

AMENDED AGENDA

CANBY CITY COUNCIL MEETING

August 15, 2007, 7:30 P.M.

Council Chambers

155 NW 2nd Avenue

Mayor Melody Thompson

Council President Walt Daniels

Councilor Teresa Blackwell

Councilor Paul Carlson

Councilor Randy Carson

Councilor Tony Helbling

Councilor Wayne Oliver

CITY COUNCIL MEETING

1. CALL TO ORDER

A. Pledge of Allegiance and Moment of Silence

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)

A. Approval of Minutes of the July 25, 2007 Special City Council Meeting

B. Approval of Minutes of the August 1, 2007 City Council Regular Meeting

7. RESOLUTIONS & ORDINANCES

A. Res. 959, Amending Canby's System Development Charges to Account for Inflation

Pg. 2

8. NEW BUSINESS

9. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

A. Request For Fee Waiver from Habitat for Humanity

Pg. 4

B. Update on New Legislature Re: Manufactured Dwelling Park Closures

Pg. 8

C. Report on Status of Police Station Planning Project

10. CITIZEN INPUT

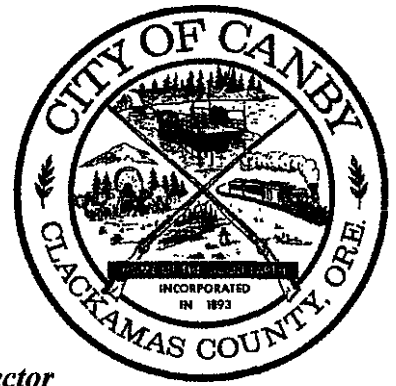
11. ACTION REVIEW

12. EXECUTIVE SESSION: ORS 192.660(2)(d) Labor Negotiations, ORS 192.660(2)(h) Pending Litigation, and ORS 192.660(2)(i) Performance Evaluation of Public Officer

13. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233. A copy of this Agenda can be found on the City's web page at www.ci.canby.or.us. City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503.263.6287.

MEMORANDUM



TO: *Honorable Mayor Thompson and City Council*
FROM: *John R. Williams, Community Development & Planning Director*
THROUGH: *Mark C. Adcock, City Administrator*
DATE: *August 7, 2007*

Issue: Update of System Development Charges.

Synopsis: The Council has requested annual updates to the System Development Charges to compensate for increased costs. The proposed increase is 3.7 percent.

Recommendation: Staff recommends that the City Council **approve Resolution 959, a resolution amending Canby's system development charges to account for inflation.**

Rationale: The Council has requested that the charges be updated annually to avoid large increases. Specifically, Resolution 748 (approved June 2001) states that the annual update shall be based on the changes in the Engineering News Record Construction Index (ENR Index). In the past year, the index has registered an increase of 3.7 percent, similar to last year's 4.0%. Thus, staff has prepared this resolution with that percentage increase. For a new single-family house the charges will increase as shown below:

	<u>Current rate</u>	<u>Proposed rate</u>
Sanitary Sewer	\$2,235	\$2,296
Transportation	\$2,267	\$2,362
Storm Drainage	\$80	\$90

Note that the Storm Drainage increase is larger than 3.7% because this year's increased finally tipped one of the unit prices from \$2 to \$3, resulting in a \$10 increase (the base rate is multiplied by 10 to obtain single family SDCs).

Also note that the City's parks SDC is managed separately and is not part of the current proposal.

Options:

1. Based on the resolution adopted in 2001, the Council should adopt the new fees as proposed. Adoption of different rates would require a new plan for updating the SDCs. Frequent updates will ensure that we will not have to double or triple rates in the future, as we did in 2001.

Attached:

1. Resolution 959.

RESOLUTION NO. 959

A RESOLUTION AMENDING CANBY'S SANITARY SEWER, TRANSPORTATION, AND STORM DRAINAGE SYSTEM DEVELOPMENT CHARGES TO ACCOUNT FOR INFLATION.

