

CONDOMINIUM CONVERSION

January 2008

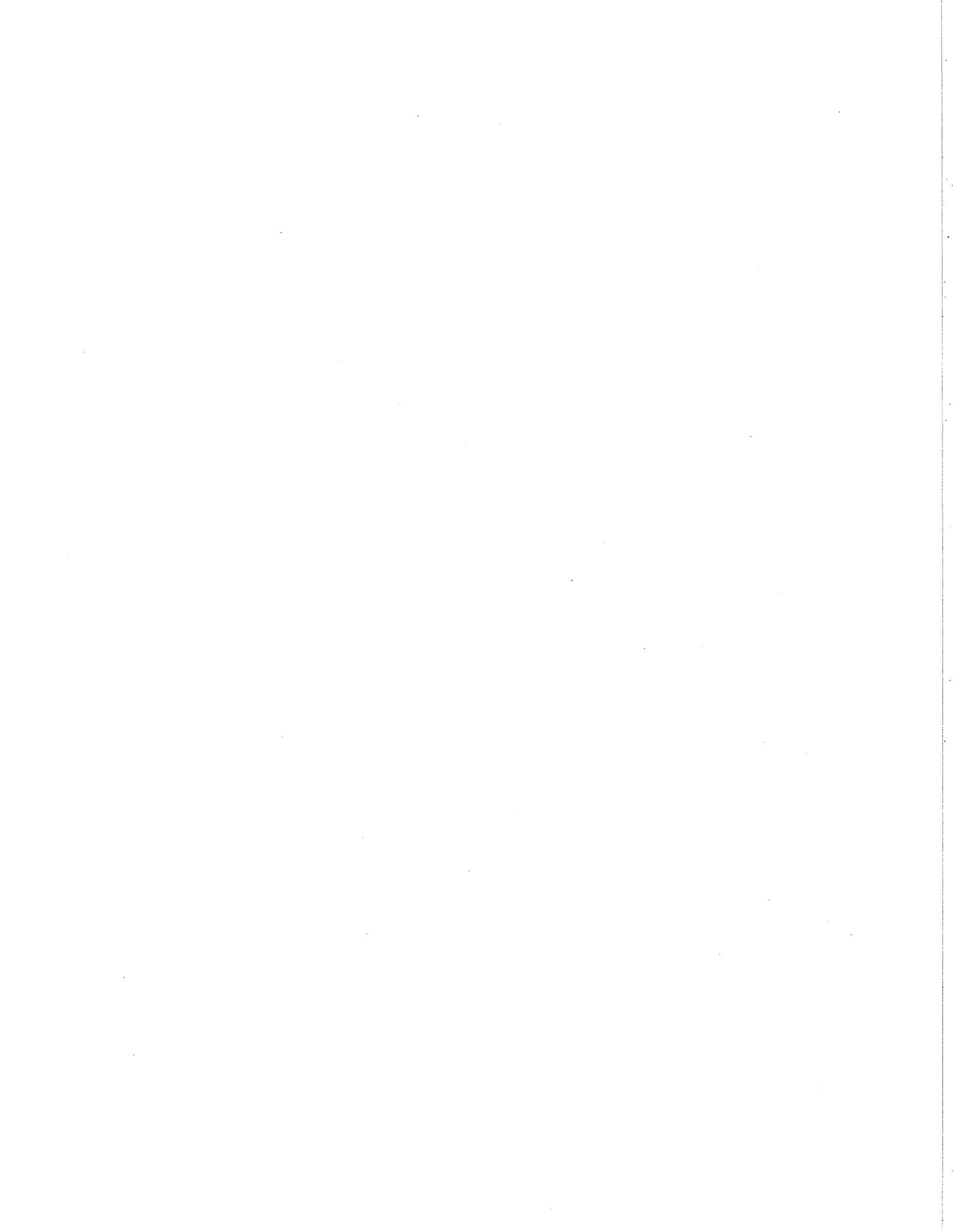


CONDOMINIUM CONVERSION

JANUARY 2008

CONTENTS

<u>Item</u>	<u>Page</u>
Administrative Order No. 53-07-10-F.....	1-9
Eugene Code 2.1060 (Definitions)	11-16
Eugene Code 2.1062-2.1084	16-27
List of Exhibits	29
Exhibits 1-17	30-69



**ADMINISTRATIVE ORDER NO. 53-07-10-F
of the
City Manager Pro Tem**

ADOPTING CONDOMINIUM CONVERSION RULE R-1078.

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

A. Sections 2.019, 2.1064, 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. 53-07-10 proposing the adoption of Condominium Conversion Rule R-1078, and the forms appended thereto, to bring the existing rules into compliance with some recently adopted Code provisions. Staff recommended that separate rules be established for condominium conversion and manufactured dwelling park closure. I concurred with that recommendation.

C. Notice of the proposed adoption of Condominium Conversion Rule R-1078 was given by publication in the Register Guard, a newspaper of general circulation within the City for five consecutive days, to-wit, November 20, 21, 22, 23, 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. 53-07-10, which are hereby adopted, and pursuant to the authority contained in Sections 2.019, 2.1064 and 2.1078 of the Eugene Code, 1971, I hereby order that Condominium Conversion Rule R-1078, and the forms appended hereto, are hereby adopted, to provide as follows:

**CITY OF EUGENE
CONDOMINIUM CONVERSION RULE R-1078**

R-1078-A Notice of Planned Condominium Conversion.

1. Form of Notice. The notice of planned condominium conversion shall be in the form attached to this Rule as Exhibit 1.

2. Contents. In addition to the information required by Sections 2.1060 to 2.1084 of the Eugene Code, 1971 ("EC"), the notice shall contain:

2.1 A statement that the developer intends to create condominium units in the building(s) and that the notice of planned conversion does not create a notice to terminate the tenancy;

2.2 The City of Eugene informational brochure containing a general description of the state and local condominium conversion processes, and tenant rights and opportunities mandated by state law or voluntarily made available by the developer as part of the conversion project. The condominium conversion informational brochure is attached to this Rule as Exhibit 2. The explanation shall describe other voluntary benefits that will be provided to tenants, if any, what purchase and lease options are available to the tenant, what condominium instruments have been issued, 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 developer's duties under state and local law, and shall include copies of applicable provisions of the EC, ORS and this Rule;

2.3 The information required by ORS 100.305, if the notice also serves as a notice of planned conversion under state law or an explanation that a future notice will be sent under state law.

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 there is no written lease or rental agreement, the notice shall be sent to the tenant's address in the building to be converted. 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 dwelling unit 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.

4. Notice to Prospective Tenants. After notice of planned conversion has been given, the developer shall notify each prospective tenant in writing of the intent to convert the rental unit and of the unavailability of tenant assistance benefits to the prospective tenant. The notice to the prospective tenant shall be given prior to renting a unit (i.e., signing a lease or rental agreement or otherwise entering into a rental agreement) to that person. This notice shall be delivered personally to the prospective tenant. As used herein, "prospective tenant" means any person who has negotiated an agreement with the developer for renting or leasing a dwelling unit in a building to be converted. 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 condominium conversion permit by the City, until the time of the first sale of a converted dwelling unit.

R-1078-B Application for Condominium Conversion Permit.

1. **Time to Apply and Fee.** After 30 days from delivery of the notice of planned condominium conversion to the City, but no later than 60 days from that time, a developer, or his or her agent, may apply for a condominium conversion permit. An application for a condominium conversion permit shall be on a form as is attached to this Rule as Exhibit 5 and shall be accompanied by a fee established by the City Manager.

2. **Contents.** The application for a condominium conversion permit must conform to the requirements of EC 2.1070 and shall also include a common elements report, a rental history report, and proof of funding of a cash reserve account as required by Rule R-1078-E-3. and any filed or executed condominium conversion 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 in the building or buildings to be converted and any common buildings or facilities. The posting shall be maintained until the permit is allowed or denied.

4. **Applicant's Affidavit.** The applicant's affidavit shall conform to the requirements of EC 2.1070(b), (notification to tenants and neighborhood groups, maintenance of receipts from affected tenants of the notice and proposed tenant assistance plan contract, provision of City informational brochure, lack of eviction of affected tenants). In addition, it 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. Example affidavits are 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 state law as part of the condominium conversion or management process.

R-1078-C Tenant Survey Report.

The tenant survey report obligation shall be satisfied by filing an affidavit with the City in accordance with R-1078-B-4, above. The affidavit shall attest that the applicant has provided the questionnaire attached to these Rules as Exhibit 7, to each 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-1078-D Tenant Assistance.

