

Manufactured  
Dwelling Park  
Closure

January 2008



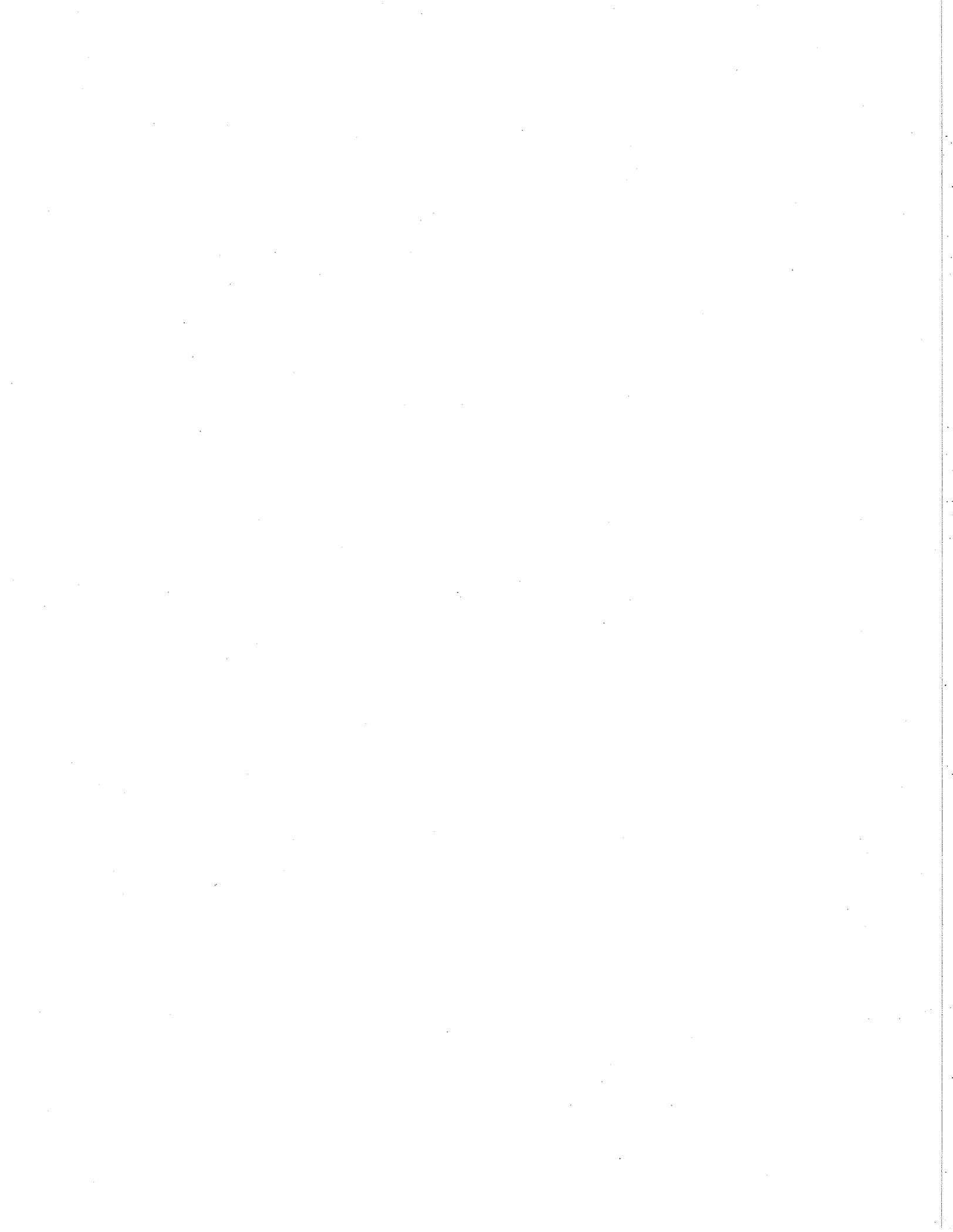


# MANUFACTURED DWELLING PARK CLOSURE

JANUARY 2008

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**ADMINISTRATIVE ORDER NO. 53-07-09-F**  
**of the**  
**City Manager Pro Tem**

**ADOPTING MANUFACTURED DWELLING PARK  
CLOSURE RULE R-1086, AND REPEALING  
ADMINISTRATIVE ORDER NOS. 53-06-04 AND 53-07-04.**

**The City Manager Pro Tem of the City of Eugene finds that:**

**A.** Sections 2.019, 2.1078 and 2.1086 of the Eugene Code, 1971, authorize the City Manager to adopt rules relating to condominium conversion and manufactured dwelling park closures.

**B.** Pursuant to that authority, on November 30, 2007 I issued Administrative Order No. 53-07-09 proposing the adoption of Manufactured Dwelling Park Closure Rule R-1086, and the forms appended thereto, to bring the existing rules into compliance with some recently adopted Code provisions. The proposed revisions were also based on recommendations from the Housing Policy Board. In addition, staff recommended that separate rules be established for condominium conversion and manufactured dwelling park closure. I concurred with those recommendations.

**C.** Notice of the proposed adoption of Manufactured Dwelling Park Closure Administrative Rule R-1086 was given by publication in the Register Guard, a newspaper of general circulation within the City for at least five days, to-wit, November 20, 21, 22, 23 and 24, 2007. The notice was also made available to persons who had requested notice, and provided that written comments could be submitted thereon for a period of fifteen days from the date of first publication. No comments were received within the time and manner required by the notice.

**Therefore,** based upon the above findings, and the findings in Administrative Order No. 53-07-09 which are hereby adopted, and pursuant to the authority contained in Sections 2.019 and 2.1086 of the Eugene Code, 1971, I hereby order that:

**1.** Administrative Order Nos. 53-06-04 and 53-07-04 are repealed, as of the effective date of this Order.

**2.** Manufactured Dwelling Park Closure Rule R-1086, and the forms appended hereto are adopted, to provide as follows:

**CITY OF EUGENE**  
**MANUFACTURED DWELLING PARK CLOSURE RULE R-1086**

**R-1086-A Definitions.** As used herein, words and phrases have the meanings ascribed to them in Section 2.1086 of the Eugene Code, 1971 ("EC").

**R-1086-B Notice Manufactured Dwelling Park Closure.**

1. **Form of Notice.** The written notice of manufactured dwelling park closure shall be in the form attached to this Rule as Exhibit 1.

2. **Contents.** In addition to the information required by EC 2.1086, the notice shall contain:

2.1 The name and address of the park owner, or the park owner's agent, for purposes of contact and communication, and a description of any actions or activities the park owner plans to take which may affect the tenants;

2.2 The City of Eugene information brochure containing a general description of the state and local manufactured dwelling park closure processes, and tenant rights and opportunities mandated by state law or voluntarily made available by the park owner as part of the closure project, which is attached to this Rule as Exhibit 2. The explanation shall describe other voluntary benefits that will be provided to tenants, if any, what information is available to tenants and when other information will be available, how the tenant will be involved, informed, and assisted throughout the process, the park owner's duties under state and local law, and shall include copies of applicable provisions of the EC, ORS 90.630, OAR Ch 813, Div 8, and this Rule;

3. **Delivery of Notice.** The notice shall be given to the tenant personally or sent by registered or certified mail to the address shown in the rental agreement or lease. If served personally, the tenant shall sign a receipt verifying receipt of the notice. The receipt shall be in the form attached to this Rule as Exhibit 3. If served by mail, the minimum period for park closure of not less than 365 days shall be extended by three days, and the notice shall recite the fact and extent of the extension. If there is no written lease or rental agreement, the notice shall be sent to the tenant's address in the manufactured dwelling park to be closed. A refusal of registered or certified mail by the addressee shall constitute adequate delivery. The notice shall be sent to each tenant listed in the rental agreement or lease. If the manufactured dwelling is subleased, the notice shall be sent to the tenant at his or her current address and to the subtenant in possession. If the tenant's current address is unknown, two copies shall be delivered to the subtenant, one addressed to the tenant and one to the subtenant. The notice shall be personally delivered or mailed to the City at the same time notice is provided tenants.