WHEREAS, Resolution 748, adopted June 2001, specified that the City will review inflationary cost impacts to system development charges annually and update the charges by resolution when appropriate; and

WHEREAS, Resolution 748 specified that inflationary calculations are to be based upon changes in the Engineering News Record Construction Index; and

WHEREAS, The ENR index has increased 3.7% since the SDCs were last adjusted in 2006; and

WHEREAS, ORS 310.145 requires that a governing body, when adopting or amending a fee resolution imposing new rates, may include a provision classifying said fees as subject to or not subject to the limitations set in Section 11 (b), Article XI of the Oregon Constitution; now therefore it is hereby

RESOLVED that the system development charges for the City of Canby should be adjusted to the following rates to account for the 3.7 % increase in construction costs:

Sanitary Sewer

Improvement Fee:	\$589.00 per EDU
Reimbursement Fee:	\$1,578.00 per EDU (equivalent dwelling unit)

Transportation

Improvement Fee:	\$226.00 per ELNDT (equivalent length new daily trip)
Reimbursement Fee:	\$20.00 per ELNDT

Storm Drainage

Improvement Fee:	unchanged (\$6.00 per ELNDT)
Reimbursement Fee:	\$3.00 per ELNDT

BE IT FURTHER RESOLVED that the Canby City Council hereby classifies the charges imposed herein as not being subject to the limitations imposed by Section 11(b), Article XI of the Oregon Constitution and that the City Recorder is hereby directed to publish notice in accordance with Oregon law.

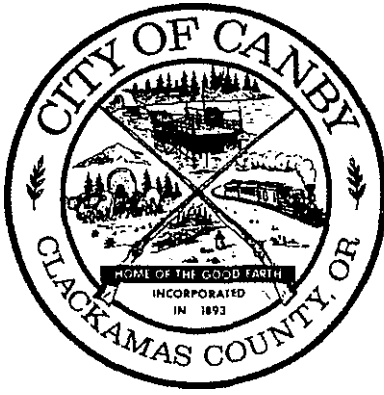
This resolution is effective August 15, 2007.

ADOPTED by the Canby City Council on the 15th day of August, 2007.

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, City Recorder Pro Tem



City of Canby

Office of the City Attorney

Memo to: Mayor and City Council

From: John Kelley, City Attorney

Date: August 8, 2007

Re: Habitat for Humanity – request for waiver of fees

As you know, Habitat for Humanity is building a duplex in Canby and has requested waiver of certain fees by the City to help in keeping the cost of the project affordable. You reviewed a letter from the local Director, Kim Parker, at the last Council meeting, requesting the waiver of the SDC's associated with the construction of their project.

I indicated when this was discussed that I didn't have enough info regarding waiver of SDC fees. I needed to know that the occupants of the duplex were qualified as very low income under the HUD criteria.

Kim Parker has provided the needed information and the future residents do qualify for SDC waiver under our code provision. She indicated she would also like the Council to consider waiving the construction excise tax and plan check fee.

The City waived these fees for the last project in 2005.

This project is a duplex so the fees for each unit are as follows:

SDC's = \$7699.00

Excise tax = \$216.00

Plan Check fee = \$45.00

Should you wish to approve this request, a motion to waive the Plan Check Fee, Construction Excise Tax and SDC's for the Habitat for Humanity duplex home on North Locust Street in Canby would be the proper motion.



North Willamette Valley

Habitat for Humanity®

*Building
houses,
building
hope*

City of Canby
PO Box 930
Canby, OR 97013
Attn: Mayor Melody Thompson

July 18, 2007

Dear Mayor Thompson,

North Willamette Valley Habitat for Humanity is beginning construction on the second project to be built in Canby in partnership with hard working, deserving families! We are excited to work again in Canby. The duplex style homes will be on North Locust Street. We will build a simple, attractive, duplex with two home units that we will then sell to the Tschritter and Zurita families. There will be lots of energy and excitement on North Locust Street in the upcoming weeks!

Habitat for Humanity is a non-profit, ecumenical Christian ministry with an open door policy. We build houses with volunteer labor, donated materials, and cash gifts from individuals, businesses, churches and in-kind gifts from businesses and municipalities. After the homes are complete we sell the house to the homeowner (who must invest 500 hours of their own time into the construction of their house) at no interest and we make no profit. This program offers homeownership to families who otherwise wouldn't achieve this American Dream.

I am writing today to request the City of Canby consider waiving the System Development Charges for these two homes. Because we are a non-profit organization, we are dependent upon cash donations and gifts in-kind from people and organizations. The City of Canby waived the fees for our first house that was built in 2005. Other cities in our area that consistently waive these fees include Silverton, Gervais, Mt. Angel and Salem. If the City of Canby were to offer this waiver to Habitat, we would be sure to thank the city in project printed materials throughout the construction.