1. Tenant Assistance Plan Contract – Contents and Form. The Tenant Assistance Plan (“TAP”) contract required by EC 2.1070(f) shall be consistent with the TAP contract attached to these Rules as Exhibit 8.

2. Relocation Costs.

2.1 Condominium Special Category Tenant. The TAP contract shall obligate the condominium conversion developer to pay moving expenses of all special category tenants (as defined in subsection 2.2 of this section) in accordance with the Federal Uniform Relocation Assistance Real Property Acquisition Policies Act, as amended, Fixed Residential Moving Cost Schedule. Also, the TAP contract shall obligate the condominium conversion developer to pay elderly or disabled special category tenants a fixed sum of \$500 for packing and unpacking expenses. Moving expenses, including, if applicable, packing and unpacking expenses, shall be paid to the tenant 14 days prior to the tenant’s move-out date.

2.2 For purposes of this section, “special category tenant” includes any person who is elderly, disabled, or low-income (current income equal to or less than 80% of the median family income on a yearly basis determined for Eugene-Springfield by the Federal Department of Housing and Urban Development or its successor).

3. Housing Counselor Contract. If a TAP contract is required, the developer shall execute a Housing Counselor Contract obligating the developer to contract with a housing counselor, approved by the City, to assist special category tenants of the building to be converted in locating alternative housing and to act as the developer’s sole agent in representing alternative housing as comparable to special category tenants. A Housing Counselor Contract consistent with the contract attached to these Rules as Exhibit 9 shall be acceptable as to form. In determining whether a Housing Counselor Contract is sufficient, the following factors shall be considered:

3.1 The compensation paid to the 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 counselor to ascertain the particular housing needs of affected tenants and to use reasonable efforts to locate housing which is not only comparable, but tailored to fulfill those particular needs;

3.3 The contract must require that the developer will not discharge the housing counselor merely because of a disagreement between the developer and counselor over the status of a tenant as a special category tenant or the status of a dwelling unit or housing as comparable or not, an opinion on the

reasonableness of, particular moving expenses, 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 way;

3.5 The contract must obligate the counselor to perform the duties mandated by EC 2.1060 to 2.1084 and these Rules;

3.6 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 dealing with elderly, low-income, and disabled persons and administering the provision of social services by a governmental or private agency. Any disapproval of a housing counselor shall be by order of the City Manager after notification to the developer or 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 special category tenant. Prior to issuance of a disapproval order, the City Manager shall notify the developer and housing counselor of the intended action and allow the developer and the housing counselor to present written arguments and materials relevant to the intended action.

6. Provision of Comparable Housing with Special Facilities. The TAP contract shall require the developer to offer independently two comparable housing units to each special category tenant prior to giving any notice of tenancy termination to that tenant. In addition to other factors, EC 2.1070 requires that comparable housing include "similar special facilities for the particular tenant's needs if the tenant is handicapped (disabled) or elderly . . ." The following are examples of such special facilities which should be considered in determining comparability:

6.1 Elderly special facilities may include security features (enclosed parking, elevators, limited access to common areas, doorman services, visitor call intercom systems, dead bolt locks), community recreation room in the building, and emergency call facilities;

6.2 Handicapped (disabled) special facilities may include: barrier-free access (no entrance steps, ramp availability, wide elevators and doors for wheelchair access), handrails on steps, emergency call systems, swimming pool

availability for needed therapy, bathroom facilities (bath, toilet design, and handrails), wide hallways and doors within the apartment unit, and air conditioning (for persons with disabilities due to allergies).

7. Provision of Comparable Housing with Similar Accessibility.

Comparable housing must include "similar accessibility in terms of time and distance from public transportation routes to the tenant's place of employment, community and commercial facilities, medical services, and transportation." The importance of this factor will vary with the particular needs of an individual tenant. For example, a low-income tenant may be more dependent upon public transportation so that distance to a bus stop will be critical for that tenant. A disabled tenant may need close availability of a pharmacy for medical prescriptions or of a doctor for emergency medical care. Elderly tenants may require proximity to medical services and community recreation centers catering to the elderly.

8. Comparable Housing Check Sheet. The comparable housing check sheet attached to these Rules as Exhibit 10 shall be used in determining the comparability of offered housing units. Use of the check sheet allows tenant input into the various needs for that tenant for those comparability factors which are not mandatory. The hearings officer shall use the check sheet in any contested case involving the status of an offered unit as comparable.

9. Rental Period for Comparable Housing. A housing unit shall not be comparable if the period of tenancy for that unit commences prior to termination of the special category tenant's tenancy in the building to be converted unless the developer agrees not to charge rent for the overlapping periods.

R-1078-E Condominium Conversion - Special Provisions.

1. Common Elements Report.

1.1 Contents of Report. The common elements report shall contain the information required by EC 2.1070(a) (*i.e.*, condition and useful life of common elements, estimate of costs of needed repairs or replacements, condition and expected life of components, common element history, *etc.*). Any person preparing the report shall be qualified to prepare the required estimates (*i.e.*, be either a reserve specialist or other professional explicitly approved by the City as qualified to prepare the report). The report shall specify the methods of inspection upon which the estimates of condition and useful life of the common elements and components are based. The person preparing the report shall certify that the report was prepared under his or her direction or supervision using the method or methods set forth therein. The person that prepares the report may disclaim liability for the accuracy of information provided by the developer or owner for the report if, at the time of the submission of the report, the person that prepared the report had no reason to doubt the accuracy or completeness of that information.

1.2 Meaning of Component of Common Element. A component of a common element is a distinct and identifiable part of the common element which has an expected useful life which is different and shorter than other parts of the common element. To be distinct and identifiable a component must be typically sold and purchased as a unit. Usually a component will have moving parts and be an assembly which is distinct from the system of which it is a part. Components of common elements do not include surface finishes or paint or the individual parts of any assembly which assembly has a current replacement value of less than \$200. Any such assembly shall be listed as a component but need not be further broken down to individual components.

1.3 Meaning of "Major Repair". A "major repair" for purpose of estimating the replacement costs of common elements requiring major repair or replacement is a repair which is estimated to currently cost more than \$2,000. For purposes of certifying the dates of past major repairs or renovation to common elements, a "major repair or renovation" is one costing more than \$1,000 at the time of such work.

1.4 Estimate of Useful Life. The report shall estimate useful life based on the assumption that the maintenance of the element which has regularly occurred in the past will continue for the foreseeable future. An estimate of useful life may be based on different future expected maintenance only if the developer has an executed contract for that maintenance.

1.5 Availability of Records. The summary of City building official records shall be based on those records available from the City of Eugene, Permit and Information Center, 99 West 10th Avenue, Eugene, Oregon 97401.

2. Rental History Report.

2.1 Contents. The rental history report shall disclose, if such information is available, the name and address of each tenant, the bedroom size of each dwelling unit in the building to be converted, the current rent and the date and amounts of any rent increases over the past year for each dwelling unit, the name of each special category tenant residing in the building at the time of notice of planned conversion, and, the name of any tenant who has been evicted in the previous three years, the current address of that tenant, the reasons for the eviction, and whether the tenant was elderly or disabled at the time of the eviction.

2.2 Form. The rental history report shall be on the form attached to these Rules as Exhibit 11.

3. Cash Reserve Escrow Account. The developer shall submit proof of establishment of the replacement reserve account required by ORS 94.072. The

applicant shall provide all withdrawal instructions and agreements with the banking institution applicable to such account. The reserve account shall be established in the name of the unit owner's association for the conversion project. The requirement of such account provision may be waived when a conversion permit from the City is sought substantially in advance of the time of submission of the building to unit ownership under state law.

4. Use of Common Elements Report. In determining the sufficiency of assessments for replacement costs for common elements, the developer shall use the information set out by the common elements report submitted under Rule R-1078-E-1.

R-1078-F Post-Permit Obligations.

1. Tenant Assistance Plan Information Reports. Tenant Assistance Plan information reports in the form attached to these Rules as Exhibit 12 shall be submitted at the end of any month in which a special category tenant has been relocated as a result of a condominium conversion. The information report shall disclose the name of any special category tenant provided assistance, the amount of moving expenses paid, the identity of any offered comparable housing, and the tenant action on the offer.

2. Purchaser Information Reports. A condominium conversion applicant/developer shall send the City completed purchaser information reports in the form attached to these Rules as Exhibit 13.

3. Disclosure to Condominium Purchasers. The receipt signed by each condominium purchaser acknowledging both receipt or opportunity to review the condominium instruments and the completion of the purchaser information report shall be in the form attached to these Rules as Exhibit 14. It shall be delivered to the City as soon as practicable after closing the sales transaction with the purchaser.

R-1078-G Hearings and Dispute Resolution.

