopted school, has renamed the special fund financed by SongBrook donations. "The Malabon Virginia Iverson Fund" will honor the former fourth grade teacher who is suffering health issues.

The program on recycling included speakers from St. Vincent DePaul (Daven Stetson) and Lane County Waste Management (Kellie Bell). St. Vinnie's diverted more than 44 million pounds of useable materials from landfills in 2018, and also has developed more than 1,500 affordable housing units since 1988. They accept many items that people would otherwise throw away. Bell urged us to compost because 80% of landfill is food, which creates methane gas, detrimental to our planet. She also urged us to reclaim our 10-cent deposits on cans and bottles. If we don't, our deposits go to the manufacturers.

Monta Loma, Springfield

from Beryl Oliver, Chapter President

We are getting a lot of new residents here, as the homes sell quite fast after they go up for sale. Our group plans to make contact with newcomers to let them know about OSTA.

We were hit with a scam recently that was featured on local TV. A woman posing as a caregiver at Monta Loma had car trouble in front of my house. She told me she was hurrying home because she had just drunk a quart of cranberry juice and needed to use the restroom. She had a cell phone and was supposedly calling her husband who "was working" but could be there in 20 minutes. I guess she could tell I was not going to offer her the use of my bathroom, so she said, "My husband said I should try to start the car again when it cools down a bit," and sure enough, it started right up.

Unfortunately, a neighbor fell for the scam later, when the woman came in a pickup truck and gave the same story but added she thought she was "passing a kidney stone." After the woman used the bathroom and left, my neighbor, who had just gotten home from the hospital, found out all her prescription drugs were gone.



*Above LR: John Hamilton SongBrook President,
Kellie Bell LC Waste Management,
and Daven Stetson, St. Vincent de Paul*

(Chapter News continued on p. 6)

The Patrician MHP

(Chapter News continued from p. 5)



Above: Ron Meyers, far left, invited Laurie Hauber, center, John VanLandingham, left, and MH/OSTA District Directors for Lane County recently to meet with residents at The Patrician MHP in Springfield about possible zoning changes that could affect the future of the park. Residents were advised to form committees to discuss their concerns with the owner and city officials and to attend planning commission meetings.

Grenada-Santiago Estates, Springfield

from Irvin Quesado, Chapter President

In May we had a bake sale as a fundraiser for our OSTA chapter in the clubhouse at Santiago Estates. Our OSTA board forwards park-wide issues of concern to the committee of seven.

Miller Estates, Central Point

from Mike Bureau, Chapter President

Spring has arrived with an anonymous resident putting out eggs on Easter Sunday and a Spring Fling ice cream social in May, both enjoyable yearly events.

Although optimistic going in, we weren't successful negotiating a uniform rental agreement with the owners of Miller Estates. A petition was submitted signed by all residents supporting our effort, which was quite heartening but it still fell on deaf ears. The decision was heavily influenced by the property management company's advice to the owners. We certainly got their attention though because they kept all of the rent increases uniform, which they didn't have to. This issue is on the back burner but not forgotten. Our membership is still around 65% and we're grateful to all of our members for their support in sometimes trying times.

Scandia Village, Junction City

from Ruth Kiscoan, Chapter President

You'll find lots of Scandinavian treats and treasures at our annual bake sale in the clubhouse and our all-park yard sale, both from 9 a.m. to 3 p.m. on July 12 and 13 at 1225 W. 10th Street. So plan ahead and save the date.

Woodburn Senior Estates

from Judea Eden, Chapter Secretary

It's never easy losing our beloved friends, and it was especially hard to lose Anthony Pizzo, OSTA President of the Woodburn Senior Estates MHP, because his death in March from complications of pneumonia was so sudden and unexpected. Anthony was known around the park for being the "Go-To Guy" and always had a wealth of information to share with those in need. He served on the Woodburn Fire Dept CERT team, and was awarded a certificate for over 50 hours of volunteer service in 2018. He was also a loyal member of the Lion's Club and served the organization for many years. At park gatherings he was usually the cook in his chef's hat and matching apron. He had a great sense of humor and was a friend to all. He is greatly missed.