Please feel free to contact me if there are further questions or if you would like further information. Thank you again for your support of the Habitat for Humanity mission in the past and for consideration of this proposal.

Sincerely,

Kim Parker
Executive Director

PO Box 852
Mt. Angel, OR 97362
609 Welch St
Silverton, OR 97381
Phone: (503) 873-0901
Toll Free: (877) 873-0901
Fax: (503) 874-8521

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4.20.110

development charge has not been paid, the city treasurer shall report to the council the amount of the uncollected charge, the description of the real property to which the charge is attributable, the date upon which the charge was due, the name of the owner of the subject property, and/or the name of the person responsible for incurring the charge if different from the owner.

B. The city council shall schedule a public hearing on the matter and direct that notice of the hearing be given to both the owner and the person responsible for incurring the charge if different from the owner with a copy of the city treasurer's report concerning the unpaid charge. Notice of the hearing shall be given either personally or by certified mail, return receipt requested, or by both personal and mailed notice, and by posting notice on the parcel at least ten days before the date set for the hearing.

C. At the hearing, the council may accept, reject, or modify the determination of the city treasurer as set forth in the report. If the council finds that a system development charge is unpaid; or uncollected, it shall direct the city recorder to docket the unpaid and uncollected system development charge in the lien docket. Upon completion of the docketing, the city shall have a lien against the described land for the full amount of the unpaid charge, together with interest at the then existing legal rate per annum and with the city's actual cost of serving notice of the hearing on the owners. The lien shall be enforceable in the manner provided in ORS Chapter 223.

4.20.120 Exemptions.

A. Structures and uses established and existing on or before October 16, 1991, are exempt from a system development charge, except sewer charges, to the extent of the

structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this subsection shall pay the sewer charges pursuant to the terms of this chapter upon the receipt of a permit to connect to the sewer system.

B. Additions to single-family dwellings that do not constitute the addition of another bedroom are exempt from all portions of the parks system development charge under section 7 above.

C. An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of the public improvement facility are exempt from all portions of the system development charge.

D. A project financed by city revenues is exempt from all portions of the system development charge.

E. With city council approval, housing specifically limited in occupancy to very low income persons or families, as defined by the most recent HUD (Federal Housing and Urban Development Department) criteria.

4.20.130 Credits.

A. A system development charge shall be imposed when a change of use of a parcel or structure occurs, but credit shall be given for the computed system development charge to the extent that prior structures existed and services were established on or after October 16, 1991. The credit so computed shall not exceed the calculated system development charge. No refund shall be made on account of such credit.

B. A credit shall be given for the cost of a qualified public improvement associated with a residential development. If a qualified public improvement is located partially on and partially off the parcel that is the subject of the

The tax shall be due and payable from the issuance of any building permit or installation permit for the improvement by any building authority. Liability for this tax shall be imposed upon every contractor or person who constructs or installs any improvement; provided, however, that only one tax must be paid on the construction or installation of any one improvement.

3.20.080 Statement of entire floor area required.

It shall be unlawful for any person to fail to state or to misstate the full floor area of any improvement or manufactured dwelling. When any person pays the tax within the time provided for payment of the tax, there shall be a conclusive presumption, for purposes of computation of the tax, that the floor area of the improvement or manufactured dwelling is the floor area as determined by the building official at the time of issuance of the building permit or installation permit.

3.20.090 Rebates.

Excise Tax

A. The city administrator shall rebate to any person who has paid a tax the amount of tax actually paid upon the person establishing that:

1. The tax was paid for the construction of a single family residence that was sold to its original occupant for a price less than \$100,000; provided that the maximum amount that may be refunded for any one residence is \$125; or

2. The person who paid the tax is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), or a limited partnership the sole general partner of which is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), the construction is

used for residential purposes and the property is restricted to being occupied by persons with income less than fifty (50) percent of the median income for a period of thirty (30) years or longer; or

3. The person who paid the tax is exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3) and the construction is dedicated for use for the purpose of providing charitable services to persons with incomes less than fifty percent of the median income.

3.20.100 Refunds.

A. Upon written request, the city administrator shall refund any tax paid upon the person who paid the tax establishing that construction was not commenced and that any building permit issued has been canceled as provided by law.