1. Special Category Tenant Eligibility Determination. In the event of a controversy over whether a person is elderly, disabled, or low-income and qualifies as a special category tenant, the developer shall file with the City Manager an application for recognition as a special category tenant in the form attached to these Rules as Exhibit 15. If the tenant has not completed that form, the developer shall request a determination by letter. The City Manager shall allow the developer, 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. Income status may be determined by current W-2 forms, income tax statements, payroll checks, Social Security checks, and other evidence of income. A driver's license or birth certificate shall be satisfactory proof of age. Satisfactory proof of disabled status shall include a doctor's certificate, a statement from a health care specialist that the person

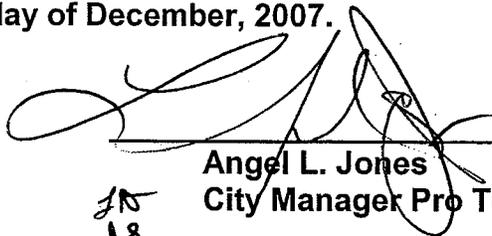
qualifies as a disabled person as defined in EC 2.1060, a governmental determination of disability, or a workers' compensation determination of greater than 50% disability.

2. Comparable/Alternate Housing Determination. If a tenant of a building or structure being converted and developer cannot agree on whether an offered housing unit is comparable, and the dispute cannot be resolved by the housing counselor, a determination on the comparability question shall be made by a hearings officer appointed by the City. Such a hearing shall be held if requested by the tenant or developer and shall be conducted in accordance with the provisions of EC 9.7065 to 9.7095. See attached to these Rules as Exhibit 16, the Request for Determination of Comparable Housing form. The fee for such a hearing shall be established by the City Manager. The fee shall be paid by whichever party takes a position that is contrary to the position of the housing counselor.

3. Review of Permit Issuance or Revocation. Review of the decision of the City Manager issuing or denying a condominium conversion permit or of a notice of revocation of a condominium conversion 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, 2.1066(4), and 2.1074(6). See attached to these Rules as Exhibit 17, Notice of Appeal Condominium Conversion Permit Decision form. The decision on appeal shall be based on the record made in the appeal hearing.

R-1078-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 developer under federal, state, or local laws, rules, or regulations. A violation of any of those provisions by a developer constitutes a violation of these Rules.

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



Angel L. Jones
City Manager Pro Tem

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Condominium Conversion

2.1060 Condominium Conversion - Definitions. In sections 2.1060 to 2.1084 of this code, the following words and phrases mean:

Affected tenant. Any tenant who resides in a building to be converted at the time of notice of planned conversion.

Agent. A person who represents or acts for or on behalf of a developer in selling or offering to sell a condominium, or stock cooperative unit, but such term does not include an attorney at law whose representation of another person consists solely of rendering legal services.

Association of unit owners. The association of owners of units of a condominium formed for controlling the administration, management and operation of a condominium or the resident board of directors of any cooperative housing unit project.

Building. A multiple unit building or single unit building, or any combination thereof comprising a part of property.

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

Common elements. The general common elements existing for the benefit of common use of more than two unit or share owners which shall include, where applicable:

- (a) The land whether leased or in fee simple upon which a building is located, except any portion thereof included in a unit or made a limited common element by the declaration of unit ownership;
- (b) The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, fire escapes, entrances and exits of a building;
- (c) The basements, yards, gardens, parking areas and outside storage spaces;
- (d) Installation of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, waste disposal, and incineration;
- (e) The elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use;
- (f) The premises for the lodging of janitors or caretakers of property; and
- (g) All other elements of the building convenient or necessary to its existence, maintenance, and safety and normally in common use.

A component of a common element is any identifiable part of a common element which may be separately purchased and which has an expected useful life which is different than other parts of the common element.

Eugene Code

Comparable housing. Housing which is decent, safe, and sanitary, in compliance with all applicable municipal codes and open to all persons regardless of race, creed, national origin, ancestry, religion, marital status, or gender. Housing is comparable if it is provided with facilities reasonably similar or equivalent to that provided by the landlord in the dwelling unit in which the tenant then resides in regard to each of the following:

- (a) Apartment size, being no less than 80 percent of the area square footage of the dwelling unit in which the tenant then resides;
 - (b) Rented for an amount no more than 120 percent of the last month's rent paid by the tenant to the owner of the property to be converted. Rent shall not include money paid or charges collected by the lessor for the provision of utility services;
 - (c) The same number of bedrooms;
 - (d) Similar kitchen and bath facilities;
 - (e) Similar special facilities for the particular tenant's needs if that tenant is handicapped or elderly, including but not limited to elevators and security features;
 - (f) Similar cooling and heating systems;
 - (g) Similar accessibility in terms of time and travel and distance from public transportation routes to the tenant's place of employment, community and commercial facilities, schools, medical services, and transportation; and,
 - (h) Such other factors as may be identified in administrative rules issued hereunder. A unit is not comparable if it is located in a building for which a notice of planned conversion has been given or for which reasonable evidence exists that the owner of such building is contemplating conversion to condominium or cooperative units.
- "Comparable housing" does not include: any hotel, motel, or other similar structure or room therein used primarily for transient occupancy, in which at least 60 percent of the rooms is devoted to living quarters for short-term tenants or guests or used for transient occupancy; any rental unit in an establishment which has as its primary purpose the providing of diagnostic care and treatment of diseases, including but not limited to hospitals, convalescent homes, nursing homes, and personal care homes; or any dormitory or institute of higher education, or private boarding school dwelling unit which is provided for student occupancy.

Condominium. Land, whether leasehold or in fee simple, whether contiguous or noncontiguous, and all buildings, improvements, and structures thereon, and all easements, rights and appurtenances to the property where the ownership of such land is shared in undivided interests except for exclusive and separate ownership or right of residency of each residential unit located on the land. "Condominium" shall include all property subject to the provisions of state law on condominium conversion and cooperative housing units.

Condominium instruments. The declaration of unit ownership required to

Eugene Code

be recorded under state law, any supplementary declarations and plats, bylaws for the association of unit owners, the notice of intention or disclosure statements filed pursuant to state law, the condominium public report or examination issued pursuant to state law, the common elements report required under section 2.1070(a) of this code, the informational brochure described in section 2.1070(b)2 of this code, the TAP contract required under section 2.1070(f) of this code, and any other document defined as a condominium instrument under administrative rules issued hereunder. "Condominium instrument" as applied to cooperative housing unit projects shall include any document equivalent to those identified above as well as the articles of incorporation, by-laws, executed regulatory agreements, occupancy or subscription agreements, management contracts, management plans, and applications for mortgage insurance of the cooperative corporation.

Condominium unit. The part of the property consisting of a building or one or more rooms intended for any type of independent residential ownership, the boundaries of which are described in a declaration of unit ownership under state law and which has a direct exit to a public street or highway or to a common area or areas leading to a public street or highway.

Conversion (condominium). The process whereby more than two rental housing units sharing one or more common elements are converted from ownership in whole by a person or group of persons to ownership by several persons whose ownership interests are separate as to residential or commercial units located on the real property. "Condominium conversion" includes the process prescribed by state law for issuance of a declaration of unit ownership, and the process of converting rental units to cooperative housing units, but does not include the process of converting non-residential commercial or industrial buildings to residential condominiums or cooperative housing units.

Cooperative housing. Improved real property owned or leased by a cooperative housing corporation or by any other corporation, partnership, trust or association in which all or substantially all of the shareholders of the corporation, partners of the partnership, beneficiaries of the trust or members of the association receive a right of exclusive occupancy in a rental unit of the building, which right of occupancy is transferable only concurrently with the transfer by any means of the stock, partnership interests, beneficial interest, or membership held by the person having such right of occupancy.

Declaration of unit ownership. The document submitting property to the state unit ownership law filed pursuant to state law.

Developer. A "declarant" under state condominium law, or any person who plans to submit property legally or equitably owned in whole or in part by the person to the provisions of state condominium law, or any person who

Eugene Code

purchases an interest in a condominium from a declarant or subsequent developer for the primary purpose of resale, including any person, entity, or group who purchases or is negotiating a purchase of a building for use as cooperative apartments.

Disabled person. A person who has, at the time of issuance of a condominium conversion permit, a mental, emotional or physical disability or illness of more than a temporary duration that:

- (a) Substantially impairs his or her ability to move about to find or maintain a housing unit without the use of external aids (e.g., wheelchair, cane, walker, guide dog) or without another person's assistance, or without pain; or
- (b) Involves the loss of sight or hearing ability, prevents normal walking or climbing of stairs, or requires a special life support system; or
- (c) Affects his or her ability to make decisions or manage his or her own financial affairs without assistance.