RIGHT²KNOW

SB 586, the Landlord/Coalition Bill

Manufactured housing parks are defined as facilities having four or more spaces rented by homeowners from the landlord. There are about 1,000 MH parks in Oregon with about 60,000 homeowners/tenants.

The Landlord/Tenant Coalition has existed since 1997 and has produced a negotiated bill amending MH landlord/tenant law in every long session since. John VanLandingham has been the primary tenant advocate and drafter and facilitator on each of those bills. This time, the landlords appointed a co-facilitator, John DiLorenzo, to help lead the coalition. Marina tenants and landlords were also involved in determining issues for the current bill, SB 586, and work continued from September 2017, through February 22, 2019. The bill passed the Senate unanimously and at this writing was in a House committee considering amendments. The bill needs to pass the committee, then the House floor, and then go back to the Senate for concurrence with the House-side amendments. We hope all this can be accomplished before the Legislature adjourns. The information that follows is what the Landlord/Tenant Coalition has agreed on.

SB 586 will cover six areas:

1. Tax expenditures related to MH park closures or sales
2. Dispute resolution and enforcement of facility tenancy laws
3. Termination of tenancies; noncompliance fees
4. Submetering of water
5. Floating home tenancies in marinas
6. Maintenance of trees on MH park spaces

The bill's effective date will be January 1, 2020.

1. Tax expenditures

There are two current tax laws which benefit park tenants and which will sunset unless they are extended. The first is a capital gains exemption for park owners who choose to sell their parks to their residents, a nonprofit, or a housing authority. This exemption has been in statute since 2005, when there was a park closure "crisis," and it is a significant tool to help preserve MH parks. This sunset extension is also addressed in SB 192 and HB 2127 and 2664.

The second is a tax credit of \$5,000 for MH park residents who are displaced by a park closure. This credit has also been in statute since 2005. This sunset extension is also addressed in SB 197 and HB 2136 and 2664.

Neither of these are available to marina residents. These may be deleted from the bill and addressed in the other bills.

2. Dispute resolution and enforcement

There are two parts to this issue. The first is dispute resolution, which the coalition has been working on for about four years. The theory here is that many facility disputes, between landlords and tenants but also between one tenant and another, could be resolved through communication, which might avoid evictions or noncompliance fees. The law already requires that facility rental agreements include the provision of informal dispute resolution, and this has produced some mediations (many of which successfully resolved disputes), but this was entirely voluntary. The bill will amend Oregon law to provide that either party may require the other party to participate in at least one media-

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tion session – “mandatory mediation” – regarding a dispute involving landlord/tenant law or park issues, so long as the request for mediation is done in good faith and the session is held within 30 days. A timely request can delay most but not all terminations. Certain disputes are exempted, including nonpayment of rent, park closures or sales, rent increase amounts, terminations for outrageous conduct, or disputes involving domestic violence. Failure to participate makes that party subject to a penalty of one month’s rent and is a defense to a claim by that party. Mediations will be performed by the existing network of Community Dispute Resolution Centers, funded by the existing annual assessment already paid by MH park residents (\$10, collected with property tax assessments), or by a qualified mediator as chosen by the parties. This may be arranged through the Manufactured Communities Resource Center (MCRC, which is supported by that same tenant annual assessment). The current annual fee paid by park landlords (\$25 for parks of 20 spaces or fewer, \$50 for larger parks) is doubled, to help pay for the increased use of mediators. No state tax dollars are involved. Landlords will be required to amend their rental agreements to add this new provision.

The second part of this issue is enforcement: A portion of the reserve from the resident special assessment payments will be granted through Oregon Housing and Community Services to the Oregon Law Center to employ one attorney to provide direct legal services – advice, negotiation, litigation – to park residents on matters arising under Oregon residential landlord/tenant law. The amount is \$100,000 annually for a period of four years.

Both of these elements have a four-year sunset. There is created an advisory committee, working with OHCS to monitor both elements, consisting of equal numbers of landlord and tenant representatives and a representative of the Community Dispute Resolution Centers. The committee shall present a report on the status of both elements to the 2021 and 2023 legislatures.