B. The city administrator shall either refund all amounts due under this section within thirty days of a complete application for the refund or give written notice of the reasons why the application has been denied. Any denial of any application may be appealed as provided for in section 14.

3.20.110 Failure to pay.

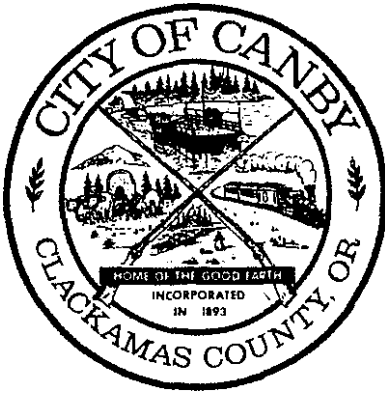
It shall be unlawful for any person to fail to pay all or any portion of the tax imposed by this chapter.

3.20.120 Occupation of improvement without payment unlawful.

It shall be unlawful for any person to occupy any improvement unless the payment of the tax imposed by this chapter has been provided as stated in section 7 of this chapter.

3.20.130 Enforcement by civil action.

The tax and any penalty imposed by this



City of Canby

Office of the City Attorney

Memo to: Mayor and City Council

From: John Kelley, City Attorney 

Date: August 7, 2007

Re: House Bill 2735 (HB 2735)
Manufactured Dwelling Park Closure or Conversion

This memo is to summarize the above referenced HB 2735. This measure came out of the last legislative session after much debate and revision. The new provisions regarding the closure or conversion of a manufactured home park into a subdivision are integrated into several existing statutes including the Residential Landlord/Tenant Act, Oregon's Subdivision and Partition law, FED law, Mobile Home; Manufactured Dwelling; Recreational Vehicle Parks law, Oregon Personal Income Tax law and Manufactured Dwellings and Structures; Parks; Tourist Facilities Ownership Record; Dealers and Dealership law.

HB 2735 is 45 pages long. However, the major changes we are interested in appear in the first three pages of the Bill, so I have attached copies of those pages for your convenience.

In a nutshell, HB 2735 provides that if the owner closes the park to convert the land to a use other than as a manufactured dwelling park, the owner is required to give the tenants not less than 365 days notice of intent to close and must pay the tenant for each space rented by the tenant the following amounts:

- (A) \$5000 if the manufactured home is a single-wide dwelling;
- (B) \$7000 if the manufactured home is a double-wide dwelling;
- (C) \$9000 if the manufactured home is a triple-wide or larger dwelling.

The Bill also provides special tax provisions that state the amounts received by the tenant as set forth above are exempt from state personal income tax. Further, if the park is closed because of the exercise of eminent domain, by order of a federal, state or local agency, or as a result of the owner closing the park to convert to another use,

the tenant will be given a tax credit of \$10,000 against taxes owed to Oregon for personal income tax in the year in which the individual ends the tenancy.

There are several other paragraphs in the Bill regarding notice, future rent and abandonment of the dwelling by the tenant but I will review them with you during the meeting rather than trying to rewrite the entire Bill in this memo. I just hit the highlights.

However, there is one more provision I think I should point out to you, since we have talked about developing our own ordinance based upon the City of Wilsonville's code. One of the compromise issues that was hotly debated was preemption by the state of all local ordinance schemes that may be passed in the future. Cities with regulations already on the books were grandfathered in. HB 2735 prohibits a local government from adopting its own ordinance or from amending an existing ordinance regulating the closure of manufactured dwelling parks at anytime in the future.

There are only 4 jurisdictions that I am aware of that have existing ordinances regulating manufactured dwelling parks. The only one with provisions similar to the provisions of HB 2735 is the City of Wilsonville. It, in fact, provides higher amounts to be paid to displaced tenants and requires the park owner to assist in relocating the tenant. The Wilsonville code, however, was declared unconstitutional by Clackamas County Circuit Judge Eve Miller in December of 2006. It is on appeal to the Oregon Court of Appeals, but so far no decision has been issued. In my opinion, Judge Miller's decision in the Wilsonville case will probably be upheld on appeal. However, I have been wrong in the past when trying to forecast what the Court of Appeals will do.

In summary, since Canby does not have an existing ordinance in place, the manufactured dwelling park owners and tenants must now follow state law regarding closure of the park when the land is to be used for something other than a manufactured dwelling park. I will try to answer any questions when we discuss this at the next Council meeting.