A disability must prevent or make it difficult for the person to carry out regular activities of daily living (e.g., housework, shopping, laundry, meal preparation, personal care such as bathing and dressing). Evidence that would determine the status of disability would include a doctor's certificate, a statement from a health care specialist attesting to the above criteria, a governmental determination of disability, or a worker's compensation determination of greater than 50 percent disability.

Elderly person. A person who is 70 years of age or over at the time of the notice of planned conversion.

Good cause for eviction. An eviction for one or more of the following reasons:

- (a) The tenant has failed to pay rent to which the landlord is entitled within 10 days after it is due;
- (b) The tenant has violated a written obligation or covenant of the tenancy other than the obligation to surrender possession upon proper notice, and has failed to cure such violation for 14 days after receiving written notice thereof from the landlord;
- (c) The tenant has permitted or is permitting a nuisance to exist in or is causing damage to, the rental unit or to the appurtenances thereof, or to the common area to the property containing the rental unit;
- (d) The tenant is creating an unreasonable interference with the comfort, safety, or enjoyment of any of the other residents of the same or any adjacent building;
- (e) The tenant is using or permitting the rental unit to be used for any illegal purpose;
- (f) The tenant, under a terminated written lease or rental agreement, has refused, after receiving written request or demand from the landlord, to execute a written extension or renewal thereof for a further term of like duration with similar provisions and at such terms as are not

Eugene Code

inconsistent with or violative of any provision of sections 2.1060 to 2.1084 of this code.

- (g) The tenant has refused the landlord reasonable access to the unit for the purpose of making repairs or improvements or for the purpose of inspection as permitted or required by the lease or by law or for the purpose of showing the rental unit to any prospective purchaser or mortgagee;
- (h) The person in possession at the end of the lease term is a subtenant not approved by the landlord; or
- (i) The tenancy is conditioned on and in consideration of the tenant's employment as superintendent, manager, janitor, or in some other capacity and such employment is terminated.

Hearings officer. A person appointed by the city manager to decide contested issues arising under sections 2.1060 to 2.1084 of this code.

Lifetime lease. A lease containing the following provisions:

- (a) The tenant shall have the option of canceling the lease at any time upon 30 days written notice to the owner;
- (b) The tenant cannot be evicted except for good cause;
- (c) Right of occupancy shall be nontransferable;
- (d) The rent for the unit shall be set at no more than the rent existing on comparable housing in the same building if such comparable housing exists; and
- (e) Except as provided above, other terms and conditions are the same as those contained in the tenant's current lease, or rental agreement.

Low income person. A person who, at the time of notice of planned conversion, has a current income equal to or less than 80% of the median income on a yearly basis determined for Lane County by the Department of Housing and Urban Development or its successor.

Moving expenses. A fixed sum of money based on the number of rooms of furniture that is intended to cover the cost of moving the tenant's possessions to another location within the urban growth boundary exclusive of expenses attributable to packing and unpacking. For elderly or disabled tenants moving expenses include an additional fixed sum of money intended to cover the costs of packing and unpacking. The amount of moving expenses shall be set by administrative rules issued hereunder.

Permit. A condominium conversion permit issued by the city manager under section 2.1066 of this code.

Rental agreement. All written or oral agreements.

Rental housing unit. A leased residential unit for individual occupancy containing separate kitchen facilities which has a direct exit to a public street

Eugene Code

or highway or to a common area or areas leading to a public street or highway.

Sale. Every final disposition or transfer of a condominium unit or purchase of a cooperative share by a developer, including the offering of the property as a prize or gift when a monetary change or consideration for whatever purpose is required by the developer or the developer's agent.

Share. A certificate of interest, participation, or ownership in a cooperative corporation including any subscription, membership, or occupancy agreement.

Special category tenants. Any person who is elderly, disabled, or low income.

Unit Owner. A developer who owns a unit or share, a person to whom ownership of a unit or share has been conveyed, or a lessee of a unit in a leasehold condominium whose lease expires simultaneously with any lease the expiration or termination of which will remove the unit from the condominium, but not a person having an interest in a unit or share solely as security for an obligation.

(Section 2.1060 added by Ordinance No. 18866, enacted September 14, 1981; amended by Ordinance No. 19469, enacted April 27, 1987, effective May 27, 1987, Ordinance No. 19614, enacted May 22, 1989; Ordinance No. 19771, enacted April 22, 1991, effective May 22, 1991; administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998; amended by Ordinance No. 20371, enacted July 10, 2006, effective July 11, 2006; and amended by Ordinance No. 20387, enacted July 9, 2007, effective August 10, 2007.)

2.1062 Condominium Conversion - Scope of Regulations. Sections 2.1060 to 2.1084 of this code shall be applicable to all conversions of rental housing units to condominiums for which a declaration of unit ownership under state law is filed after June 16, 1980. Sections 2.1060 to 2.1084 of this code apply to the conversion of rental housing units to cooperative apartments, including limited equity stock cooperatives and market stock cooperative units, where articles of incorporation are filed and shares are sold after June 16, 1980. Sections 2.1060 to 2.1084 of this code do not apply to any condominium conversion granted an exemption from the operation of the moratorium under Ordinance No. 18535 and for which project either a public report issued under Oregon Laws, 1977, ch. 484, section 6 or a waiver thereof issued under Oregon Laws, 1977, ch. 484, section 9.

(Section 2.1062 added by Ordinance No. 18866, enacted September 14, 1981, and amended by Ordinance No. 19469, enacted April 27, 1987, effective May 27, 1987.)

2.1064 Condominium Conversion - Limitations.

- (1)** Notwithstanding any other provision of law, no person may convert nor shall the city permit the conversion of any rental housing unit in the city into a condominium or cooperative housing unit except as provided in

Eugene Code

sections 2.1060 to 2.1084 of this code. Any developer or other person seeking to convert an existing structure to condominium or cooperative ownership shall first apply for and obtain from the city a condominium conversion permit. A permit shall be issued by the city manager, or hearings officer upon appeal or review, after it has been determined that the existing structure and plans conform to all applicable provisions of law and this code. A permit may not be transferred or sold unless such transfer or sale is first approved by the city manager.

- (2) No earlier than 30 days prior to the formal filing of an application for a permit, and concurrently with its delivery to the tenants, the developer shall deliver to the city a copy of a notice of planned conversion and an affidavit providing a list of tenants who received the notice and showing the date or dates of delivery or intended delivery of the notices to the tenants. The notice shall contain written information describing in general:
 - (a) What steps and actions the developer and others, including governmental agencies, will or must take in order for the building to be converted to a condominium or stock cooperative;
 - (b) How the tenant will be involved, informed, and assisted at each step in the process; and
 - (c) What rights the tenants have, whether mandated by law or voluntarily provided by the developer.

The notice shall be in plain and simple language, and contain any additional or specific information required by the city under administrative rules issued hereunder.

- (3) After the notice of planned conversion is given and prior to renting any unit, any prospective tenant shall be notified by the developer or his or her agent, in writing, of the intent to convert and advised that no TAP benefits allowed under section 2.1070(f) of this code will be provided to that tenant.
- (4) No developer or the developer's agent shall sell any converted condominium units or cooperative shares until issuance of a permit by the city. This restriction shall not preclude the entering into of lease-purchase agreements between the developer and prospective purchasers after submission of an application for a permit.

(Section 2.1064 added by Ordinance No. 18866, enacted September 14, 1981; amended by Ordinance No. 19469, enacted April 27, 1987, effective May 27, 1987; administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998; and amended by Ordinance No. 20371, enacted July 10, 2006, effective July 11, 2006.)

2.1066 Condominium Conversion - Permit Process.

- (1) Application. No later than 60 days after the filing of notice of planned conversion, the developer or the developer's agent shall apply for a permit on a form prescribed by the city manager and shall submit as part of this application the information and documents set forth below, together with an application fee in an amount set by the city. The applicant promptly shall post a copy of the entire application in a

Eugene Code

- conspicuous place in the building or buildings to be converted.
- (2) Staff review. Within 30 days from the time 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 promptly shall post a copy of the staff report in a conspicuous place in the building or buildings to be converted.
- (3) Permit approval. Within 14 days after the issuance of the staff report the city manager shall approve or deny the permit and within five days of the decision shall notify the applicant of the decision in writing. The applicant or developer promptly shall 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 condominium is located and to persons who have requested notification. Unless appealed, the city manager's decision is effective on the eleventh day after notice of the decision is mailed.
- (4) Appeal of permit decision.
- (a) 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 adversely affected person, or a person entitled to notice from the city under subsection (5) of this section. Such appeal shall be instituted by filing a notice of appeal on a form to be provided by the city.
- (b) 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 (3) of this section.
- (c) 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.
- (d) The decision of the hearings official on the permit approval or disapproval decision shall be given in writing no later than 15 days after the close of the hearing and record, and such decision shall be final. Within five days of the decision, notice of the decision shall be mailed by first class mail to the applicant, appellant, and persons who requested notification of the decision.