3. Termination of tenancies; noncompliance fees

Termination of tenancies in MH parks or floating home marinas are regulated by several statutes, including those that apply to apartment tenancies, such as for nonpayment of rent. But as noted in the introduction, park or marina tenants can only be evicted for cause. That primarily occurs under ORS 90.630 for noncompliance with laws or facility rules related to the tenant’s conduct. That law requires a 30-day notice describing the cause, and gives the tenant the full thirty days to cure the noncompliance. If the tenant cures, the tenancy does not terminate. Landlords and neighboring tenants have long struggled with the rare event in which a noncomplying tenant continues the noncompliance until the 30th day and stops only then, thereby curing and avoiding termination. The bill will allow landlords to require cure within three days, instead of the full thirty, for separate and distinct violations; this provision has been in apartment landlord/tenant law since 2005.

In addition, the bill will make a change to allow landlords to better utilize an existing statute regarding noncompliance fees. The theory behind noncompliance fees, which are authorized and limited by ORS 90.302 (3), is that the fee will discourage rule violations and thereby avoid terminations. ORS 90.302 (3) already applies to facility tenancies, but the right to assess these fees must be included in a written rental agreement. Many facility rental agreements do not currently include these noncompliance fees, in part because this provision was only recently adopted, and facility landlords may not unilaterally amend their rental agreements to add these fees; see ORS 90.510 (4). The bill will authorize facility landlords to add noncompliance fees to their rental agreements, unilaterally.

ORS 90.302 (3) regulates noncompliance fees as follows: The fees are limited to certain matters, such as late payment of a utility charge, failure to pick up pet waste from common areas, and speeding. The landlord must give a

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warning notice on a first violation. A second violation within 12 months allows a \$50 fee. The bill will make one change from the current list of noncompliances supporting a fee: A marina landlord will not be allowed to charge a fee for a parking violation, because many marinas have limited parking.

4. Submetering of water

Background: Most MH parks and FH marinas were developed many years ago, when water and sewer/wastewater were cheap. Landlords then included the cost of water/wastewater (provided to common areas and to the tenants) in the rent, as an operating expense. Local water utilities provided water to the facility and billed the landlord; the landlord is responsible for extending the water lines to each tenant's space. Water and wastewater are no longer cheap, and many are concerned about conserving water; recovering the cost of water in the rent sends no price signal to residents/consumers, so there is no incentive to conserve, and is unfair to those who use less and who are careful to avoid wasteful leaks. As a result, in the 2005 legislative session, under the leadership of then-State Senator Suzanne Bonamici, the coalition negotiated several new laws intended to encourage landlords to install submeters measuring the water consumed by individual tenants. Those laws are at ORS 90.531 to 90.543. The coalition has revised those laws in several subsequent sessions, including under the leadership of Rep. Nancy Nathanson.

This bill represents another effort to simplify the submetering process and thereby encourage more landlords to undertake it. For tenants, removing the cost of water/wastewater from the rent is a good thing, because they have more control over their costs and because otherwise landlords can raise their rents to cover the increasing cost of water and rents never go down; paying for water as part of the rent is not good for tenants.

The bill will make the following changes:

- a. Allow landlords to initiate the switch to submeter billing with a tenant meeting about one month prior to installation of the submeters and three months in advance of the initial billing using the submeters, rather than a written notice 180 days in advance.
- b. Require the landlord to distribute written materials regarding how it works.
- c. Require landlords to do three months of trial billings before "going live," to check the system.
- d. Remove the prohibition on landlords increasing the rent for the year prior to submeter billing; too complicated, plus SB 608 limits rent increases anyway.
- e. Continue to require that landlords "back out" the cost of water and reduce the rent after the switch. This rent reduction can include foregoing a scheduled annual rent increase.
- f. Provide greater clarity regarding the period used to determine the rent reduction, the location of the submeters, the landlord's duty to restore the home after any submeter installation, and the third party meter-reading pass-through charge.
- g. Allow landlords to also switch from recovering the cost of water in the rent to recovering the cost through pro rata billing (e.g., per space or number of occupants; see ORS 90.534) by complying with similar procedures as for switching to submeter billing (the meeting, information, backing the cost out of the rent). To encourage conservation, a landlord who switches to pro rata billing must test the water lines within the facility, including those within the tenant's space, for leaks every three years.