**4. Notice to Prospective Tenants.** After notice of manufactured dwelling park closure has been given, the park owner shall notify each prospective tenant in writing of the estimated date of the manufactured dwelling park closure and of the unavailability of tenant relocation benefits to the prospective tenant. The notice to the prospective tenant shall be given prior to renting a manufactured home or a space in the manufactured dwelling park (i.e., signing a lease or rental agreement or otherwise entering into a rental agreement) to that person. The notice shall be delivered personally to the prospective tenant. As used herein, "prospective tenant" means any person who has negotiated an agreement with the park owner for renting or leasing a space or a manufactured dwelling in a park to be closed. The notice to prospective tenants must conform to the form or sample attached to this Rule as Exhibit 4. The obligation to provide this notice to prospective tenants continues after issuance of the manufactured dwelling park closure permit by the City, until the closure of the manufactured dwelling park.

**R-1086-C Application for Manufactured Dwelling Park Closure Permit.**

**1. Time to Apply and Fee.** No later than 60 days from the date the park owner has provided written notice of park closure to affected tenants, the manufactured dwelling park owner, or his or her agent, shall apply to the City for a manufactured dwelling park closure permit on a form as is attached to this Rule as Exhibit 5, which shall be accompanied by a fee established by the City Manager.

**2. Contents.** The application must conform to the requirements of EC 2.1086 and shall include the applicant's affidavit and any filed or executed manufactured dwelling park closure instruments.

**3. Posting.** Within two days of filing an application with the City, the complete permit application, including attachments shall be posted in a conspicuous place within the manufactured dwelling park to be closed. The posting shall be maintained until the permit is allowed or denied.

**4. Applicant's Affidavit.** The applicant shall execute an affidavit that attests to the truth of the applicant's required notification to affected tenants and neighborhood groups, maintenance of receipts from affected tenants of receipt of the notice of park closure, and of the City's informational brochure, and that no affected tenants have been evicted, except for good cause, between the date of the notice of park closure and the date of the permit application. In addition, the affidavit shall disclose the place within the City where signed receipts from affected tenants are kept, which shall be maintained for a period of three years. An example of the required affidavit is attached to this Rule as Exhibit 6.

**5. Required Instruments.** The instruments required to be filed with the application include any document then in existence that is required to be filed or

executed by the EC or state law as part of the manufactured dwelling park closure process.

**R-1086-D Tenant Survey Report.** The tenant survey report obligation shall be satisfied by filing an affidavit with the City in accordance with R-1086-C-4, above. The affidavit shall attest that the applicant has provided the questionnaire attached to these Rules as Exhibit 7 to each affected tenant with an envelope, postage prepaid, addressed to the City of Eugene. The questionnaire shall direct the tenant to return the completed form directly to the City of Eugene.

**R-1086-E Tenant Assistance.**

**1. Tenant Assistance Plan Contract – Contents and Form.** Within 10 days of the City's approval of the park closure application, the park owner shall enter into a Tenant Assistance Plan ("TAP") with the City in a form consistent with the TAP contract attached as Exhibit 8 to these Rules. The TAP contract shall require the park owner to comply with applicable provisions of ORS 90.630, OAR Ch 813, Div 8, and these Rules.

**2. Relocation Costs.** The TAP contract shall obligate the park owner to compensate affected tenants for their losses and relocation costs incurred due to the park closure in accordance with EC 2.1086(7). The flat dollar amount to be paid by the park owner to the affected tenant pursuant to EC 2.1086(7)(b), at the affected tenant's option, is established at either:

**2.1** A payment equal to the real market value of the manufactured home, plus \$550 for a single wide manufactured home, \$750 for a double wide manufactured home, or \$950 for a triple wide manufactured home under EC 2.1086(7)(b)(1) for costs of moving the affected tenant's personal property, which amount is based on the recommendation of the Housing Policy Board; or

**2.2** \$550 for a single wide manufactured home, \$750 for a double wide manufactured home, or \$950 for a triple wide manufactured home under EC 1.1086(7)(b)2., which amounts are equivalent to the amounts determined by the federal government for relocation compensation for the state of Oregon, as set forth in the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, Fixed Residential Moving Cost Schedule.

**3. Housing Counselor Contract.** The park owner shall contract with a housing counselor, approved by the City, to assist affected tenants with moving and relocation assistance claims, in a form consistent with the contract attached as Exhibit 9 to these Rules. The following factors shall be considered in determining whether a Housing Counselor Contract is sufficient:

3.1 The compensation to be paid to the housing counselor must be an amount sufficient to assure that the counselor will use his or her best efforts in the provision of assistance to affected tenants;

3.2 The contract must require the housing counselor to ascertain whether any affected tenants have particular housing needs and to use reasonable efforts to locate housing tailored to fulfill those particular needs;

3.3 The contract must require that the park owner will not discharge the housing counselor merely because of a disagreement between the park owner and counselor with respect to the appropriate relocation compensation, or because of the counselor's stated views or advocacy on behalf of a tenant.

3.4 The contract must allow the counselor sufficient time to perform the required duties in a comprehensive and satisfactory manner, including but not limited to, explaining moving and relocation benefits to affected tenants, acting as a housing referral source by providing affected tenants with a list of alternative manufactured dwelling parks and other available housing, and assisting affected tenants in viewing spaces in manufactured dwelling parks, in understanding rental agreements, and with moving arrangements.

3.5 The contract must state that the City is a third-party beneficiary of the contract and has standing to enforce its terms.

4. **Approval of Housing Counselor.** In considering whether to approve the housing counselor designated by the applicant, the City shall consider the background and experience of the counselor in the procuring of housing. Any disapproval of a housing counselor shall be by order of the City Manager after notification to the park owner of the intended action and opportunity to present written arguments and information.

5. **Withdrawal of Approval of Housing Counselor.** The City Manager may withdraw approval of a housing counselor by order upon finding that such counselor has willfully or persistently failed to abide by the terms of his or her contract alienated a substantial number of tenants so as to impair the effectiveness of the counselor's performance or refused to deal with or ignored the needs of any affected tenant. Prior to issuance of a disapproval order, the City Manager shall notify the park owner and housing counselor of the intended action and allow the park owner and the housing counselor to present written arguments and materials relevant to the intended action.

**R-1086-F Post-Permit Obligations.**

Tenant Assistance Plan information reports in the form attached to these Rules as Exhibit 10 shall be submitted at the end of any month in which an affected tenant has been relocated as a result of a manufactured dwelling park closure. The information

report shall disclose the name of any affected tenant provided assistance and the amount of relocation compensation paid.

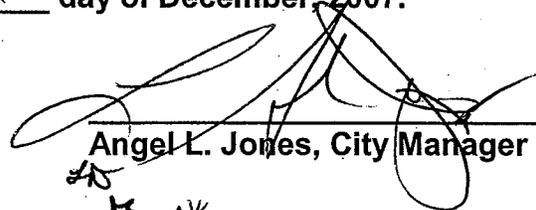
**R-1086-G Hearings and Dispute Resolution.**

1. In the event of a controversy over whether a park owner has paid, or agreed to pay the appropriate relocation compensation to an affected tenant as required by EC 2.1086(7), the affected tenant may file with the City Manager an application in the form attached to these Rules as Exhibit 11 seeking a final determination by the City Manager. The application shall set forth the amount of relocation compensation offered by the park owner, and the amount the affected tenant believes to be correct. The City Manager shall allow the park owner, the tenant, and the housing counselor the opportunity to submit written arguments, comments, and affidavits on the request. The determination of the City Manager shall be final.