Eugene Code

(Section 2.1066 added by Ordinance No. 18866, enacted September 14, 1981, by Ordinance No. 19469, enacted April 27, 1987, effective May 27, 1987; Ordinance No. 19770, enacted April 22, 1991, effective May 22, 1991; administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998; and administratively amended by Ordinance No. 20249, enacted May 8, 2002, effective June 1, 2002.)

2.1070 Condominium Conversion - Permit Approval. In order to obtain approval by the city manager of an application for a condominium conversion permit, the applicant must satisfy the following conditions and provide the following documents as part of the permit application:

- (a) Common elements report. The applicant shall supply to the city manager a report prepared by a reserve specialist or other professional approved by the City describing the condition and expected useful life of all common elements including the roof, foundation, external and supporting walls, mechanical, electrical, plumbing, heating, all other major mechanical and utility systems, together with an estimate at current market prices of repair or replacement costs for those items requiring immediate major repair or eventual replacement. The report shall separately list the condition and expected life of all components of common elements and shall include the approximate dates of installation of the common elements and components and the dates and description of major repairs or renovations of the common elements and components. The report shall show on each page the date of preparation of the report. It shall clearly disclose which common elements could not be physically inspected and which estimates for these common elements were not made on the basis of a physical inspection. The report shall identify the sources used in the provision of all information, including the condition of common elements, the estimates of expected useful life and repair and replacement costs. The report shall also contain a summary of all city building official records pertaining to each building's major repairs or renovations. The definition of "major repair" and "major renovation" shall be set by administrative rules issued hereunder.
- (b) Applicant's affidavit. The applicant shall file an affidavit attesting to the truth of the following:
 1. That the applicant has notified all tenants residing in the building to be converted and any affected neighborhood group of the permit application. The affidavit shall also state that the applicant has kept signed receipts from all affected tenants certifying that each tenant has received copies of the notice of planned conversion and the proposed tenant assistance plan contract. The applicant shall state in the affidavit that such receipts shall be kept on file in this city by the developer or the developer's agent subject to inspection by the city manager at any reasonable time for a period of three years from the date the receipt is taken. For the purpose of this provision, a refusal to accept notice of intent to convert or the tenant assistance plan contract shall constitute

Eugene Code

- receipt by any affected tenant.
2. That the informational brochure on condominium conversion provided by the city has been distributed to all tenants who reside in the building proposed to be converted.
 3. That no evictions of affected tenants except for good cause have occurred between the date of the notice of planned conversion to the city and the date of the permit application.
- (c) Information provided to state. All issued condominium instruments whose submission is required by administrative rules issued hereunder.
- (d) Rental history. A rental history report containing information required to be submitted under administrative rules issued hereunder.
- (e) Tenant survey. A survey of all affected tenants in the conversion project containing information required to be submitted under administrative rules issued hereunder.
- (f) Tenant assistance plan. Each applicant for a permit shall prepare and supply to the city a tenant assistance plan (TAP). No TAP need be prepared where all of the affected tenants have executed binding offers to purchase their units or shares or have permanently relocated at the time of the permit application. The TAP shall be formalized by a contract between the developer and the city, the execution of which is a prerequisite to city permit approval. Each TAP contract shall contain the following:
1. An obligation on the part of the developer to pay moving expenses of special category affected tenants. The amount of moving expenses to be paid for each type of special category tenant and the time for such payment shall be set by administrative rules issued hereunder.
 2. An agreement by the developer to contract with a housing counselor approved by the city, to assist special category tenants of the building to be converted in locating housing and to act as the developer's sole agent in representing housing as comparable, to special category tenants. The city may withdraw its approval of the housing counselor at any time. The contract between a housing counselor and a developer shall be subject to approval by the city. Such contract shall require the counselor to use the counselor's best efforts to obtain replacement housing which meets the articulated special needs of each special category tenant in addition to being comparable as defined in this code.
 3. An agreement by the developer to offer two comparable housing units to each special category tenant prior to giving any notice of tenancy termination to that tenant. If the status of the offered unit as comparable is contested by the tenant, it shall not constitute such an offer until the decision of the hearings officer on its compatibility. An independent offer is one which is not an outstanding offer to any other tenant and which is, during the period of consideration, an exclusive offer to that tenant. Any

Eugene Code

such obligation on the part of the developer shall not preclude an eviction of any special category tenant for good cause. The agreement to offer comparable housing to a particular tenant may be satisfied by an offer of lifetime tenancy to that tenant.

4. An agreement by the developer not to evict any affected tenant, except for good cause, prior to the expiration of 120 days from the issuance of the permit.
5. An agreement by the developer not to raise the rent of any special category tenant except to an amount equal to or less than rent for comparable housing in the same building if such comparable housing exists.
6. A provision that the contract shall operate in favor of all affected tenants of the building as third party beneficiaries.
7. A provision that the city assumes no liability for the condominium conversion project or the developer's actions or failure to act.
8. A provision that reasonable trial and appellate court attorney's fees shall be paid by the non-prevailing party in any action or suit on the contract.
9. Any other provision required under administrative rules issued hereunder.

A TAP may include any purchase incentives to existing tenants which are offered by the developer.

- (g) Cash reserve escrow account. The developer shall submit proof of establishment of a cash reserve account by the developer for replacement reserves for common elements in an amount and in the manner required by state law. In determining the estimated useful life and replacement costs for the common elements, the developer shall use the estimates set forth in the common elements report.

(Section 2.1070 added by Ordinance No. 18866, enacted September 14, 1981, amended by Ordinance No. 19469, enacted April 27, 1987, effective May 27, 1987; administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998; and amended by Ordinance No. 20371, enacted July 10, 2006, effective July 11, 2006.)

2.1074 Condominium Conversion - Post-Permit Obligations and Procedures.

- (1) Submission of information reports. After issuance of the permit, the developer shall submit to the city manager informational reports on forms provided by the city, pertaining to the tenants of the conversion relocated since the granting of the permit application. The informational reports shall be submitted at the end of any month in which a special category tenant has relocated. The informational reports shall continue to be submitted until all special category tenants have been successfully relocated or offered lifetime leases. The developer shall deliver to the city completed purchaser information forms for each purchaser of a condominium unit. These forms shall be provided to the developer by the city and shall request information on the previous tenure (owner or renter) of each occupant of the condominium unit, and the present tenure status of that occupant's previous dwelling.

Eugene Code

- (2) Limitation on eviction of or rent discrimination against remaining special category tenants. No developer shall evict, except for good cause, any special category tenant prior to the refusal of any such tenant to accept either of two offers of comparable housing by the developer. To be valid, any such offer of comparable housing shall be made to the tenant by the housing counselor. No comparable housing offer shall constitute one of the two required offers unless it is an independent offer. Failure of any such tenant to accept a comparable housing offer within 5 days of the initial offer shall constitute a rejection. In the event that such special category tenant is temporarily immobile because of sickness or injury, such tenant shall have an additional period of 25 days to accept a comparable housing offer.
- (a) No special category tenant residing in the building after issuance of a final condominium conversion permit and prior to the offer to that tenant of two comparable housing units shall be required to pay more rent than the rent charged for comparable housing in the same building or project.
- (3) Termination of housing counselor's services. The services of the housing counselor shall no longer be required upon either the complete relocation of all special category tenants or relocation of some but not all special category tenants and the execution of lifetime leases with the remaining special category tenants.
- (4) Disclosure to purchasers. The developer shall make available to any prospective purchaser a summary of purchaser protection requirements imposed by the city, together with any disclosures required by state law. The developer shall make available to a purchaser of a condominium, copies of issued condominium instruments within ten days of execution of an earnest money contract or offer to purchase the condominium, or no later than five days before the conveyance. The developer shall keep a receipt signed by each purchaser acknowledging that the person entering into a contract to purchase has received or has had the opportunity to review the condominium instruments; and has completed the purchaser information form. Such receipts are to be kept on file in this city by the developer or the developer's agent or affiliate subject to inspection by the city manager at any reasonable time for a period of three years from the date the receipt is taken. Prior to disclosure, the following paragraph must be conspicuously displayed on the first page of each copy of the condominium instrument package:

THE CITY OF EUGENE HAS RECEIVED THE CONDOMINIUM INSTRUMENTS FOR FILING ON _____. THE CITY HAS REVIEWED THE CONDOMINIUM INSTRUMENTS FOR COMPLIANCE WITH THE RESIDENTIAL CONDOMINIUM CODE PROVISIONS OF THE EUGENE CODE, 1971, BUT ASSUMES NO LIABILITY FOR THE PROJECT OR THE DECLARANT'S ACTIONS OR FAILURE TO ACT.