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- h. Allow landlords to offer tenants a choice between these two changes (submeter or pro rata billing) at the required meeting. Include in that choice a third alternative, called the Park Specific Billing Plan, so long as that plan allocates costs fairly and the tenants do not pay more cumulatively than the water utility bills the landlord, and the landlord pays for all costs to the system.
- i. Allow landlords to pass through local government “public safety charges,” as apartment landlords are already allowed to do. ORS 90.315.

5. Floating home tenancies in marinas

Floating home tenancies in marinas are generally treated the same as MH tenancies in parks, although there are some differences. Several of those differences are addressed in this bill.

The bill will require marina tenants to pay the same \$10 annual special assessment that MH park tenants have long paid, to support MCRC (and the new expanded mandatory mediation program and enforcement); see ORS 446.525. This will allow marina tenants to access MCRC’s programs. And marina landlords will be required, as park landlords are now required, to register with MCRC and pay an annual registration fee to cover the costs, and they will be required to obtain and document four hours of continuing education every two years on marina management issues and on landlord/tenant and fair housing laws. See ORS 90.732, 90.734.

Another change is to make the existing Opportunity to Purchase statutes – which require park landlords to notify park tenants when the landlord is considering selling the park, to provide due diligence financial information to the tenants if requested, and to allow a short period for the tenants to compete to buy the park – apply to marinas. See ORS 90.842 to 90.850.

Also amend ORS 90.632, regarding required repairs of a home, to give a longer repair period for floating homes with needed repairs to the floats, because this repair is complicated, repair times are limited in times of low water, and repair people are few.

Also amend the existing statute regarding abandoned homes to allow a marina tenant to require a longer storage period.

Finally add a new provision allowing marina landlords to require a marina tenant to move her floating home within the marina in certain circumstances (such as when needed to move another home or to dredge) for short periods, at the landlord’s expense.

6. Maintenance of trees on MH park spaces

ORS 90.727 allows a tenant to make a landlord maintain certain large trees considered to be hazardous by an arborist (see the definition of “hazard tree” in ORS 90.100 (20)); it also allows a landlord to act to prevent a tree from becoming a hazard. “Maintaining” a tree includes removal – aka cutting it down. The statute currently requires the landlord who proposes to take this preventive action to give the tenant reasonable notice in advance. In a recent incident, the landlord gave that notice, but there were two trees on the space and the landlord mistakenly cut down the wrong (healthy) tree. This bill will amend this statute to require the landlord to specify which tree is proposed to be removed.

(Ed.’s Note: This information provided by John VanLandingham.)



Nancy Gromen, Executive Director of the Union County Dispute Resolution Center, is offering her help and advice for our readers considering mediation services.

Dear Nancy,

A person in our park has an ill-behaved "service" dog that is often off-leash and not under control. The owner feels entitled to take this dog all over the park and doesn't show any willingness to compromise. Would a mediator be able to help us?

—A group of disgusted residents

The question of service dog vs support dog vs pet

Mediators are trained to be an impartial third party that facilitates the communication between two parties that are in dispute. When in mediation, the mediator doesn't give their own advice or offer suggestions. They do, however, have a toolbox from which to draw in order to facilitate the mediation. One of those tools is the caucus.

A caucus is when the mediator talks one on one with first one party and then the other. It is a time when the mediator can coach each party in a conflict. Questions can be asked in the caucus that may not necessarily be asked in the mediation. If the mediation process becomes stuck, a caucus may be a way of moving it forward. For example, a mediator may ask each complainant if they are aware of the state's lemon car law and if a proposed dollar amount for a settlement is realistic. Or in the case of support dog disputes, they may ask only two very specific questions if following American Disabilities Act (ADA) guidelines: "Is the service animal required because of a disability" and

"What work or task has the dog been trained to perform." Mediators are not permitted to ask what type of disability a person has. Information obtained in the one-on-one caucus is not sharable in the mediation unless the party agrees and then chooses to share it themselves or ask that the mediator share the information. Asking these questions in a caucus may bring out the admission that the dog is really a support dog or a pet. ADA provides no protection for support animals or pets.