HOUSE AMENDMENTS TO HOUSE BILL 2735

By COMMITTEE ON CONSUMER PROTECTION

May 8

On page 1 of the printed bill, line 2, after "ORS" delete the rest of the line and delete lines 3 through 5 and insert "90.100, 90.260, 90.300, 90.425, 90.630, 90.632, 90.635, 90.675, 90.680, 90.730, 92.840, 105.120, 197.485, 316.502 and 446.543 and sections 13 and 14, chapter 658, Oregon Laws 2003, sections 2 and 3, chapter 619, Oregon Laws 2005, and sections 7 and 10, chapter 826, Oregon Laws 2005; repealing ORS 90.415 and 316.153; and prescribing an effective date."

Delete lines 7 through 24 and delete pages 2 through 38 and insert:

"MANUFACTURED DWELLING PARK CLOSURE OR CONVERSION

"**SECTION 1.** Sections 2 to 4 of this 2007 Act are added to and made a part of ORS 90.505 to 90.840.

"**SECTION 2.** (1) If a manufactured dwelling park, or a portion of the park that includes the space for a manufactured dwelling, is to be closed and the land or leasehold converted to a use other than as a manufactured dwelling park, and the closure is not required by the exercise of eminent domain or by order of federal, state or local agencies, the landlord may terminate a month-to-month or fixed term rental agreement for a manufactured dwelling park space:

"(a) By giving the tenant not less than 365 days' notice in writing before the date designated in the notice for termination; and

"(b) By paying a tenant, for each space for which a rental agreement is terminated, one of the following amounts, adjusted as described in ORS 446.543:

"(A) \$5,000 if the manufactured dwelling is a single-wide dwelling;

"(B) \$7,000 if the manufactured dwelling is a double-wide dwelling; or

"(C) \$9,000 if the manufactured dwelling is a triple-wide or larger dwelling.

"(2) Notwithstanding subsection (1) of this section, if a landlord closes a manufactured dwelling park under this section as a result of converting the park to a subdivision under ORS 92.830 to 92.845, the landlord:

"(a) May terminate a rental agreement by giving the tenant not less than 180 days' notice in writing before the date designated in the notice for termination.

"(b) Is not required to make a payment under subsection (1)(b) of this section to a tenant who:

"(A) Buys the space or lot on which the tenant's manufactured dwelling is located and does not move the dwelling; or

"(B) Sells the manufactured dwelling to a person who buys the space or lot.

"(3) A notice given under subsection (1) or (2) of this section shall, at a minimum:

1 “(a) State that the landlord is closing the park, or a portion of the park, and converting
2 the land or leasehold to a different use;

3 “(b) Designate the date of closure; and

4 “(c) Include the tax credit notice described in ORS 90.635.

5 “(4) Except as provided in subsections (2) and (5) of this section, the landlord must pay
6 a tenant the full amount required under subsection (1)(b) of this section regardless of
7 whether the tenant relocates or abandons the manufactured dwelling. The landlord shall pay
8 at least one-half of the payment amount to the tenant within seven days after receiving from
9 the tenant the notice described in subsection (5)(a) of this section. The landlord shall pay the
10 remaining amount no later than seven days after the tenant ceases to occupy the space.

11 “(5) Notwithstanding subsection (1) of this section:

12 “(a) A landlord is not required to make a payment to a tenant as provided in subsection
13 (1) of this section unless the tenant gives the landlord not less than 30 days’ and not more
14 than 60 days’ written notice of the date within the 365-day period on which the tenant will
15 cease tenancy, whether by relocation or abandonment of the manufactured dwelling.

16 “(b) If the manufactured dwelling is abandoned:

17 “(A) The landlord may condition the payment required by subsection (1) of this section
18 upon the tenant waiving any right to receive payment under ORS 90.425 or 90.675.

19 “(B) The landlord may not charge the tenant to store, sell or dispose of the abandoned
20 manufactured dwelling.

21 “(6)(a) A landlord may not charge a tenant any penalty, fee or unaccrued rent for moving
22 out of the manufactured dwelling park prior to the end of the 365-day notice period.

23 “(b) A landlord may charge a tenant for rent for any period during which the tenant oc-
24 cupies the space and may deduct from the payment amount required by subsection (1) of this
25 section any unpaid moneys owed by the tenant to the landlord.

