



OREGON STATE TENANTS ASSOCIATION  
Manufactured & Floating Home Communities

# GUIDE: CHAPTER 90 OREGON REVISED STATUTES

OREGON RESIDENTIAL LANDLORD TENANT LAW

2021 EDITION

*The updated Oregon Revised Statutes are printed and made available in December of odd-numbered years, coinciding with typical revisions to the Oregon Residential Landlord Tenant Act. We receive the newest version in January of even-numbered years. The 2021 Edition is the current edition for 2022-2023.*

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## OSTA AND PARK AND MARINA LAW

OSTA has 40+ years of experience in helping tenants find answers to their most pressing issues. Understanding what is expected of tenants and their landlords brings peace of mind.

The first way we help park and marina tenants accomplish this is by making it easy to locate and access the laws by producing this guide.

The second way we help tenants improve their communities is helping them to understand these laws and to empower them to exercise their rights by providing guidance, tools, and resources from our website: [www.oregontenants.com](http://www.oregontenants.com). Our online resource is full of information about what the law says a landlord can and cannot do and will be consistently updated with new information about your rights and our own legislative campaigns to improve your rights.

We also advocate for legislative change and work closely with the Oregon Legislature to change the laws to add additional protections for park and marina tenants. OSTA works with “The Coalition” and other stakeholders for two years to create a bill worthy of becoming a law. Incidentally, there used to be two coalitions: the “General Landlord/Tenant Coalition” and the “Manufactured Housing Landlord Tenant Coalition.” Since 2016, marina residents have begun participating in the Manufactured Housing Landlord Tenant Coalition. When OSTA refers to “The Coalition” we are referring to the Manufactured Housing Landlord Tenant Coalition which also now includes floating home tenants.

In every odd-numbered year, the Oregon Legislature meets for five months in what is referred to as “the long session”; this is when more complex or important bills are considered. The long session in odd-numbered years, typically, has been the time when the Oregon Legislature has considered some of OSTA’s ideas making changes to our park and marina laws.

In even-numbered years the legislature meets for five weeks in the “short session.” The short session was intended to focus on budget matters, but substantive bills that could affect our tenancies can be considered in either session. Both sessions typically start in early February. Generally, the new laws adopted in a session are effective on the first legal day of the following year, which is why the majority of new laws that impact us, historically, have become effective on



January 1 of an even-numbered year. But there are ways in which a new law can be made effective earlier.

This 2021 Edition of this Guide is intended to be used until January 1, of 2024.

Between 2021 and 2024, some laws may be enacted with an emergency clause which would mean they would take effect immediately (e.g. the Eviction Moratorium due to COVID-19 was passed with an emergency clause and become effective July 1, 2020 – a short legislative session during an even-numbered year that typically does not see major landlord-tenant laws enacted).

## **UNDERSTANDING OREGON RESIDENTIAL LANDLORD TENANT LAW**

### **Being a Homeowner AND a Tenant**

You must understand your rights in order to benefit from them.

We own our homes. How can we be tenants?

If you are one of the 60,000 people in Oregon who own your manufactured or floating home but you rent the land or the slip space that the home is located on, even though you are a homeowner, you are protected under Oregon laws as a tenant.

The Oregon Residential Landlord Tenant Act governs the laws around your contract with your park or marina owner. Under Oregon laws, your park or marina owner is your landlord and you are their tenant.

But Oregon Revised Statute laws in Chapter 90 provide more rights and protections to manufactured and floating home owners in parks and marinas than apartment tenants. These laws are contained in the second half of ORS Chapter 90 and are in addition to the laws which govern apartment tenancies.

The Oregon Residential Landlord Tenant Act (ORLTA), also known as Oregon Revised Statute Chapter 90 Laws, govern the contractual relationship that landlords strike with their

tenants. Some laws in Chapter 90 protect the landlord and some are written to protect the tenant.

## Why Chapter 90 Laws Matter

Nearly everything you can or cannot do in your park or marina is governed by Chapter 90 laws with only a few exceptions. Chapter 90 sets the rules your landlord must follow regarding your tenancy.


Likewise, even though you consider yourself a homeowner, you also must comply with the limits that the law places on you in a park or marina.