In Oregon, HB 3098 has been introduced to make it an offense to misrepresent an animal as a service animal. It will be interesting to see if this bill advances and how it will be implemented. Mediators of community disputes and manufactured communities would do well to keep this bill in mind in order to refer to it when in caucus with a disputing party, whether with the owner of the service animal or with the complainant of the service animal. While misrepresenting a service animal is not a reportable action for the mediator, it is possible for the complainant to report the incident if the dispute is not resolved in mediation and depending on the outcome of HB 3098.

Regardless of HB 3098, a service animal is subject to specific expectations of behavior, demeanor, and training. A good Q & A document supplied by the ADA can be located at

https://www.ada.gov/regs2010/service_animal_qa.pdf.

In my neighborhood, the more we know the better we do, and sharing the information from sources such as the American Disabilities Act in one way to help us all avoid conflicting information regarding service dogs.



Dan Garcher and his dog, Toby, are heroes who rescued a neighbor from a burning house (see story p.3). While Toby is neither a "service" nor a "support" dog, he definitely performed a service for alerting the Garchers to the tragedy, and he supports Dan, who suffered burns in the rescue.

How to Save \$117 Billion

Almost 80 percent of us are not getting enough exercise, and that includes seniors and children. As a result we have more physical ailments and illness, costing our health care system billions of dollars. But even a little bit of daily physical activity, like getting up and moving rather than sitting, will benefit us.

A recent research report shows that even a little exercise can almost immediately reduce blood pressure and anxiety, improve blood sugar and blood cholesterol levels, and help people sleep better. Exercise has proven long-term benefits as well, like lowering the risk of heart diseases, diabetes, dementia, depression, and some cancers, and possibly reducing the risk of premature death by 33%.

Judge the intensity of exercise on a scale of 1 to 10, with 10 requiring the most effort. During moderate intensity exercise, a person should be able to talk but not sing. During vigorous exercise, a person shouldn't be able to say more than a few words before needing to take a breath. Yoga and tai chi are considered "light" exercises on most scales, but for seniors they might be considered moderate or vigorous. Of course, one isn't supposed to be talking while doing yoga or tai chi, so it might be better to use the "talk test" on the morning walk.

And any exercise is good, even bouts of less than 10 minutes. Everything done moving counts: taking the stairs, parking farther back in parking lots and walking, vacuuming, going room to room hunting for your glasses! Younger adults (under 65) should aim for 150 minutes a week of moderate-intensity aerobic activity and 75 minutes a week of vigorous activity. Older adults also need balance exercises to reduce the risk of falls and muscle-strengthening exercise at least twice a week. Many of our manufactured hone communities have exercise machines, and we should use them to strengthen our arms, shoulders, chest, back, abdomen, hips, and legs.

Children usually get exercise through play, and if they're lucky, still get it at school through physical education classes. Unfortunately, children are playing less and sitting more (and getting fat) with their faces in phones and TV sets. So they, too, need to shut those things off and get moving.

By walking, dancing, biking, swimming, skipping, hopping, and jumping, we're not only going to be healthier and live longer, we're going to save a whole bunch of money!



OSTA Chat Room



The question:

What do you do for exercise?

For exercise, I go to the Chehalem Aquatic Center here in Newberg and participate in deep water aerobics a few times a week. I also walk the dog on nice days. There are no facilities here at Springbrook Estates for the residents to enjoy, so we're left to our own devices.

—June Hormel, Springbrook Estates, Newberg

I teach water aerobics in our pool twice a week and line dancing once a week in the clubhouse. I also take a voice lesson once a week and try to get to the gym on the remaining two days. Sunday I do work around the house.