2. **Review of Permit Issuance or Revocation.** Review of the decision of the City Manager issuing or denying a manufactured dwelling park closure permit, or of a notice of revocation of a manufactured dwelling park closure permit shall be initiated by filing a notice of appeal with the City on a form provided by the City. Such appeal hearing shall be conducted by a hearings official appointed by the City Manager in accordance with the provisions of EC 9.7065 to 9.7095, and 2.1086(5)(f). See attached to these Rules as Exhibit 12, Notice of Appeal of Manufactured Dwelling Park Closure Permit Decision form. The decision on appeal shall be based on the record made in the appeal hearing.

**R-1086-H Provisions Not Exclusive.** The provisions of these Rules are in addition to, and not in lieu of, any other obligations or duties required to be performed by a park owner under federal, state, or local laws, rules, or regulations. A violation of any of those provisions by a park owner constitutes a violation of these Rules.

Dated and effective this 20th day of December, 2007.

  
\_\_\_\_\_  
Angel L. Jones, City Manager Pro Tem  
AS  
13/12/07

## MANUFACTURED DWELLING PARK CLOSURES

### 2.1086 Manufactured Dwelling Park Closures.

(1) Definitions. As used in this section 2.1086, the following words and phrases mean:

**Affected tenant.** A person who owns and occupies a manufactured dwelling in a manufactured dwelling park and is entitled under a rental agreement to occupy, to the exclusion of others, a manufactured dwelling space in a manufactured dwelling park at the time notice of park closure is given. A person who rents, but does not own the manufactured dwelling located in a manufactured dwelling park is not an "affected tenant" for purposes of this section.

**Alternative housing.** A manufactured dwelling or other housing which is reasonably similar to the manufactured dwelling owned and occupied by the affected tenant, or a manufactured dwelling space which is reasonably similar to the space then occupied by the affected tenant in terms of location, price, proximity to services, general amenities, and any other factors identified in administrative rules issued hereunder. Housing, or a manufactured dwelling space, is not reasonably similar if it is located in a manufactured dwelling park for which a notice of park closure has been given or for which reasonable evidence exists that the owner is contemplating conversion to other uses.

**City manager.** The city manager or the manager's designee.

**Conversion.** The termination of a rental agreement for a manufactured dwelling and/or manufactured dwelling space by the manufactured dwelling park owner for the purpose of ending manufactured dwelling residential uses of the park and either beginning different land uses or selling the property, which conversion is not required by the exercise of eminent domain or by order of state or local agencies; or, the obtaining of a building permit for a structure located on a site previously used as a manufactured dwelling park within the past two years.

**Hearings officer.** A person appointed by the city manager to decide contested issues arising under this section 2.1086.

**Manufactured dwelling.** Includes: a manufactured home constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction; a residential trailer, a

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structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and was constructed before January 1, 1962; a mobile home meeting the above requirements that was constructed between January 1, 1962 and June 15, 1976 and met the construction requirements of Oregon mobile home law in effect at the time of construction, and a manufactured home meeting the above requirements. A "manufactured dwelling" does not mean any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

**Manufactured dwelling park.** Any place where 4 or more manufactured dwellings or manufactured homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than 1 manufactured dwelling per lot if the subdivision was approved by the city, but does include a "manufactured home park."

**Manufactured dwelling park closure.** The termination of rental agreements by the park owner so that the park owner can either close the park or convert the park to a different use.

**Manufactured dwelling park owner or park owner.** The owner, lessor, sub-lessor or manager of a manufactured dwelling park.

**Moving/relocation expenses.** A sum of money as established in subsection (8) of this section and administrative rules issued hereunder that is intended to compensate affected tenants for losses incurred as a result of a manufactured dwelling park conversion or closure.

**Permit.** A manufactured dwelling park closure permit issued by the city manager under this section 2.1086.

**Rental agreement.** All written or oral agreements; and valid rules and regulations adopted under ORS 90.262 embodying the terms and conditions concerning the use and occupancy of a manufactured dwelling or manufactured dwelling space.

(2) **Intent.** It is the intent of these provisions to mitigate the adverse effects of displacement on affected tenants of manufactured dwelling parks

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that will close or convert to a different use.

- (3) Scope of Regulations. This section 2.1086 shall be applicable to manufactured dwelling park closures and conversions.
- (4) Limitations. Notwithstanding any other provision of law, no person may close or convert, nor shall the city permit the closure or conversion of, any manufactured dwelling park to a different use unless a manufactured dwelling park closure permit has been obtained and a fee paid in the amount set by the city manager under section 2.020 of this code.
- (5) Closure Permit Process.
  - (a) Notice of Park Closure.
    1. The park owner shall provide a written notice of park closure to affected tenants of the manufactured dwelling park prior to any closure or conversion of the manufactured dwelling park. The notice shall be given not less than 365 days before the closure date designated in the notice. The notice shall contain the date of park closure, date of termination of tenancy, information on tenant rights and benefits and park owner duties under state and local law, and any other information required by state law, this code, or administrative rules issued hereunder.
    2. After the notice of park closure has been given to affected tenants, all prospective tenants of the manufactured dwelling park shall be given written notice of the park closure prior to entering into a rental agreement. The notice shall disclose the estimated date of park closure and that relocation benefits will not be available for such prospective tenants under this code.
    3. The written notice of park closure shall be delivered to the city in the manner prescribed by administrative rule at the same time the notice is provided to affected tenants.
  - (b) Application. No later than 60 days after the filing of notice of closure, the park owner, or the park owner's agent (the "applicant") shall apply for a park closure permit on a form prescribed by the city manager. The application shall include all information and documents required by administrative rule issued hereunder and shall include an application fee in an amount set by the city manager. The applicant shall promptly post a copy of the entire application in a conspicuous place within the manufactured dwelling park.
  - (c) Staff review. Within 30 days from the receipt of a completed application the city shall issue a staff report on the applicant's compliance with conditions for approval of the permit. The staff report shall be sent to the applicant who shall have 7 days after receipt to submit additional information or material. The applicant shall promptly post a copy of the staff report in a conspicuous place within the manufactured dwelling park.

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- (d) Permit approval. Within 14 days after the issuance of the staff report the city manager shall approve or deny the permit. Within five days of the decision the city shall notify the applicant in writing of the decision. The applicant shall promptly notify each affected tenant in writing of the decision of the city manager on the permit application. In addition, the city manager shall mail, by first class mail, a notice of the decision and of the opportunity to appeal to owners and occupants of property located within 100 feet of the property on which the subject manufactured dwelling park is located and to persons who have requested notification. The city manager shall issue a manufactured dwelling park closure permit if the manager finds that the park owner has completed or is contractually obligated to the city to complete the obligations imposed by this section 2.1086. No permit shall be transferred or sold unless such transfer or sale is first approved by the city manager. Unless appealed, the city manager's decision is effective on the eleventh day after notice of the decision is mailed.
- (e) Appeal of permit decision.
1. Within ten days of the date that notice of the permit decision is mailed by the city manager, it may be appealed to the hearings official by the owner, applicant, a party, an affected tenant, or a person entitled to notice from the city under subsection (5)(c) of this section. Such appeal shall be instituted by filing a notice of appeal on a form to be provided by the city.
  2. Within 45 days of the notice of appeal, the hearings officer shall conduct a public evidentiary hearing on the permit approval or disapproval action of the city manager. The hearing notice and procedures shall conform with the requirements for quasi-judicial hearings provided in sections 9.7065 to 9.7095 of this code. At least 20 days prior to the hearing, the city shall mail notice thereof to the applicant, appellant, persons who requested notice of the city manager's decision, and to persons entitled to notice from the city under subsection (5)(c) of this section.
  3. Such appeal shall be limited to the issues of whether the applicant has satisfied the conditions and obligations of the permit approval, whether approval or denial of the permit was an abuse of discretion by the city manager, and whether the information supplied by the applicant in connection with the application is true and correct.
- (f) Revocation of closure permit. A permit may be revoked after notice and a contested case hearing before a hearings officer upon a written finding of fact that the park owner has:
1. Failed to comply with the terms of a cease and desist order;
  2. Been convicted in any court subsequent to the filing of the permit application for a crime involving fraud, deception,

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false pretenses, misrepresentation, false advertising, or dishonest dealing in real estate transactions;

3. Disposed of, concealed, or diverted any funds or assets of any person so as to defeat the rights of affected tenants;
4. Intentionally or repeatedly failed to perform any stipulation or agreement made with the city as an inducement to grant or reinstate any permit;
5. Made intentional misrepresentations or concealed material facts in an application for a permit; or,
6. Intentionally or repeatedly violated any provision of this section 2.1086.