- (5) Update of common elements report. The developer shall update the

Eugene Code

report required under section 2.1070(a) of this code every three (3) years until control of the condominium is transferred from a developer to an association of unit owners. Such update shall include more current information on repair or replacement costs and any new or supplementary information on the condition and expected useful life of the common elements.

- (6) Revocation of conversion 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 developer has:
- (a) Failed to comply with the terms of a cease and desist order;
 - (b) Been convicted in any court subsequent to the filing of the permit application for a crime involving fraud, deception, false pretenses, misrepresentation, false advertising, or dishonest dealing in real estate transactions;
 - (c) Disposed of, concealed, or diverted any funds or assets of any person so as to defeat the rights of unit purchasers;
 - (d) Intentionally or repeatedly failed to perform any stipulation or agreement made with the city as an inducement to grant or reinstate any permit;
 - (e) Made intentional misrepresentations or concealed material facts in an application for a permit; or,
 - (f) Intentionally or repeatedly violated any provision of sections 2.1060 to 2.1084 of this code.

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.

(Section 2.1074 added by Ordinance No. 18866, enacted September 14, 1981, amended by Ordinance No. 19469, enacted April 27, 1987, effective May 27, 1987; administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998; amended by Ordinance No. 20371, enacted July 10, 2006, effective July 11, 2006.)

2.1076 Condominium Conversion - Dispute Resolution; Tenant Eligibility for Benefits.

- (1) Eligibility of tenant as special category tenant. In the event of controversy over whether a tenant is elderly, disabled, or low income and qualifies as a special category tenant, the city manager shall make a determination, which shall be final and non-appealable to a hearings officer. The developer and tenant shall have notice of such requests for determination and opportunity to submit written arguments, comments and affidavits prior to the determination of eligibility by the city manager.
- (2) Status of alternative rental unit as comparable. In the event of a disagreement between the tenant and the developer as to whether an offered alternative dwelling unit is comparable or is an outstanding offer to another special category tenant, such dispute shall initially be mediated by the housing counselor. The tenant or developer may seek a review of the decision of the housing counselor by requesting a

Eugene Code

hearing with the city. Such hearing shall be requested on an application form to be supplied by the city, the contents of which may be governed by administrative rules issued hereunder. The hearing shall be before the hearings officer and shall be conducted within 10 days from the request for a hearing. The determination of the hearings officer shall be final.

(Section 2.1076 added by Ordinance No. 18866, enacted September 14, 1981, and amended by Ordinance No. 19469, enacted April 27, 1987, effective May 27, 1987.)

2.1078 Condominium Conversion - Enforcement.

- (1) Cease and desist orders. If the city determines that a person has:
 - (a) Violated any provision of sections 2.1060 to 2.1084 of this code;
 - (b) Directly or through an agent or employee knowingly engaged in any false, deceptive or misleading advertising, promotion, or sales method to dispose of a unit;
 - (c) Made any substantial change in the plan of disposition or development of condominiums subsequent to the granting of a permit without notifying the city;
 - (d) Disposed of any units which have not been registered with the city; or
 - (e) Violated any lawful order or rule of the city, the city manager may issue an order requiring the person to cease and desist from the unlawful practice.
- (2) General enforcement power. 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 section 2.1060 to 2.1084 of this code, or rule, regulation, or order thereunder, or failed to faithfully perform any stipulation or 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 sections 2.1060 to 2.1084 of this code or any rule, regulation, order, or contract thereunder.
- (3) Criminal proceedings and penalties.
 - (a) Conversion without permit. Any person converting without a permit shall be guilty of a violation. The penalty for such violation shall be as provided in section 2.1990(4) of this code.
 - (b) False statements; concealment of facts. Any person who willfully makes an untrue or misleading statement of material facts or willfully omits to provide required data on any document prepared pursuant to sections 2.1060 to 2.1084 of this code shall be guilty of a violation, and upon conviction, shall be subject to a fine as provided in section 2.1990(5) of this code.
- (4) Rulemaking authority. The city manager is authorized to promulgate any rules necessary for the implementation of sections 2.1060 to 2.1084 of the code which in the discretion of the city manager may be reviewed by the council prior to implementation thereof. Such rules

Eugene Code

may include, but are not limited to, regulations on the permit application process, elaboration of the necessary conditions for permit approval, contents of a TAP contract, the definition of comparable housing, the selection of a housing counselor, the contents of the housing counselor contract, procedural and substantive rules on dispute resolution and enforcement mechanisms, and rules relating to the revocation of conversion permits. Such rules shall be adopted in the manner provided for in section 2.019 of this code.

(Section 2.1078 added by Ordinance No. 18866, enacted September 14, 1981, amended by Ordinance No. 19469, enacted April 27, 1987, effective May 27, 1987; and administratively amended by Ordinance No. 19742, enacted January 14, 1991.)

2.1080 Condominium Conversion - Waiver by City Manager of Conditions for Permit.

- (1) The city manager may exempt a limited equity cooperative housing unit project from any provision of section 2.1060 to 2.1084 of this code except for the purchaser disclosures required under sections 2.1074(4) and 2.1074(5). Such exemptions may be for any or all of the provisions of sections 2.1060 to 2.1084 of this code, or any part thereof. Any such regulatory exemption shall be granted only where the operation of federal or state law or an executed agreement with a federal or state agency requires the cooperative housing unit project to offer equivalent protection to affected tenants and prospective purchasers and equivalent displacement benefits to relocated tenants as the afforded under section 2.1060 to 2.1084 of this code.
- (2) The city manager may grant a complete or partial application fee waiver to any such limited equity cooperative housing project if equivalent application fees to governmental agencies, reduced city costs in the processing of the project's permit applications, or past city financial support or funding approval for the particular project make the imposition of such fees unreasonable in his or her judgment.
- (3) The city manager may issue administrative rules identifying such federal or state regulations, laws, or regulatory programs for housing cooperatives, which duplicate or offer equivalent protection as that afforded under sections 2.1060 to 2.1084 of this code prior to granting any such exemption. Such administrative rulemaking shall solely be initiated upon a petition for rulemaking to the city manager of an interested person. Such petitioner must show that the specific benefits under federal or state regulation are equivalent to the specific benefits granted under sections 2.1060 to 2.1084 of this code. Once these administrative rules have issued, the application of the rules to any permit application shall be determined and adjudicated in the conversion permit process.

(Section 2.1080 added by Ordinance No. 18866, enacted September 14, 1981, and amended by Ordinance No. 19469, enacted April 27, 1987, effective May 27, 1987.)

2.1082 Condominium Conversion - General Provisions.

- (1) Anti-discrimination clause. The developer or owner of any condominium unit within a project shall not discriminate in the sale, or in the terms and conditions of sale of any dwelling unit against any person who was or is a tenant of the building to be converted because such tenant opposed in any manner the conversion of such building to a condominium.
- (2) Variation by agreement. Provisions of section 2.1060 to 2.1084 of this Code may not be varied by agreement and rights conferred by those sections may not be waived prior to the giving of notice of planned conversion. Any tenant benefits allowed under those sections may be waived in writing by a tenant after notice of planned conversion is given if such waiver is entered into in good faith and not for the purpose of completely evading the obligations of the developer, the terms and conditions of the waiver agreement are clearly and fairly disclosed, and adequate consideration for the agreement is specifically stated. A developer may not act under a power of attorney or use any other device to evade the limitations or prohibitions of sections 2.1060 to 2.1084 of this code, or the permits thereunder.
- (3) Obligation of good faith. Every contract or duty governed by sections 2.1060 to 2.1084 of this code imposes an obligation of good faith in its performance or enforcement.
- (4) Retaliation evictions. If a developer has as his or her dominant purpose retaliation against a tenant because of the exercise by the tenant of rights under sections 2.1060 to 2.1084 of this code, because the tenant has expressed an opinion on any matter relating thereto, because of the tenant's denial or refusal to consent to conversion, or because the tenant is a special category tenant, and if the tenant is not in default in payment of his or her rent or otherwise in breach of the rental agreement, the developer may not recover possession of the rental unit in any action or proceeding, cause the tenant to quit involuntarily, or increase the rent or decrease any services to that tenant.
- (5) Delivery of notice and other documents. Unless otherwise provided, all notices, contracts, disclosures, documents and other writings required by sections 2.1060 to 2.1084 of this code to be delivered, shall be delivered personally or by registered or certified mail. A refusal of registered or certified mail by the addressee shall constitute adequate delivery. All documents shall be delivered to the tenant at the address specified in the lease or rental agreement between the tenant and the developer or landlord. If there is no written lease or rental agreement, then the documents shall be delivered to the tenant's address at the converted building. In any sublet unit all documents shall be delivered 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 of all documents shall be delivered to the subtenant, one addressed to the tenant, the other addressed to the subtenant.
- (6) Liberal construction. Sections 2.1060 to 2.1084, of this code shall be

Eugene Code

liberally construed and applied to promote the purposes and policies contained therein.