—Hilary Loud, Lakewood Park, Eugene

Jane chats back: I love the idea of singing! Unfortunately my tai chi buddy, Linda, always asks me to please stop. Water aerobics is great for arthritic joints, so you're lucky to have a pool.

Most people who exercise in our park (I would say maybe 1/3) will walk around the park and the cul-de-sacs. It has been calculated at different times that if a person walks around and into all of the cul-de-sacs, it turns out to be 2.1 miles or 2.3 miles. The YMCA is not too far away and has a walking path, and there are other exercise places and parks close by that have yoga, tai chi, and chi gong lessons, some free and some at a minimal cost. A few men in the park will ride their bikes. The exercise we do is pretty much the same as at most parks, I would think.

—Carol Hanrahan, Shadow Ranch, Roseburg

I wonder if anybody sings at the Tai Chi lessons.

I attend deep water exercise classes at our local pool three days a week.

—Nancy Burns, Lee's Mobile Home Park, Eugene

Good for you, Nancy. If there isn't a pool in a MH park, there's usually a pool at a nearby community center.

I start my day with a half hour of yoga. I've done that for about 55 years off and on. Mostly on. Easily done in my home at Songbrook. I ride my three-wheeler around the park pretty much every day.

—Betty Ehrlich, SongBrook, Eugene

Everyday I get up around 5 a.m. and make my way down to our community center here at SongBrook and spend an hour in the gym walking three miles or so on the treadmill and doing two circuits of weight-lifting on the universal weight machine. When I go home, Sally, our Australian Shepherd, insists that she must have her walk. Exercise followed by a shower leaves me feeling refreshed, and gets the body's endorphins working. It is a great way to start the day.

—Mark Harden, SongBrook, Eugene

I normally go to a gym three or four days a week. I volunteer two days a week and get in 10,000 steps plus a rigorous physical workout from the work. I know of a minimum of a half a dozen people in Miller Estates that work out at least three days a week. We have many that walk our half-mile loop daily.

—Mike Bureau, Miller Estates, Central Point

Legal Gal...Laurie Hauber



On February 28, 2019, SB 608 was signed into law by Governor Brown. Many residents have asked how this new law applies to park residents. This column attempts to summarize the relevant provisions so residents understand the protections this new law provides. The primary components of 608 include a new just cause requirement for landlords to terminate a tenancy, and a limit on the maximum rent increases allowed during a one-year period.

The just cause standard requires that, after the first year of occupancy, a landlord can only terminate a month-to-month tenancy for cause. There are a limited number of landlord-based exceptions to this for cause requirement, and if a landlord terminates a lease for one of the stated qualifying exceptions, the landlord must pay the tenant one month's rent. This change in the law does not apply to residents who own their home and rent space in a manufactured home park because under current law homeowners in parks already have for cause eviction protection. However, this change applies to people who (i) own or rent recreational vehicles that are located inside or outside a park; (ii) own or rent manufactured homes located outside a park; and (iii) rent both the home and the space inside a park. People who fit any of these three circumstances can only be evicted for cause after their first year of tenancy. During the first year, the landlord still can evict these tenants without cause.

The rent cap in SB608 applies to all tenancies that are subject to ORS Chapter 90, including both apartment and manufactured dwellings. Under this new law, which amends ORS 90.600 involving rent increases, a landlord cannot increase the rent above 7% plus CPI (Consumer Price Index) over a one-year period. The landlord can increase the rent more than one time each year, provided the total annual increase does not exceed this statutory maximum. The only circumstances under which this rent cap is not applicable is if the park is less than 15 years old or the landlord is providing reduced rent as part of a federal, state, or local subsidy. In addition, if a rent increase notice was received *prior to* February 28, even if it did not or does not become effective until a later date, the amount of increase is not subject to this new statutory limit. It is important to keep in mind that this is a maximum cap. If a fixed term lease contains a lower rent increase (e.g., 4%), the landlord must honor the rent increase/s in the lease.