Findings of fact shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. A determination of a hearings officer on a revocation of a permit shall be final.

- (6) Provision of Housing Information. After notice of park closure to affected tenants, a park owner shall create, maintain, and make available to all affected tenants a current survey showing the total number of manufactured dwelling spaces, the number of vacant manufactured dwelling spaces, rent schedules, and available manufactured dwellings for sale in manufactured dwelling parks located within the urban growth boundary shown on the Metropolitan Area General Plan. The park owner shall update this information at least every four months, or at such intervals as required in administrative rules issued hereunder. The survey shall contain such information as required by the administrative rules issued hereunder.
- (7) Relocation Costs. After the notice of park closure is given, a park owner shall compensate affected tenants for their losses and relocation costs incurred due to the park closure as follows:
  - (a) If the manufactured home can be moved from the park, the park owner shall pay the affected tenant, at the affected tenant's option, and subject to subsection (c), either:
    1. The affected tenant's actual costs incurred for moving the manufactured home to a location within 60 miles from its present location, using the most direct and economical route. Payment will be made within 10 days of receipt by the park owner of a statement reflecting the amount of the costs incurred; or
    2. A flat dollar amount, to be paid prior to the park closure and removal of the manufactured home from the park of:
      - a. \$11,000 for a single wide home;
      - b. \$17,000 for a double wide home; and
      - c. \$21,000 for a triple wide home.The amounts established in this subsection shall be periodically adjusted by administrative order of the city manager to reflect changes in the Consumer Price Index.

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- (b) If for any reason the manufactured home cannot be moved, prior to the park's closure the park owner shall pay to the affected tenant, at the affected tenant's option, and subject to subsection (c) either:

1. A payment equal to the real market value of the manufactured home as determined by the Lane County Assessor, plus a flat dollar amount to be established by administrative order of the city manager, based on the recommendation of the Housing Policy Board, for the costs of moving the affected tenant's personal property; or
2. A flat dollar amount to be established by administrative order of the city manager, that is equivalent to the amount determined by the federal government for relocation compensation, with a single wide manufactured home considered the equivalent of a two room home; a double wide manufactured home equivalent to a three room home; and a triple wide manufactured home equivalent to a four room home.
3. From the amounts determined due under either 1. or 2. above, the park owner shall first deduct a portion of the park owner's costs incurred in disposing of the abandoned manufactured home consisting of \$1,000 for disposing of a single wide manufactured home, \$2,000 for disposing of a double wide manufactured home, and \$3,000 for disposing of a triple wide manufactured home. The disposal allowances provided herein may be periodically adjusted by administrative order of the city manager to reflect changes in the Consumer Price Index.

- (c) The net amount to be paid by the park owner to an affected tenant under subparagraphs (a) or (b) of this section may be subject to an adjustment if:

1. There is a state subsidy payment available to an affected tenant at the time notice of park closure is given, the amount of the subsidy shall be deducted from the amount determined due the affected tenant under subparagraphs (a) and (b) of this section in arriving at the net amount due.
2. The manufactured dwelling park for which the notice of closure is given is located in an industrial or commercial zone or flood plain, the amount determined due shall be reduced by 50%.

- (8) Housing Counselor. The park owner shall hire a person or entity as a housing counselor for affected tenants who shall assist affected tenants with moving and relocation assistance claims. In addition to any other duties that may be assigned, the housing counselor shall:

- (a) Explain moving and relocation benefits to affected tenants.
- (b) Act as a housing referral resource by providing affected tenants with a list of alternative manufactured dwelling parks and other

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available housing.

- (c) Provide assistance in locating and securing alternative housing.
  - (d) Assist affected tenants in viewing spaces in parks or alternative housing.
  - (e) Assist affected tenants in understanding rental agreements.
  - (f) Assist affected tenants with arrangements for moving. After notice of park closure is given, no affected tenant shall be evicted for a reason not specified in ORS 90.630 from the manufactured dwelling park or required to pay more rent than the rent charged for a comparable manufactured dwelling or space in the manufactured dwelling park.
- (9) Retaliation Prohibited. If an owner has as his or her dominant purpose retaliation against an affected tenant because of the exercise by the affected tenant of rights under this section 2.1086, because the tenant has expressed an opinion on any matter relating thereto, and the tenant is not in default in payment of his or her rent or otherwise in breach of the rental agreement, the owner may not recover possession of the manufactured dwelling park space in any action or proceeding, cause the tenant to quit involuntarily, or increase the rent or decrease any services to that tenant.
- (10) Enforcement. If it appears that a person has engaged in or is about to engage in an act or practice constituting a violation of any provision of this section 2.1086, or rule, regulation or order thereunder, or failed to faithfully perform any stipulation of agreement made with the city as an inducement to grant or reinstate any permit, the city, with or without any prior administrative proceedings, may bring an action in the Circuit Court for Lane County to enjoin the acts or practices and to enforce compliance with this section 2.1086 or any rule, regulation, order, or contract thereunder. Any person who converts a manufactured dwelling park without a permit shall be guilty of a violation. Any person who willfully makes an untrue or misleading statement of material fact or willfully omits to provide required data on any document prepared pursuant to this section of the code shall be guilty of a violation. The penalty for any such violation shall be as provided in section 2.1990(5) of this code.
- (11) Rulemaking Authority. The city manager is authorized to promulgate any rules necessary for the implementation of this section of the code. These rules shall be adopted in the manner provided for in section 2.019 of this code.

*(Section 2.1086, added by Ordinance No. 19614, enacted May 22, 1989; amended by Ordinance No. 19771, enacted April 22, 1991, effective May 22, 1991; and amended by Ordinance No. 20387, enacted July 9, 2007, effective August 10, 2007.)*





## MANUFACTURED DWELLING PARK CLOSURES

### List of Exhibits

- Exhibit 1: Notice of Manufactured Dwelling Park Closure
- Exhibit 2: Manufactured Dwelling Park Closure Informational Brochure
- Exhibit 3: Manufactured Dwelling Park Closure Receipt Form
- Exhibit 4: Notice to Prospective Tenants / Manufactured Dwelling Park Closure
- Exhibit 5: Manufactured Dwelling Park Closure Permit Application
- Exhibit 6: Manufactured Dwelling Park Closure Affidavit
- Exhibit 7: Tenant Survey Questionnaire for Proposed Manufactured Dwelling Park Closure
- Exhibit 8: Tenant Assistance Plan Contract for Planned Manufactured Dwelling Park Closure
- Exhibit 9: Housing Counselor Contract
- Exhibit 10: Tenant Assistance Plan Information Report
- Exhibit 11: Application for Final Determination of Relocation Compensation
- Exhibit 12: Notice of Appeal of Manufactured Dwelling Park Closure



**NOTICE OF MANUFACTURED DWELLING PARK CLOSURE**

As required by Section 2.1086 of the Eugene Code, this notice informs you that

I/We \_\_\_\_\_ intend to **close** the  
Name of Park Owner (Applicant)

manufactured dwelling park known as \_\_\_\_\_  
Name of Park

located at \_\_\_\_\_  
Address of Park

on \_\_\_\_\_, 20\_\_\_\_, which is 365 days from the date of this notice.