- (7) **Severability.** If any provision of sections 2.1060 to 2.1084, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of such sections which can be given effect without the invalid provisions or applications, and to this end the provisions of sections 2.1060 to 2.1084 of this code are severable.

(Section 2.1082 added by Ordinance No. 18866, enacted September 14, 1981, and amended by Ordinance No. 19469, enacted April 27, 1987, effective May 27, 1987.)

- 2.1084 Condominium Conversion - Report on Activity.** The city manager shall report to the council by March 30 on any condominium conversion activity during the previous calendar year. The report shall contain available data and analysis on the following: information on specific projects, data on the neighborhood, city and metropolitan housing market including vacancy rates, new construction, demolitions, household characteristics, issued building permits, and housing costs, analysis on the operation of sections 2.1060 to 2.1084 of this code, demographic data, and such other information that the city manager deems relevant.

(Section 2.1084 added by Ordinance No. 18866, enacted September 14, 1981, and amended by Ordinance No. 19469, enacted April 27, 1987, effective May 27, 1987.)



CONDOMINIUM CONVERSION

List of Exhibits

- Exhibit 1: Notice of Planned Condominium Conversion
- Exhibit 2: Condominium Conversion Informational Brochure
- Exhibit 3: Notice of Condominium Conversion Receipt Form
- Exhibit 4: Notice to Prospective Tenants / Condominium Conversion
- Exhibit 5: Condominium Conversion Permit Application
- Exhibit 6: Condominium Conversion Affidavit
- Exhibit 7: Tenant Survey Questionnaire for Proposed Condominium Conversion
- Exhibit 8: Tenant Assistance Plan Contract for Planned Condominium Conversion
- Exhibit 9: Housing Counselor Contract
- Exhibit 10: Comparable Housing Check Sheet
- Exhibit 11: Rental History Report
- Exhibit 12: Tenant Assistance Plan Information Report
- Exhibit 13: Purchaser Information Report - Condominium Conversion
- Exhibit 14: Purchaser Disclosure Receipt - Condominium Conversion
- Exhibit 15: Application for Recognition as a Special Category Tenant in a Condominium Conversion
- Exhibit 16: Request for Determination of Comparable Housing
- Exhibit 17: Notice of Appeal - Condominium Conversion Permit Decision of City Manager



NOTICE OF PLANNED CONDOMINIUM CONVERSION

As required by Sections 2.1060 through 2.1084 of the Eugene Code, this notice informs you that I/We _____

Name of Owner/Developer (Applicant)

intend to convert the _____

Name of Project

located at _____

Address of Project

from residential rental units to condominiums. (In a condominium conversion, the apartment units are sold off individually, so that an apartment unit may be owned by an individual, such as the former tenant.)

**This Notice of Planned Condominium Conversion DOES NOT
Constitute a Notice to Terminate Your Rental Agreement.**

Attached to this notice, for your information is:

1. A Condominium Conversion Informational Brochure that describes state and local condominium conversion processes, tenant rights provided by both local and state law, and what opportunities for involvement are provided.
2. Any information required by ORS 100, if the notice also serves as a Notice of Planned Condominium Conversion under state law or an explanation that a future notice will be sent to tenants as required by state law.
3. 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



CONDOMINIUM CONVERSION INFORMATIONAL BROCHURE

This document describes state and local condominium conversion processes and tenant rights provided by both local and state law, and what opportunities for involvement 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 (“the City”) follows to evaluate permit applications for condominium and cooperative conversions.

For more information concerning this process, refer to Sections 2.1060 through 2.1084 of the Eugene Code, the Administrative Rules issued by the City Manager, or call the Planning & Development Department, Community Development Division, at 682-5071.

Applicability of Regulations

The City regulates the conversion of more than two rental dwelling units to condominiums or cooperatives by requiring that the Owner/Developer/Applicant obtain a permit before the sale of any converted condominium unit or cooperative share.

Prior to Submitting a Permit Application

The Owner/Developer/Applicant must deliver to the tenants a Notice of Planned Condominium Conversion. 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 along with an affidavit providing a list of tenants who received the Notice of Planned Condominium Conversion and the dates of delivery to those tenants. This Notice of Planned Condominium Conversion must precede the permit application by at least 30 days but no later than 60 days.

CONDOMINIUM CONVERSION PERMIT APPLICATION PROCESS

1. A permit application may be submitted to the City of Eugene Planning & Development Department from 30 to 60 days after filing the Notice of Planned Condominium Conversion with the Planning & Development Department.
2. Within two days after filing the permit application, the Applicant must post a copy of the permit application in a conspicuous place in the building(s) to be converted. This posting is to be maintained until the permit is approved or denied.
3. Following the receipt of a completed permit application, the Planning & Development Department staff will have 30 days to review the application and issue a report on the Applicant's compliance with the conditions for approval. (Note: In order for the staff to begin the 30-day review, the application must be complete and must have attached to it all the required affidavits and information listed in the Eugene Code and Administrative Rules.)
4. Following the staff report, the Applicant shall have seven (7) days to submit any additional information. The Applicant must post the staff report in a conspicuous place in the building(s) to be converted.
5. The City Manager will then make a decision approving (with or without conditions) or denying the application for a permit within fourteen (14) days following the staff report. The Applicant will be notified in writing of the decision.
6. The decision of the City Manager on a permit application can be appealed by any person affected by the decision. The appeal must be made within ten (10) days following the City Manager's decision and must be made on a form available from the Planning & Development Department. Appeals on permit decisions are handled by a Hearings Official. 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 for an appeal are whether the Applicant has met all the requirements of the permit issuance, whether the information submitted by the Applicant is true, or whether the City Manager abused his/her discretion in ruling on the application.

Conditions and Required Information for a Permit

In order to obtain a permit, the Applicant must satisfy the following conditions:

1. A common elements report shall be prepared by a reserve specialist or other professional acceptable to the City to provide an analysis of the condition and life remaining in the common areas.

2. The Applicant must prepare and give to each tenant, a copy of a proposed Tenant Assistance Plan. The Tenant Assistance Plan document describes ways the Applicant will assist the tenant who does not buy his/her rental unit.
3. An affidavit must be included with the application stating that:
 - a. The Applicant has signed receipts from each tenant that they have received a Notice of Planned Condominium Conversion and Tenant Assistance Plan contract;
 - 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 Informational Brochure on condominium conversion provided by the Community Development Division of the Planning & Development Department, City of Eugene to all the tenants;
 - d. No evictions without cause have occurred between the date of Notice of Planned Condominium Conversion and the date of the permit application; and
 - e. The Applicant has provided the Tenant Survey Report Questionnaire to each affected tenant.
4. Proof of funding of a replacement reserve account which shall conform with the requirement of the Eugene Code and Administrative Rules.
5. The following additional information must be submitted with the application:
 - a. Any information submitted to the State Real Estate Commissioner pertaining to the condominium conversion of the building(s) under state law.
 - b. A rental history report prepared on a form provided by the Community Development Division of the Planning & Development Department, City of Eugene.
 - c. An executed Tenant Assistance Plan contract that complies with Section 2.1070(g) of the Eugene Code, unless all affected tenants have executed binding offers to purchase their units or shares or have permanently relocated at the time of permit application.
 - d. An executed Housing Counselor contract as required by Eugene Code.

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 – A DESCRIPTION OF TENANT AND PURCHASER PROTECTIONS PROVIDED BY EUGENE’S CONDOMINIUM CONVERSION ORDINANCE

INTRODUCTION

In 1980, the City of Eugene adopted an Ordinance regulating the conversion of more than two rental dwelling units to condominium or cooperative ownership. In 1991, the City re-adopted the Ordinance with amendments. The Ordinance basically regulates conversion in three ways that affect the existing tenants of a building(s) to be converted. On June 26, 2005, the Eugene City Council approved changes to the code provisions governing condominium conversions to allow the use of a reserve specialist to identify the condition of the common areas, to adjust the allowable moving cost benefits to current values, to eliminate the required City inspection, and to clarify the length of the tenant’s right to stay period. It provides:

1. Protection to existing tenants who reside in the project.
2. Additional protections and benefits to “special category tenants” (low-income, elderly, or persons with disabilities).
3. Protections to purchasers of converted units by strongly encouraging a pre-purchase inspection in order to determine the condition of the unit prior to sale.