## Which Laws Pertain to Me?

ORS Chapter 90 Landlord-Tenant laws apply to all residential tenancies


<p>FIRST HALF OF ORS CHAPTER 90</p> <p>ORS 90.100 – 90.493</p> <hr style="border: 1px solid #1a3d54; margin: 5px 0;"/> <p>Covers all tenancies: apartments, park and marina residents, subleases, etc.</p>	<p>LAST HALF OF ORS CHAPTER 90</p> <p>ORS 90.505 – 90.875</p> <hr style="border: 1px solid #1a3d54; margin: 5px 0;"/> <p>Applies only to park and marina tenancies (as long as they meet all three of the requirements below***)</p>
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\*The additional protections in the second half of ORS Chapter 90 apply to you, IF YOU MEET ALL THREE OF THE FOLLOWING CRITERIA:




OWN YOUR HOME

You must own your manufactured or floating home.



RENT YOUR SPACE/SLIP

You must rent the space or slip that your home is situated in.



FACILITY WITH 4 OR MORE HOMES

Your home must be located in a park or marina with 4 or more homes

ORS Chapter 90 deals in the laws for all residential tenancies. There are two main sections.

The first half of ORS Chapter 90 Landlord-Tenant laws (ORS 90.100 - 90.493) generally (with a few exceptions) covers all residential tenancies (apartments, park and marina residents, subleases, etc.). However, some laws in the first half of Chapter 90 will have a provision expressly stating that it does not apply to facility tenancies.

For example, “ORS 90.462: Electric Vehicle Charging Stations” contains several statutes, but the very last section [ORS 90.462(11)] states “This section does not apply to tenancies governed by ORS 90.505 (Definitions for ORS 90.505 to 90.850) to 90.850 (Owner affidavit certifying compliance with requirements for sale of facility). This means that ORS 90.462, in its entirety, does not apply to marina and park tenancies.

So, when reading a law in the first half of Chapter 90, be sure to read through to the end of the statute to verify that such a facility exclusion does not exist for that law.

**NOTE:** If a Chapter 90 law conflicts with a provision of your rental agreement, the Chapter 90 provision controls. Your rental agreement can give you – but not the landlord – more protection than Chapter 90 does, but not less. No landlord can take away your Chapter 90 rights with a provision contained in a rental agreement.

The additional protections included in the second half of ORS Chapter 90 (ORS 90.505 - 90.875) apply only to park and marina tenancies, and **only if you meet all three of the following criteria:**

1. **HOME OWNERSHIP:** You must own your manufactured or floating home.
2. **RENTED SPACE:** You must rent the space or slip that your home is situated in.
3. **IN A FACILITY:** Your home must be located in a park or marina with 4 or more homes.

**NOTE:** For park and marina tenancies, if there is language in the last half of ORS Chapter 90 (ORS 90.505 – 90.875) which contradicts the language in the first half (ORS 90.100 – 90.493), consider the language in last half of Chapter 90 to reign supreme for your situation.

## **Additional Statutes Governing Evictions**

While Oregon Revised Statutes Chapter 90 Oregon Residential Landlord Tenant Law governs how tenancy terminations work, notices that must be given, the rights of a tenant to cure the cause, etc., if a park or marina tenancy is terminated, the landlord must file for an eviction hearing in the court. A tenant will have their opportunity to defend themselves before a judge. The laws governing eviction hearings and evictions are found in Oregon Revised Statutes Chapter 105 ORS 105.105 through 105.168.

## TIP: How to Read and Understand the Statute Hierarchy

OSTA downloads the following statutes directly from the Oregon Legislature website. We recognize that the organizational hierarchy (multi-level numbering system used to denote sub headings) which the Oregon legislature uses is not the most-user friendly. To help you “read” the law and better understand the hierarchy, below you will find an example of a complex statute hierarchy as it exists and our translated visual hierarchy to assist you.

This example contains a small portion of ORS 90.675:

### EXISTING:

#### **90.675 Disposition of manufactured dwelling or floating home left in facility...**

(10) If the personal property is presumed to be abandoned under subsection (9) of this section, the landlord then may:

(a) Sell the personal property at a public or private sale, provided that prior to the sale:

(A) The landlord may seek to transfer ownership of record of the personal property by complying with the requirements of the appropriate state agency; and

(B) The landlord shall:

(i) Place a notice in a newspaper of general circulation in the county in which the personal property is located. The notice shall state:

(I) That the personal property is abandoned;

(II) The tenant’s name;

### WITH VISUAL HIERARCHY:

#### **90.675 Disposition of manufactured dwelling or floating home left in facility...**

(10) If the personal property is presumed to be abandoned under subsection (9) of this section, the landlord then may:

(a) Sell the personal property at a public or private sale, provided that prior to the sale:

(A) The landlord may seek to transfer ownership of record of the personal property by complying with the requirements of the appropriate state agency; and

(B) The landlord shall:

(i) Place a notice in a newspaper of general circulation in the county in which the personal property is located. The notice shall state:

(I) That the personal property is abandoned;

(II) The tenant’s name;

On the following page is a hierarchy legend you can cut out and use as a bookmark.