**Your rental agreement shall terminate as of the date of park closure.**

Attached to this notice, for your information is:

1. A Manufactured Dwelling Park Closure Informational Brochure that describes state and local manufactured dwelling park closure processes, tenant rights provided by both local and state law, and what opportunities for involvement are provided.
2. A description of tenant rights voluntarily made available by the developer, if any.

For additional information, call \_\_\_\_\_  
Applicant's Name or Representative

at \_\_\_\_\_ or contact the Community Development Division,  
Phone Number

Planning & Development Department, City of Eugene, at 682-5071.

\_\_\_\_\_  
Owner/Developer/Applicant Signature

\_\_\_\_\_  
Date



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## **MANUFACTURED DWELLING PARK CLOSURE INFORMATIONAL BROCHURE**

This document described state and local manufactured dwelling park closure processes, tenant rights provided by local and state law, and the opportunities for involvement that are provided.

### **PART 1 - CITY OF EUGENE PERMIT PROCESS**

#### **GENERAL INFORMATION**

The following information is a brief description of the process the City of Eugene follows to evaluate permit applications for manufactured dwelling park closures. For more information concerning this process, refer to Section 2.1086 of the Eugene Code, the Administrative Rules issued by the City Manager, or call the Planning & Development Department, Community Development Division, City of Eugene, at 682-5071.

#### **Applicability of Regulations**

The City of Eugene regulates the closure of all manufactured dwelling parks within the City by requiring that a park owner obtain a park closure permit from the City before the closure or conversion of a manufactured dwelling park to a different use.

#### **Initial Steps Prior to Submitting a Permit Application**

The applicant (park owner) must deliver to all tenants a Notice of Manufactured Dwelling Park Closure. The notice must also be sent, at the same time, to the City of Eugene Planning & Development Department, Community Development Division, 99 West 10th Avenue, Eugene, Oregon 97401, together with an affidavit that provides a list of tenants who received the Notice of Manufactured Dwelling Park Closure and the dates of delivery of the notice to those tenants. No later than 60 days after sending the Notice of Planned Manufactured Dwelling Park Closure to affected tenants the applicant must apply for a park closure permit.

#### **MANUFACTURED DWELLING PARK CLOSURE PERMIT APPLICATION PROCESS**

1. The park owner or representative shall file a permit application with the City no later than 60 days after filing the Notice of Manufactured Dwelling Park Closure.
2. Within two days after filing the permit application, the applicant must post a copy of the application, including attachments, in a conspicuous place in or on the manufactured dwellings in the park to be closed and any common buildings or

facilities therein. The posting shall be maintained until the permit is approved or denied.

3. Following receipt of a complete permit application, the City shall have 30 days to review the application and issue a report on the applicant's compliance with any conditions for approval. In order to review the application, it must be complete and have all required information and attachments.
4. Following the staff report (#3 above) the applicant shall have seven days to submit any additional information. The applicant must post the staff report in a conspicuous place in the manufactured dwelling park.
5. The City Manager shall make a decision approving (with or without conditions) or denying the application for a closure permit within 14 days following the staff report. The applicant will be notified of the City Manager's decision in writing. The applicant is required to promptly provide written notification to all affected tenants of the City Manager's decision.
6. Within ten days, the decision may be appealed by any affected person or party. The appeal filing must be made on a form available from the City's Planning & Development Department. Appeals on permit decisions are heard by a hearings officer. The Hearings Official, upon receipt of an appeal, will hold a public hearing within 45 days following the appeal and will make a decision on the appeal in writing within 14 days after the close of the public hearing and record. The only issues to be determined on appeal are whether the applicant has met all the requirements of the permit issuance, whether the information submitted by the applicant is correct, or whether the City Manager abused his or her discretion in ruling on the application.

#### Conditions and Information Required for Permit

In order to obtain a manufactured dwelling park closure permit, the applicant must satisfy the following conditions or submit the following information:

1. The park owner must provide written notice of park closure to all affected tenants no less than 365 days before the closure date.
2. An affidavit of the park owner must be included with the application stating that:
  - a. The applicant has signed receipts from affected tenants and neighborhood that they have received a Notice of Manufactured Dwelling Park Closure;
  - b. The Applicant will keep all signed receipts on file in this city and subject to inspection for a period of three years;
  - c. The applicant has provided the City Informational Brochure on manufactured dwelling park closure to all the tenants;

- d. No evictions without cause have occurred between the date of Notice of Manufactured Dwelling Park Closure and the date of the permit application;
- e. the applicant has provided the tenant survey questionnaire to each tenant;

### Tenant Assistance

1. Within 10 days of the City's approval of the park closure application, the applicant shall enter into a Tenant Assistance Plan (TAP) with the City;
2. The applicant will provide prescribed relocation compensation; and
3. The applicant shall hire a housing counselor to assist affected tenants with moving and with any relocation assistance.

### FILING FEE

A permit application must be accompanied by a filing fee as established by Order of the City Manager pursuant to Section 2.020 of the Eugene Code.

## **PART 2 - DESCRIPTION OF TENANT PROTECTIONS**

### INTRODUCTION

In 1989, the City of Eugene added Section 2.1086 to the Eugene Code regulating the conversion of a manufactured dwelling park to a different use or uses. Those provisions were amended in 2007. The provisions of the Eugene Code are in addition to the provisions regulating the closure of manufactured dwelling parks under state law and provide additional protections and benefits to affected tenants. It is the intent of this publication to give a brief description of the tenant protections provided by the Eugene Code, 1971 and rules adopted there under. For more information, please refer directly to Section 2.1086 of the Eugene Code, and Administrative Rule R-1086, or call the Planning & Development Department, Community Development Division at 682-5071.

### PROTECTIONS AVAILABLE TO ALL TENANTS IN A MANUFACTURED DWELLING PARK CLOSURE

#### Disclosure

The park owner must provide information to all tenants at the beginning of the park closure process on their rights under City and state law. Briefly, the City requires that the park owner obtain a permit to close a manufactured dwelling park. All tenants in the park shall be notified in writing with information provided during the permit process in the following manner:

1. The applicant must send a Notice of Manufactured Dwelling Park Closure to all tenants at the beginning of the park closure process. This notifies tenants that the park owner intends to apply to the City for a park closure permit within 60 days after the Notice of Manufactured Dwelling Park Closure is sent to tenants, and contains the date of closure and termination of tenancy.
2. The applicant must notify tenants in writing of decisions of the City to approve or deny the permit.
3. The park owner must post the permit application, including the required attachments in a conspicuous place within the manufactured dwelling park to be closed. The posting must be maintained until a decision has been rendered.

### The Right to Remain

The rent may not be increased, nor may a tenant be evicted without cause after the Notice of Park Closure has been given to tenants. The tenant's right to terminate tenancy remains the same as it was prior to the Notice of Manufactured Dwelling Park Closure.

### Retaliatory Evictions

A park owner may not retaliate against a tenant by evicting the tenant without cause because of any exercise of the tenant's rights.

### Relocation Benefits

**If the Manufactured Home can be moved from the park**, the resident shall receive, at the resident's option, either:

1. Actual moving costs for a location within 60 miles, using the most direct and economical route (retroactive payment, after moving); or
2. A flat amount (paid in advance of the closing) at the following rate:
  - a. \$11,000 for a single wide home
  - b. \$17,000 for a double wide home
  - c. \$21,000 for a triple wide home

These amounts shall be periodically adjusted by the City Manager to reflect changes in the Consumer Price Index.