If a landlord violates either part of this new law, the tenants are entitled to three months' rent and actual damages (e.g., amount of impermissible rent that a resident paid). As with any new law, there are some ambiguities that will only be resolved over time as the law is interpreted through the courts and possible minor changes are made by the legislature. If you or someone you know is subject to a rent increase that appears to violate this new rent cap, or if the rent increase is higher than rent increases in prior years, you should contact your OSTA representative.

¹CPI is based on the annual 12-month average increase in the Consumer Price Index for All Urban Consumers, West Region, which is published by the Bureau of Labor Statistics of the United States Department of Labor. This percentage increase is calculated for the 12-month period ending the previous September. The current CPI, which is 3.4%, is based on the CPI as of September, 2018.

Fire Prevention Tips for Manufactured Homeowners

To increase fire safety in manufactured homes, National Fire Prevention Association (NFPA) offers the following guidelines:

- ⇒ Choose a HUD-certified manufactured home built after 1976 that bears the HUD label certifying compliance with safety standards.
- ⇒ Never remove or disable a smoke alarm. If you experience frequent nuisance alarms, consider relocating the alarm further away from kitchen cooking fumes or bathroom steam. Selecting a photoelectric smoke alarm for the areas nearest kitchens and baths may reduce the number of nuisance alarms experienced. Test all smoke alarms at least once a month by pushing the "test" button. Replace batteries at least once a year, and when the alarm "chirps," signaling low battery power. Occasionally dust or lightly vacuum smoke alarms.
- ⇒ Make sure you have enough smoke alarms. If your older manufactured home does not have smoke alarms in or near every sleeping room and in or near the family/living area(s), immediately install new alarms and fresh batteries to protect these rooms. For the best protection, interconnect all smoke alarms throughout the home. When one sounds, they all sound.
- ⇒ Plan your escape route ahead of time with an exit out of every room. Make sure you can open and get out of windows and doors. Immediately fix any windows that have been painted or nailed shut, doors that are stubborn or "stuck," and locks that are difficult to operate. Security bars or grates over windows or doors should have quick-release devices installed inside. Hold a fire drill twice a year to rehearse how you will react if the smoke alarm sounds.
- ⇒ Hire a licensed electrician if you notice flickering lights, frequent blown circuits, or a "hot" smell when using electricity. Use extension cords for temporary convenience, not as a permanent solution. Avoid overloading electrical receptacles (outlets). Electrical cords should not be run under carpets or rugs. Ground-fault circuit interrupters reduce the risk of electrical shock and should be installed by electricians in kitchens and baths. Arc Fault Circuit Interrupters monitor electric circuits for arcing and should be installed by electricians on bedroom circuits.
- ⇒ Supervise older children who cook or heat anything on the stove. Unattended cooking is the leading cause of cooking fires in U.S. homes. Heat oil slowly and know how to slide a lid over a pan if you experience a grease fire.
- ⇒ Keep space heaters at least three feet away from anything that can burn. When purchasing new space heaters, select appliances with automatic shut-off switches. Check with your local fire department before purchasing a kerosene heater. Turn off portable space heaters before falling asleep or when leaving the room. Supervise children and pets when space heaters are operating.
- ⇒ Do not mount anything on the walls – such as paneling, drapery, or wall hangings –, especially near major heat sources. All post-HUD Standard manufactured homes are required to have wall linings that do not promote rapid flame spread. This action has dramatically reduced the impact of fires in manufactured homes.
- ⇒ Ask smokers to smoke outside. Wherever people smoke, set out large, non-tip ashtrays on level surfaces and empty them frequently. Thoroughly douse butts with water before discarding. Check around and under cushions for smoldering butts.
- ⇒ Protect yourself from intruders by installing outdoor lighting. Keep gasoline, charcoal lighter and other flammable liquids locked in an outdoor shed, not under your home. Store firewood away from your home and keep trash and other flammable debris cleaned up. Report any suspicious activity in your neighborhood.

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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
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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

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

MEMBER NUMBER

LAST NAME

FIRST NAME

NAME OF SECOND PERSON IN HOUSEHOLD

MAILING ADDRESS (if different from your home address)

HOME ADDRESS/SPC/CITY/STATE/ZIP

PHONE WITH AREA CODE

2nd 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? ☐

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