ORS Visual Hierarchy Legend Bookmark directions: Cut out the bookmark to use for your printed copy of the statutes, and use the blank space to take notes about laws you'd like to keep handy.

ORS VISUAL HIERARCHY LEGEND:

**90.100 ORS Statute Title**

(1) First Level

(a) Second Level

(A) Third Level

(i) Fourth Level

(I) Fifth Level

NOTES:



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Visit

[www.OregonTenants.com](http://www.OregonTenants.com)

For more information on learning about your  
rights and empowering your community





## Where Can I Read the Actual Oregon Revised Statute Chapter 90 Laws

OSTA highly recommends that every tenant save the Oregon Revised Statutes Chapter 90 Oregon Residential Landlord Tenant Law as a PDF on their computer so that a handy searchable version is always at your fingertips in case you need it.

In addition, we also recommend printing a hard copy that you can mark up, highlight, and share with other residents who may not have access to a computer. Even though this edition is about 150 pages, it is the single best free resource for anyone trying to understand their tenant rights.

The current version of the Oregon Revised Statutes Chapter 90 Oregon Residential Landlord Tenant Law can be found at this link:

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors090.html](https://www.oregonlegislature.gov/bills_laws/ors/ors090.html)

## CHAPTER 90 – OREGON RESIDENTIAL LANDLORD-TENANT ACT INDEX

Below is an index of the laws contained within ORS Chapter 90 which will give you an idea of how the statutes are organized and the tenant topics that the laws address.

A full copy of the ORS Chapter 90 landlord tenant laws can be found online at:

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors090.html](https://www.oregonlegislature.gov/bills_laws/ors/ors090.html)

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Title 10: Property Rights and Transactions  
Chapter 90 — Residential Landlord and Tenant

2021 EDITION

RESIDENTIAL LANDLORD AND TENANT

PROPERTY RIGHTS AND TRANSACTIONS

## GENERAL PROVISIONS

90.100 Definitions

(Temporary provisions relating to COVID-19 pandemic and 2020 wildfires are compiled as notes following ORS 90.100)

90.105 Short title

90.110 Exclusions from application of this chapter

90.112 Maximum occupancy limit

90.113 Additional exclusion from application of chapter

90.115 Territorial application

90.120 Applicability of other statutory lien, tenancy and rent provisions; applicability of ORS 90.100 to 90.465 and 90.505 to 90.850

90.125 Administration of remedies; enforcement

90.130 Obligation of good faith

90.135 Unconscionability

90.140 Types of payments landlord may require or accept; written evidence of payment

90.145 Tenant or applicant who conducts repairs, routine maintenance or cleaning services not employee of landlord; restrictions

90.147 Delivery of possession

90.148 Landlord acts that imply acceptance of tenant abandonment or relinquishment of right to occupy

## SERVICE OR DELIVERY OF NOTICES

90.150 Service or delivery of actual notice

90.155 Service or delivery of written notice

90.160 Calculation of notice periods

## CONTENT OF AGREEMENTS

- 90.220 Terms and conditions of rental agreement; smoking policy; rent obligation, increases and payment
- 90.222 Renter’s liability insurance
- 90.228 Notice of location in 100-year flood plain
- 90.230 Rental agreements for occupancy of recreational vehicle in park; remedy for noncompliance; exception
- 90.243 Qualifications for drug and alcohol free housing; “program of recovery” defined
- 90.245 Prohibited provisions in rental agreements; remedy
- 90.250 Receipt of rent without obligation to maintain premises prohibited
- 90.255 Attorney fees
- 90.260 Late rent payment charge or fee; restrictions; calculation
- 90.262 Use and occupancy rules and regulations; adoption; enforceability; restrictions
- 90.263 Vehicle tags
- 90.265 Interest in alternative energy device installed by tenant

## TEMPORARY OCCUPANCY AGREEMENT

- 90.275 Temporary occupancy agreement; terms and conditions

## FEES AND DEPOSITS

- 90.295 Applicant screening charges; screening criteria
- 90.297 Prohibition on charging deposit or fee to enter rental agreement; exceptions; deposit allowed for securing execution of rental agreement; remedy
- 90.300 Security deposits; prepaid rent
- 90.302 Fees allowed for certain landlord expenses; accounting not required; fees for noncompliance with written rules; tenant remedies