**If the Manufactured Home cannot be moved**, for whatever reason, the resident shall receive (paid in advance of closing), at the resident's option, either:

1. A payment equal to the real market value of the Manufactured Home as determined by the Lane County Assessor plus \$550 for a single wide manufactured home, \$750 for a double wide manufactured home, or \$950 for a triple wide manufactured home for moving costs of personal property as determined by the Federal government for relocation compensation; or
2. A flat amount will be the same as determined by the federal government for relocation compensation. A single wide will be considered equivalent to a two room home, a double wide will be equivalent to a three room home, and a triple wide equivalent to a four room home. In 2007, affected tenants would receive a flat rate of \$550 for a single wide manufactured home, \$750 for a double wide manufactured home, or \$950 for a triple wide manufactured home as determined by the Federal government for relocation compensation.

Payment shall, in either case, be paid after deducting a portion of the owner's costs to dispose of the abandoned Manufactured Home. The deduction payment for disposing of a single wide shall be \$1,000; double wide, \$2,000 and triple wide, \$3,000. The City Manager can periodically adjust these amounts to reflect changes in the Consumer Price Index.

Covered residents are entitled to some compensation for the losses they will incur from the closing of the park. Residents of parks in industrial or commercial zones or flood plains are entitled to 50% of the assistance received by owners in residentially zoned parks because those parks have long been anticipated to close and convert to other uses.

### INFORMATION TENANTS WILL BE ASKED TO PROVIDE

#### All Tenants

The park owner will distribute a Tenant Survey Questionnaire to all tenants of the manufactured dwelling park to be closed that will include an addressed, postage-paid envelope for returning the questionnaire to the City. The return of the questionnaire is necessary in order to provide the City with a record of all tenants in the park so that if a dispute arises, the City will have information provided by the tenant.

### STATE LAW PROVISIONS

ORS 90.630 and OAR Ch 813, Div 8 are attached hereto, and set forth the park owner's responsibilities and tenant's rights upon termination of a rental agreement based on the closure of a manufactured dwelling park.





**NOTICE TO PROSPECTIVE TENANTS / MANUFACTURED DWELLING PARK CLOSURE**

This notice informs you that the \_\_\_\_\_  
Name of manufactured dwelling park

located at \_\_\_\_\_  
Address of park

gave a Notice of Manufactured Dwelling Park Closure, required by Section 2.1086 of the Eugene Code, to the existing tenants of this manufactured dwelling park on \_\_\_\_\_  
Date of Notice

It is the intention of the park owner to close this park on \_\_\_\_\_, 20\_\_.

Existing tenants who received the Notice of Manufactured Dwelling Park Closure are eligible to receive certain protections and benefits required by the Eugene Code and state law. Tenants, like yourself, who move into the park after the Notice of Park Closure has been delivered are **not** eligible to receive tenant assistance benefits.

Please acknowledge that you have read and understand this disclosure, by signing below.

**PROSPECTIVE TENANT**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name



**MANUFACTURED DWELLING PARK CLOSURE  
PERMIT APPLICATION**

**PROPERTY INFORMATION**

1. Attach an accurate legal description of the property included in this permit application.

2. Assessor's map(s) and tax lot(s) numbers of the property:

\_\_\_\_\_

3. Project name and address: \_\_\_\_\_

\_\_\_\_\_

4. Number of permanent spaces: \_\_\_\_\_

5. Number of recreational/other spaces: \_\_\_\_\_

6. In what year(s) was the park opened? \_\_\_\_\_

**INFORMATION CONCERNING THIS REQUEST**

The application shall be accompanied by all of the following:

- 1. An affidavit of the applicant conforming to the requirements of R-1086-C-4 ;
- 2. A Tenant Survey Report affidavit, R-1086-D; and
- 3. Any filed or executed park closure instruments.

**FILING FEE**

A permit application must be accompanied by a filing fee as established by Order of the City Manager pursuant to Section 2.020 of the Eugene Code.

**ACKNOWLEDGEMENT**

I/We, the undersigned, hereby acknowledge that I/We have read the above application and its attachments understand the requirements for an application for a manufactured dwelling park closure, and state that the information supplied

is as complete and detailed as is currently possible, to the best of my/our knowledge.

**APPLICANT**

**AGENT**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
E-Mail Address



EXHIBIT 6

**MANUFACTURED DWELLING PARK CLOSURE AFFIDAVIT**

STATE OF OREGON       )  
                                  ) §  
COUNTY OF LANE       )

I, \_\_\_\_\_, being duly sworn, depose on oath and say :

That I am the owner of \_\_\_\_\_, a manufactured dwelling park located at \_\_\_\_\_, within the City of Eugene, Oregon, that I intend to close.

I have provided all affected tenants of the Manufactured Dwelling Park with a Notice of Manufactured Dwelling Park Closure dated \_\_\_\_\_, and have signed receipts from each tenant in my possession.

No affected tenants have been evicted from the Manufactured Dwelling Park without cause during the 365 days preceding the date of the Notice of Manufactured Dwelling Park Closure, and no evictions without cause have occurred between that date and the date of the application for a manufactured dwelling park closure permit from the City of Eugene.

I have provided all tenants of the manufactured dwelling park with a copy of the City of Eugene informational brochure on manufactured dwelling park closure and the tenant survey questionnaire.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Affiant/Applicant

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by

\_\_\_\_\_

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires on: \_\_\_\_\_



**TENANT SURVEY QUESTIONNAIRE  
FOR PROPOSED MANUFACTURED DWELLING PARK CLOSURE**

**Return Survey to City of Eugene  
in Postage-Paid Envelope**

This survey is provided to the tenants of this Manufactured Dwelling Park Closure project in an attempt by the City to protect the rights provided you by the Eugene Code during the Manufactured Dwelling Park Closure process and to obtain additional information on the effects of closure on tenants.

Your responses to the survey will be kept strictly confidential by the City. When you have completed the form, please return it to the City in the attached postage-paid envelope.

If you have any questions concerning this survey, please call the Planning & Development Department, Community Development Division, at 682-5071.

Tenant Name: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Address: \_\_\_\_\_

1. Household composition – please list all household members, including self.

Name	Age	Sex	Relationship

2. Is any member of the household disabled or 70 years of age or older?

Yes  No  Please check all that apply: Disability  Age

3. How long have you lived in your present dwelling?

- less than 1 year?
- up to 2 years?
- up to 3 years?
- up to 4 years?
- up to 5 years?
- more than 5 years?