26 “(7) A landlord may not increase the rent for a manufactured dwelling park space after
27 giving a notice of termination under this section to the tenant of the space.

28 “(8) This section does not limit a landlord’s right to terminate a tenancy for nonpayment
29 of rent under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632
30 by complying with ORS 105.105 to 105.168.

31 “(9) If a landlord is required to close a manufactured dwelling park by the exercise of
32 eminent domain or by order of a federal, state or local agency, the landlord shall notify the
33 park tenants no later than 15 days after the landlord receives notice of the exercise of emi-
34 nent domain or of the agency order. The notice to the tenants shall be in writing, shall des-
35 ignate the date of closure, state the reason for the closure, describe the tax credit available
36 under section 17 of this 2007 Act and any government relocation benefits known by the
37 landlord to be available to the tenants and comply with any additional content requirements
38 under ORS 90.635.

39 “SECTION 3. (1) A landlord that gives a notice of termination under section 2 of this 2007
40 Act shall, at the same time, send one copy of the notice to the Office of Manufactured
41 Dwelling Park Community Relations by first class mail. The landlord shall, at the same time,
42 send a copy of the notice, both by first class mail and by certified mail with return receipt
43 requested, for each affected manufactured dwelling, to any person:

44 “(a) That is not a tenant; and

45 “(b)(A) That the landlord actually knows to be an owner of the manufactured dwelling;

1 or

2 “(B) That has a lien recorded in the title or ownership document records for the manu-
3 factured dwelling.

4 “(2) A landlord that terminates rental agreements for manufactured dwelling park spaces
5 under section 2 of this 2007 Act shall, no later than 60 days after the manufactured dwelling
6 park or portion of the park closes, report to the office:

7 “(a) The number of dwelling unit owners who moved their dwelling units out of the park;
8 and

9 “(b) The number of dwelling unit owners who abandoned their dwelling units at the park.

10 “SECTION 4. (1) A local government may not adopt or amend an ordinance, rule or other
11 local law to initiate or modify local government regulation of manufactured dwelling park
12 closures or partial closures.

13 “(2) A local government may apply or enforce an existing ordinance, rule or other local
14 law regulating the closure or partial closure of a manufactured dwelling park only to the
15 extent that the ordinance, rule or other local law provides manufactured dwelling park ten-
16 ants with equal or greater rights than the rights provided those tenants under sections 2 and
17 3 of this 2007 Act.

18 “SECTION 5. (1) Section 4 (1) of this 2007 Act applies to ordinances, rules, other local
19 laws or amendments that purport to become operative on or after the effective date of this
20 2007 Act.

21 “(2) The limitation described in section 4 (2) of this 2007 Act applies to the application
22 or enforcement of an ordinance, rule or other local law to a manufactured dwelling park
23 closure or partial closure for which the closure notice is given on or after the effective date
24 of this 2007 Act.

25 “SECTION 6. ORS 90.100 is amended to read:

26 “90.100. As used in this chapter, unless the context otherwise requires:

27 “(1) ‘Accessory building or structure’ means any portable, demountable or permanent structure,
28 including but not limited to cabanas, ramadas, storage sheds, garages, awnings, carports, decks,
29 steps, ramps, piers and pilings, that is:

30 “(a) Owned and used solely by a tenant of a manufactured dwelling or floating home; or

31 “(b) Provided pursuant to a written rental agreement for the sole use of and maintenance by a
32 tenant of a manufactured dwelling or floating home.

33 “(2) ‘Action’ includes recoupment, counterclaim, setoff, suit in equity and any other proceeding
34 in which rights are determined, including an action for possession.

35 “(3) ‘Applicant screening charge’ means any payment of money required by a landlord of an
36 applicant prior to entering into a rental agreement with that applicant for a residential dwelling
37 unit, the purpose of which is to pay the cost of processing an application for a rental agreement for
38 a residential dwelling unit.

39 “(4) ‘Building and housing codes’ includes any law, ordinance or governmental regulation con-
40 cerning fitness for habitation, or the construction, maintenance, operation, occupancy, use or ap-
41 pearance of any premises or dwelling unit.

42 “(5) ‘Conduct’ means the commission of an act or the failure to act.

43 “(6) ‘Dealer’ means any person in the business of selling, leasing or distributing new or used
44 manufactured dwellings or floating homes to persons who purchase or lease a manufactured dwelling
45 or floating home for use as a residence.

12