## LANDLORD RIGHTS AND OBLIGATIONS

- 90.303 Evaluation of applicant
- 90.304 Statement of reasons for denial; remedy
- 90.305 Disclosure of certain matters; retention of rental agreement; inspection of agreement
- 90.310 Disclosure of legal proceedings; tenant remedies for failure to disclose; liability of manager
- 90.315 Utility or service payments; additional charges; responsibility for utility or service; remedies
- 90.316 Carbon monoxide alarm
- 90.317 Repair or replacement of carbon monoxide alarm
- 90.318 Criteria for landlord provision of certain recycling services
- 90.320 Landlord to maintain premises in habitable condition; agreement with tenant to maintain premises
- 90.322 Landlord or agent access to premises; remedies
- 90.323 Maximum rent increase; exceptions; notice
- 90.324 Calculation of maximum rent increase; publication

#### TENANT OBLIGATIONS

- 90.325 Tenant duties
- 90.340 Occupancy of premises as dwelling unit only; notice of tenant absence

#### TENANT RIGHTS AND REMEDIES

- 90.360 Effect of landlord noncompliance with rental agreement or obligation to maintain premises; generally
- 90.365 Failure of landlord to supply essential services; remedies
- 90.367 Application of security deposit or prepaid rent after notice of foreclosure; termination of fixed term tenancy after notice
- 90.368 Repair of minor habitability defect

- 90.370 Tenant counterclaims in action by landlord for possession or rent
- 90.375 Effect of unlawful ouster or exclusion; willful diminution of services
- 90.380 Effect of rental of dwelling in violation of building or housing codes; remedy
- 90.385 Retaliatory conduct by landlord; tenant remedies and defenses; action for possession in certain cases
- 90.390 Discrimination against tenant or applicant; tenant defense

#### LANDLORD REMEDIES

- 90.391 Information to veterans required in notice
- 90.392 Termination of tenancy for cause; tenant right to cure violation
- 90.394 Termination of tenancy for failure to pay rent
- 90.396 Acts or omissions justifying termination 24 hours after notice
- 90.398 Termination of tenancy for drug or alcohol violations
- 90.401 Remedies available to landlord
- 90.403 Taking possession of premises from unauthorized possessor
- 90.405 Effect of tenant keeping unpermitted pet
- 90.410 Effect of tenant failure to give notice of absence; absence; abandonment
- 90.412 Waiver of termination of tenancy
- 90.414 Acts not constituting waiver of termination of tenancy; delivery of rent refund
- 90.417 Duty to pay rent; effect of acceptance of partial rent
- 90.420 Enforceability of landlord liens; distraint for rent abolished
- 90.425 Disposition of personal property abandoned by tenant; notice; sale; limitation on landlord liability; tax cancellation; storage agreements; hazardous property
- 90.427 Termination of tenancy without tenant cause; effect of termination notice



- 90.429 Termination of tenancy for certain rented spaces not covered by ORS 90.505 to 90.850
- 90.430 Claims for possession, rent, damages after termination of rental agreement
- 90.435 Limitation on recovery of possession of premises
- 90.440 Termination of tenancy in group recovery home; recovery of possession; damages

#### DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING

- 90.445 Termination of tenant committing criminal act of physical violence
- 90.449 Landlord discrimination against victim; exception; tenant defenses and remedies
- 90.453 Termination by tenant who is victim of domestic violence, sexual assault or stalking; verification statement
- 90.456 Other tenants remaining in dwelling unit following tenant termination or exclusion due to domestic violence, sexual assault or stalking
- 90.459 Change of locks at request of tenant who is victim of domestic violence, sexual assault or stalking

#### MISCELLANEOUS

- 90.460 Alternate exit from bedroom required; tenant right to recover for landlord noncompliance
- 90.462 Electric vehicle charging stations
- 90.465 Right of city to recover from owner for costs of relocating tenant due to condemnation; defense
- 90.472 Termination by tenant called into active state service by Governor
- 90.475 Termination by tenant due to service with Armed Forces or commissioned corps of National Oceanic and Atmospheric Administration
- 90.485 Restrictions on landlord removal of vehicle; exceptions
- 90.490 Prohibited acts in anticipation of notice of conversion to condominium; damages
- 90.493 Prohibited acts following notice of conversion to condominium; damages