4. When did you receive the Notice of Planned Manufactured Dwelling Park Closure? \_\_\_\_\_  
Date
5. Has the rent for your unit been raised in the last 3 months? Yes  No   
If yes, please indicate the prior rental rate \$ \_\_\_\_\_ and the new rental rate \$ \_\_\_\_\_.
6. Why did you originally move into this park? Please indicate the 3 most important reasons, ranking them 1 through 3 (with 1 being most important):
- |   |  |
|---|--|
| <input type="checkbox"/> cost           | <input type="checkbox"/> better neighborhood               |
| <input type="checkbox"/> more space     | <input type="checkbox"/> recreational facilities           |
| <input type="checkbox"/> less space     | <input type="checkbox"/> recent change in household income |
| <input type="checkbox"/> good location  | <input type="checkbox"/> low maintenance/upkeep            |
| <input type="checkbox"/> more security  | <input type="checkbox"/> sufficient storage space          |
| <input type="checkbox"/> better quality | <input type="checkbox"/> other, please specify _____       |
7. When you moved in, how long did you plan to live in your present location?
- |  |   |
|--|---|
| <input type="checkbox"/> less than 1 year? | <input type="checkbox"/> up to 4 years?     |
| <input type="checkbox"/> up to 2 years?    | <input type="checkbox"/> up to 5 years?     |
| <input type="checkbox"/> up to 3 years?    | <input type="checkbox"/> more than 5 years? |
8. Where would you prefer to relocate?
- |   |   |
|---|---|
| <input type="checkbox"/> as close as possible?      | <input type="checkbox"/> in Lane County, outside of Eugene? |
| <input type="checkbox"/> in same neighborhood?      | <input type="checkbox"/> in Oregon, outside Lane County?    |
| <input type="checkbox"/> inside the city of Eugene? | <input type="checkbox"/> outside Oregon?                    |
10. What is your monthly **household** income from all sources? \$ \_\_\_\_\_
11. What is your opinion about the closure of your manufactured dwelling park?
- Approve                       Disapprove                       Indifferent

Please add any additional comments you may have regarding the manufactured dwelling park closure process.



**TENANT ASSISTANCE PLAN CONTRACT  
FOR PLANNED MANUFACTURED DWELLING PARK CLOSURE**

This Agreement is made between \_\_\_\_\_ and  
the City of Eugene (City), this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Park Owner (Applicant)

**RECITALS:**

- A. Park Owner holds an ownership interest in real property located at \_\_\_\_\_ in Eugene, Oregon. Park Owner represents that this ownership interest is sufficient to give Park Owner authority and the capacity to agree to offer the following benefits to affected and/or special category tenants.
- B. Park Owner desires close the above manufactured dwelling park. Existing state law and City regulations require the provision of benefits to affected tenants as a precondition to City approval of the closure. Both parties desire to memorialize those obligations in this Contract.
- C. Attached hereto as Exhibit 8-A is a list by space number of all affected tenants who resided in the park to be closed on the date the Notice of Manufactured Dwelling Park Closure was given on \_\_\_\_\_, 20\_\_\_\_. Park Owner represents that the information on Exhibit 8-A is correct.
- D. Attached hereto as Exhibit 9 is a copy of a Housing Counselor Contract which Park Owner has entered into with \_\_\_\_\_. The identity of the Housing Counselor and provisions of the contract have been approved by the City.

Based on the above recitals, Park Owner and City agree that:

**1. MOVING EXPENSES.**

If the Manufactured Home can be moved from the park, the resident shall receive, at the resident's option, either:

- 1. Actual moving costs for a location within 60 miles, using the most direct and economical route (retroactive payment, after moving); or
- 2. A flat amount (paid in advance of the closing) at the following rate:
  - a. \$11,000 for a single wide home

- b. \$17,000 for a double wide home
  - c. \$21,000 for a triple wide home
- These amounts shall be periodically adjusted by the City Manager to reflect changes in the Consumer Price Index.

If the Manufactured Home cannot be moved, for whatever reason, the resident shall receive (paid in advance of closing), at the resident's option, either:

1. A payment equal to the real market value, of the Manufactured Home, as determined by the assessor plus a flat amount for moving costs of personal property as determined by the Federal government for relocation compensation; or
2. A flat amount will be the same as determined by the federal government for relocation compensation. A single wide will be considered equivalent to a two room home, a double wide will be equivalent to a three room home, and a triple wide equivalent to a four room home. In 2007, affected tenants would receive a flat rate of \$550 for a single wide manufactured home, \$750 for a double wide manufactured home, or \$950 for a triple wide manufactured home as determined by the Federal government for relocation compensation.

Payment shall, in either case, be paid after deducting a portion of the owner's costs to dispose of the abandoned Manufactured Home. The deduction payment for disposing of a single wide shall be \$1,000; double wide, \$2,000 and triple wide, \$3,000. The City Manager can periodically adjust these amounts to reflect changes in the Consumer Price Index.

Covered residents are entitled to some compensation for the losses they will incur from the closing of the park. Residents of parks in industrial or commercial zones or flood plains are entitled to 50% of the assistance received by owners in residentially zoned parks because those parks have long been anticipated to close and convert to other uses.

2. **HOUSING COUNSELOR.** The City may withdraw approval of the housing counselor who is a party to the Housing Counselor Contract. Such withdrawal of approval may occur after notice and opportunity to be heard if the City finds that the counselor has willfully or persistently failed to abide by the terms of his or her contract, alienated a substantial number of tenants so as to impair the effectiveness of the counselor's performance, or, has refused to deal with or ignored the needs of any affected tenant. Park Owner agrees to contract on the same terms with another housing counselor within a reasonable period of time after City withdrawal of approval of the initial housing counselor. The replacement housing counselor shall be subject to City approval.

3. **LIMITATION ON RENT INCREASES AND EVICTION REMEDIES.** Park Owner represents that no affected tenant has been evicted from the manufactured dwelling park during the one year preceding the filing of the Notice of Manufactured Dwelling Park Closure, and Park Owner agrees not to evict any tenant, except for good cause (as defined in Section 2.1600 of the Eugene Code) prior to the issuance of the Manufactured Dwelling Park Closure permit by the City. Park Owner further agrees not to raise the rent for any space after the date of the Notice of Manufactured Dwelling Park Closure.
4. **OPERATION OF CONTRACT.** This Contract shall operate for the benefit of those tenants listed on Exhibit 8-A and shall be enforceable at the instigation of any such listed tenant as a third-party beneficiary. It is expressly understood that the City assumes no liability for the Park Owner's closure project or the Park Owner's actions or failure to act in any attempt to comply with local or state legal requirements applicable to manufactured dwelling park closures.
5. **ATTORNEY FEES.** If either party fails in any way to perform the requirements of this agreement, the other party, or any third-party beneficiary, shall be entitled to reasonable attorney fees and costs incurred in order to enforce this agreement, whether or not legal proceedings are commenced in order to enforce this agreement. In the event legal proceedings are commenced in order to enforce this agreement, the prevailing party in the proceedings shall be entitled to recover its reasonable attorney fees, costs and disbursements incurred in the proceedings, both at trial or hearing and on appeal.
6. **MODIFICATIONS.** This Contract may be modified only by a written document signed by both parties. Both parties agree that the lists of affected tenants (Exhibits 8-A) shall be modified without additional consideration should new or additional facts warrant inclusion of any person not presently listed.
7. **WAIVER OF TENANT RIGHTS.** Park Owner may satisfy the obligations imposed by this Contract for any particular tenant by execution of a written waiver of rights by that tenant if such waiver is entered into in good faith and not for the purpose of evading the obligations of Park Owner, the terms and conditions of the waiver are clearly and fairly disclosed, and adequate consideration for the agreement is clearly stated. In particular, the obligations imposed above for the provision of alternative housing and payment of moving and set up expenses to particular tenants may be modified consistent with applicable provisions of ORS 90.630 and OAR Ch 813, Div 8, and City Administrative Rule R-1086.