## MANUFACTURED DWELLING PARKS AND MARINAS

### (General Provisions)

- 90.505 Definitions for ORS 90.505 to 90.850; application of statutes
- 90.510 Statement of policy; rental agreement; rules and regulations; remedies
- 90.512 Definitions for ORS 90.514 and 90.518
- 90.514 Disclosure to prospective tenant of improvements required under rental agreement
- 90.516 Model statement for disclosure of improvements required under rental agreement; rules
- 90.518 Provider statement of estimated cost of improvements
- 90.525 Unreasonable conditions of rental or occupancy prohibited; notice of rights
- 90.527 Renter’s liability insurance in park
- 90.528 Use of common areas or facilities
- 90.530 Pets in facilities; rental agreements; violations
- 90.545 Fixed term tenancy expiration; renewal or extension; new rental agreements; tenant refusal of new rental agreement; written storage agreement upon termination of tenancy
- 90.550 Permissible forms of tenancy; minimum fixed term
- 90.555 Subleasing agreements

### (Utility and Service Charges)

- 90.560 Definitions for ORS 90.560 to 90.584
- 90.562 Utility and service charges; limits
- 90.564 Charge for cable, satellite or Internet
- 90.566 Conversion to direct billing for garbage service
- 90.568 Pro rata billing; apportionment methods

- 90.570 Public service charge pro rata apportionment
- 90.572 Submeter billing
- 90.574 Conversion to submeter or pro rata billing for water
- 90.576 Legislative findings
- 90.578 Conversion to submeter or direct billing for large parks
- 90.580 Entry to read submeter; requirement for water submeter
- 90.582 Publication of submeter or pro rata bills; tenant inspection
- 90.584 Park specific billing for water; voting

(Landlord and Tenant Relations)

- 90.600 Increases in rent; limitations; notice; meeting with tenants; effect of failure to meet
- 90.605 Persons authorized to receive notice and demands on landlord's behalf; written notice to change designated person
- 90.610 Notice of proposed change in rule or regulation; tenant objection to change
- 90.620 Termination by tenant; notice to landlord
- 90.630 Termination by landlord; causes; notice; cure; repeated nonpayment of rent
- 90.632 Termination of tenancy due to physical condition of manufactured dwelling or floating home; correction of condition by tenant
- 90.634 Prohibition against lien for rent; action for possession; disposition of dwelling or home; disposition of goods
- 90.640 Park damaged by natural disaster

(Conversion or Closure of Facilities)

- 90.643 Conversion of park to planned community subdivision of manufactured dwellings
- 90.645 Closure of park; notices; payments to tenants; rules
- 90.650 Notice of tax provisions to tenants of closing park; rules



90.655 Park closure notice to nontenants; report of tenant reactions

90.660 Local regulation of park closures

90.671 Closure of marina; notices; payments to tenants; rules

(Ownership Change)

90.675 Disposition of manufactured dwelling or floating home left in facility; notice; sale; limitation on landlord liability; tax cancellation; storage agreements; hazardous property

90.680 Sale of dwelling or home on rented space; consignment sales; duties and rights of seller, prospective purchaser and landlord

(Actions)

90.710 Causes of action; limit on cause of action of tenant

90.720 Action to enjoin violation of ORS 90.750 or 90.755

(Landlord Rights and Obligations)

90.725 Landlord or agent access to rented space; remedies

90.727 Maintenance of trees in rented spaces

90.729 Temporary movement of floating home; notice; costs paid by landlord

90.730 Landlord duty to maintain rented space, vacant spaces and common areas in habitable condition

90.732 Landlord registration; registration fee

90.734 Manager or owner continuing education requirements

90.736 Civil penalties

90.738 Enforcement of registration and education requirements; advisory committee; rules

(Tenant Rights and Obligations)

90.740 Tenant obligations



90.750 Right to assemble or canvass in facility; limitations

90.755 Right to speak on political issues; limitations; placement of political signs

90.765 Prohibitions on retaliatory conduct by landlord

(Dispute Resolution)

90.767 Mandatory mediation

90.769 Informal dispute resolution

90.771 Confidentiality of information regarding disputes

90.775 Rules

(Facility Purchase)

90.800 Policy

90.840 Park purchase funds, loans

90.842 Notice of sale of facility; contents; formation of tenants committee for purchasing facility

90.844 Procedures for purchase of facility by tenants; financial information; deadlines

90.846 Notices and processes in facility transfer; remedies

90.848 Exceptions to facility transfer requirements

90.849 Notice of conveyance

90.850 Owner affidavit certifying compliance with requirements for sale of facility; reliance of parties on affidavit

(Dealer Sales of Manufactured Dwellings)

90.860 Definitions for ORS 90.865 to 90.875

90.865 Dealer notice of rent payments and financing

90.870 Manner of giving notice; persons entitled to notice

90.875 Remedy for failure to give notice