8. SEVERABILITY. If any provision of this Contract or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Contract which can be given effect without the invalid provisions or applications, and to this end the provisions of this Contract are severable.
9. LIBERAL CONSTRUCTION. Every duty imposed by this Contract imposes an obligation of good faith in its performance. This Contract shall be liberally construed and applied to promote the purposes and policies of Sections 2.1060 to 2.1086 of the Eugene Code.
10. TERMINATION. This Contract shall terminate upon complete performance of the duties imposed herein or the withdrawal of Park Owner's application for a manufactured dwelling park closure permit or execution of a written termination by both parties.
11. CONTRACTUAL AUTHORITY. Each of the signatories to this Contract have read this Contract in full and represent that he or she has or has obtained the necessary authority to enter into this Contract on behalf of his or her principal.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF EUGENE

PARK OWNER/APPLICANT

By \_\_\_\_\_  
 Angel L. Jones  
 City Manager Pro Tem

By \_\_\_\_\_  
 Name



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**MANUFACTURED DWELLING PARK CLOSURE**

**TENANT ASSISTANCE PLAN  
RECEIPT FORM**

I/We \_\_\_\_\_ acknowledge that

Print Name(s) of Tenant(s)

I/We received the Tenant Assistance Plan on \_\_\_\_\_

Date Received

**TENANT**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address (include apartment number)

**RETURN TO APPLICANT  
(Owner/Developer)**





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## HOUSING COUNSELOR CONTRACT

This Agreement is made between \_\_\_\_\_  
Owner/ Developer (Applicant)  
and \_\_\_\_\_  
Housing Counselor

Owner/Developer (Applicant) holds an ownership interest in property located at \_\_\_\_\_  
in Eugene, Oregon.  
Street Address

Applicant is applying to the City of Eugene for a permit to close a Manufactured Dwelling Park. As part of the conditions for the granting of this permit, Applicant is obligated to offer relocation assistance to all affected tenants.

The purpose of the employment by Applicant of Housing Counselor is so that Housing Counselor will harmonize Applicant's relationship with affected tenants of the Applicant and minimize to the extent feasible any displacement hardship occasioned by the park closure for those tenants.

Applicant and Housing Counselor agree that:

1. **DUTIES OF HOUSING COUNSELOR.** Housing Counselor agrees to explain moving and relocation benefits to affected tenants; act as a housing referral resource by providing affected tenants with a list of alternative manufactured dwelling parks and other available housing; provide assistance in locating and securing alternative housing; assist affected tenants in viewing spaces in parks or alternative housing; assist affected tenants in understanding rental agreements; assist affected tenants with arrangement for moving.
2. **DUTIES OF APPLICANT.** Applicant agrees to supply any needed information to Housing Counselor necessary for the fulfillment of Housing Counselor's duties and to reasonably cooperate with Housing Counselor in offering relocation compensation and alternative housing options. Applicant agrees not to discharge Housing Counselor or otherwise terminate this Agreement because of Housing Counselor's stated views or advocacy on behalf of a tenant, because of a disagreement between Housing Counselor and Applicant on the status of offered relocation compensation and alternative housing options. Applicant shall use best efforts to cooperate with Housing Counselor in the performance of the duties of Housing Counselor stated herein.

3. **COMPENSATION.** Applicant agrees to pay Housing Counselor the sum of \$ \_\_\_\_\_ (INSERT PROVISIONS ON COMPENSATION) for the performance of Housing Counselor's duties under this Agreement.
  
4. **TERMINATION.** This Agreement shall terminate upon the occurrence of any of the following:
  - a. complete relocation of all affected tenants;
  - b. relocation of some but not all affected tenants or waiver of relocation benefits by the remaining affected tenants; or
  - c. withdrawal of approval of Housing Counselor by the City of Eugene pursuant to Section 2.1070(g)4 of the Eugene Code, and Administrative Rule R-1078-D-4.
  - d. [Insert default/termination provisions.]
  
5. **OPERATION OF CONTRACT.** This Agreement shall operate for the benefit of the City of Eugene and shall be enforceable at the instigation of the City of Eugene as a third-party beneficiary.
  
6. **ATTORNEY FEES.** Should any action be brought on this Agreement by either party or the City of Eugene, the losing party agrees to pay the prevailing party's attorney fees and costs to be fixed by the trial court, and any appellate attorney fees and costs to be fixed by the appellate court.
  
7. **ADDITIONAL PROVISIONS.** [INSERT ADDITIONAL PROVISIONS] (Attorney Fees, Severability, Modification, Delegation, Additional Duties clauses, etc.)

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**APPLICANT**

**HOUSING COUNSELOR**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name



EXHIBIT 10

**TENANT ASSISTANCE PLAN INFORMATION REPORT**

**Progress Report on Affected Tenants Who Have Not Relocated from the Project**

Project Name: \_\_\_\_\_ Date of this Report: \_\_\_\_\_

Tenant's Name(s) / Address	Alternative Parks or Housing Referred				
	Alternative #1		Alternative #2		
Address	Date Referred	Accepted/ Rejected	Address	Date Referred	Accepted/ Rejected



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## **REQUEST FOR DETERMINATION OF RELOCATION COMPENSATION**

### GENERAL INFORMATION

The following information provides a brief description of the process by which a tenant or Owner/Developer (Applicant) may seek review of the decision of the Housing Counselor regarding relocation compensation. For more information, please refer to Section 2.1086(7) of the Eugene Code and to Administrative Rule R-1086-G.

1. In the event that a dispute arises between the tenant and the Applicant over the relocation compensation which cannot be mediated by the Housing Counselor, either the Applicant or tenant may file a Request for Determination of relocation compensation with the City of Eugene.
2. The City Manager shall allow the park owner, the tenant, and the housing counselor the opportunity to submit written arguments, comments and affidavits on the request. The determination of the City Manager shall be final.

### REQUIRED INFORMATION

The following information or material must be submitted with a Request for Determination of Relocation Compensation:

1. Name of manufactured dwelling park to be closed:  
\_\_\_\_\_
2. Date of filing request for determination:  
\_\_\_\_\_
3. Name, address, and telephone number of affected tenant or Applicant with whom the dispute is with:  
\_\_\_\_\_
4. Please attach a copy of the written determination of the Housing Counselor on the status relocation compensation.



**NOTICE OF APPEAL  
MANUFACTURED DWELLING PARK CLOSURE PERMIT  
DECISION OF CITY MANAGER**

GENERAL INFORMATION

The following information provides a brief description of the process by which permit appeals are reviewed by the City of Eugene. For more detailed information, please refer to Eugene Code Sections 9.7065 to 9.7095 and 2.1086(5)(f) of the Eugene Code, and Administrative Rule R-1086-G-2.

1. The decision of the City Manager unconditionally approving, approving with conditions, or denying a Manufactured Dwelling Park Closure Permit may be appealed by any affected person. An "affected person" means the Owner/Developer (Applicant) or any person or entity adversely affected by the decision.
2. A permit appeal must be submitted within ten calendar days of the date of the City Manager's decision. If the tenth day falls on a Saturday or on a Sunday, the appeal may be submitted on the following Monday. (See Section 1.010 of the Eugene Code.)
3. The Hearings Official shall conduct a hearing within 45 days of the Notice of Appeal on the permit approval or disapproval action of the City Manager. The appellant, Applicant, and any person who has indicated interest shall be notified in writing of the date/time of the Hearings Official hearing on an appeal.
4. The decision of the Hearings Official on the appeal shall be given in writing not later than 15 days after the close of the hearing and record. Such decision shall be final. Any permit decision of the City Manager shall be an intermediate and non-final order for purposes of judicial review under ORS 34.010 et. seq.

REQUIRED INFORMATION

The following information or material must be submitted with an appeal of a permit approval or denial by the City Manager:

1. Name of manufactured dwelling park closure being appealed:  
\_\_\_\_\_
2. Date of decision by City Manager: \_\_\_\_\_

3. Date of filing of appeal: \_\_\_\_\_
4. Please attach a written statement setting forth, in detail, how the Applicant has not satisfied the conditions and obligations of the permit approval, or why the information submitted by the Applicant is not true and correct, or why the City Manager's decision was an abuse of discretion.

**ACKNOWLEDGEMENT**

I/We, the undersigned, do hereby acknowledge that I/We have read the above appeal form and its attachments and understand the requirements for filing an appeal of permit approval or denial by the City Manager, and state that the information supplied is as complete and detailed as is currently possible, to the best of my/our knowledge.

**APPELLANT**

**APPELLANT**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

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