It is the intent of this publication to give a brief description of the tenant and purchaser protections provided by City Code. For more information, please refer directly to Sections 2.1060 and 2.1084 of the Eugene Code, and the adopted Administrative Rules or call the Planning & Development Department, Community Development Division at 682-5071.

PROTECTIONS AVAILABLE TO ALL AFFECTED TENANTS IN A PLANNED CONDOMINIUM CONVERSION

Disclosure

The Applicant must provide information to all tenants at the beginning of the conversion process on their rights under both City and state law. Briefly, the City requires that Applicants obtain a permit to convert the building(s). All tenants in the building(s) will be notified in writing or information will be provided during the permit process in the following ways:

1. The Applicant must send a Notice of Planned Condominium Conversion to tenants at the very beginning of the conversion permit process. This notice advises tenants that the Applicant intends to apply to the City of Eugene for a condominium conversion permit, which can occur 30 to 60 days after the Notice of Planned Condominium Conversion is sent to tenants.
2. The Applicant must notify tenants in writing of the decisions of the City of Eugene to approve or deny the permit.
3. The Applicant must post the permit application, including the affidavits and information required in the Eugene Code and Administrative Rules, in the building(s) to be converted, for tenant review.

The Right to Stay

All tenants in the building(s) have the right to stay in their rental unit for 120 days from issuance of the Condominium Conversion permit. However, tenants can be evicted for cause during either period. The tenant's right to terminate the tenancy remains the same as it was prior to the notice.

Discrimination

The Applicant cannot discriminate in the sale or in the terms of the sale against any person who was a tenant of the building(s) to be converted because that tenant opposed, in any manner, the conversion of such building(s).

Retaliatory Evictions

The Applicant may not retaliate against a tenant by evicting him/her without cause because of the exercise of the tenant's rights.

Additional Protections and Benefits Available to Special Category Tenants

Special category tenants are persons who fit into one or more of the following separate categories:

1. Elderly persons, defined as those 70 years of age or over at the time of the Notice of Planned Condominium Conversion.
2. Disabled persons, defined as persons who have, at the time of issuance of the condominium conversion permit, a mental, emotional, or physical disability or illness of more than a temporary duration that:
 - a. Substantially impairs his/her ability to move about, to find, or maintain a housing unit without the use of external aids (e.g., wheelchair, cane,

walker, guide dog) or without another person's assistance, or without aid;
or

- b. Involves the loss of sight or hearing ability, prevents normal walking or climbing of stairs, or requires a special life support system; or
- c. Affects his/her ability to make decisions or manage his/her own financial affairs without assistance.

A disability must prevent or make it difficult for the person to carry out regular activities of daily living (e.g., housework, shopping, laundry, meal preparation, and personal care, such as bathing and dressing).

Evidence that would determine the status of disability would include a doctor's certificate, a statement from a health care specialist attesting to the above criteria, a governmental determination of disability, or a worker's compensation determination of greater than 50% disability.

- 3. Low-income persons, defined as persons whose current household income is equal to or less than 80% of the median income on an annual basis determined for Eugene-Springfield by the federal Department of Housing and Urban Development (HUD).

The 2007 median income figures for 80% of median income are:

Household Size	Low-income 80% of Area Median Income
1	\$30,650
2	\$35,000
3	\$39,400
4	\$43,750
5	\$47,250
6	\$50,750
7	\$54,250
8	\$57,750

These median income figures are updated annually. Contact the Community Development Division at the Planning & Development Department, City of Eugene, at 682-5071 for current income limits.

Special category tenants are eligible for the following benefits under Eugene Code:

Moving Expenses – The Applicant must pay moving expenses to special category tenants, in accordance with the Federal Uniform Relocation Assistance Act. The code requires that moving cost benefits paid to Special Category Tenants be in amounts established (and periodically updated) under the Federal Uniform Relocation Act Fixed Residential Moving Cost Schedule. These residential moving costs are based on the number of rooms of furniture to be moved. In 2007 for Oregon, the allowance was \$400/one-room, \$550/two-rooms, \$750/three-rooms, and \$950/four-rooms. Also the Applicant is required to pay Special Category Tenants a fixed sum of \$500 for packing and unpacking expenses.

Comparable Housing and Housing Counselor Services – The Applicant, through the services of an independent Housing Counselor, must offer each special category tenant two comparable housing units as defined by Eugene Code and suitable to meet the particular needs of the tenant. The Applicant may not give any special category tenant a notice to vacate his/her unit until the two comparable units have been offered, nor can the Applicant raise the rent of any special category tenant except to an amount equal to or less than rent for comparable housing in the same building (if such comparable housing exists during this period).

The effect of this particular requirement in the Eugene Code means that special category tenants will not be evicted during the 120-day period provided for all tenants. In addition, if two comparable units have not been offered in this period, special category tenants have a further right to stay beyond the 120 days, until two comparable units have been offered. In certain cases, the Applicant has the option of offering to the special category tenant, a lifetime lease on his/her unit in lieu of the requirement for comparable housing. If a dispute arises over whether or not a unit is comparable, a procedure has been established by the City of Eugene to resolve such disputes between tenant and Applicant.

INFORMATION TENANTS WILL BE ASKED TO PROVIDE

All Tenants

The Applicant will distribute, on behalf of the City, to all tenants in the building(s), a Tenant Survey Report Questionnaire that will include an addressed, postage-paid envelope to be returned directly to the City. The questionnaire is needed by the City to provide a record of all tenants in the building(s) so that if a dispute arises, the City will have information directly from the tenant. It is also needed so that the City can determine what effects condominium conversion has on renters as a group.

Special Category Tenants

In addition to the Tenant Survey Report Questionnaire, the Applicant (through the Housing Counselor) will request that special category tenants who want to qualify for the benefits due them fill out an Application for Recognition as a Special Category Tenant form. The application is necessary to determine a tenant's eligibility as a special category tenant who will be eligible to receive benefits provided by the Eugene Code. Tenants must fill out this application to be considered as a special category tenant.

PURCHASER PROTECTIONS

Purchasers of condominium units are protected by the Eugene Code in the following ways:

1. The Applicant may establish a replacement reserve account for the unit owners' association. This reserve account must be based on the required architect's and engineer's report described below.
2. The purchaser is strongly encouraged to obtain a pre-purchase inspection in order to determine the condition of the unit prior to sale. A common elements report will be prepared by a reserve specialist or other professional acceptable to the City. This report is to be made available to purchasers prior to sales.

In addition, the Applicant is required to make available to purchasers copies of issued condominium instruments, documents required by the State of Oregon, such as the Declaration of Unit Ownership, bylaws of the unit owners' association, and the State disclosure report. The Applicant must request that purchasers sign receipts as proof to the City that purchasers have been given the opportunity to review these documents prior to the sale of the unit.

INFORMATION REQUESTED BY ALL PURCHASERS

To comply with the Eugene Code, the Applicant must survey the purchasers using the Purchaser Information Report Survey form provided by the City. The survey asks whether the purchaser was previously an owner or renter. The City will be responsible for tabulating this information for use in determining the effects of conversions on the rental housing stock in Eugene.

BRIEF DESCRIPTION OF STATE LAW PROVISIONS (ORS 100)

State law requires a separate notice process which involves the following:

The Applicant must give existing tenants a Notice of Planned Conversion at least 120 days before the building(s) becomes condominiums (this occurs when the

Declaration is filed with the County Assessor, which creates the horizontal subdivision necessary to divide the property for sale of individual units).

Following this notice, all new tenants must also be notified. The state notice must contain a statement that:

- a. The Applicant intends to convert and general information about the condominium form of ownership;
- b. This notice is not a notice to vacate;
- c. Conveys whether or not there will be substantial alternations to the physical layout of the project; and
- d. Indicates whether the Applicant intends to offer the unit(s) for sale and if so, the Applicant must set forth an estimate of the approximate price range for which the unit(s) will be offered and an estimate of the operational and common expenses of the condominium.

The purpose of the state notice provision is to provide general information about the process and does not constitute an offer to sell the unit(s) at a particular price. The notice does not commit the Applicant to convert the project to condominiums.

The state notice must be delivered at least 30 days prior to an offer to sell. Prior to the sale of a unit (without substantial alteration), the unit will be offered to the tenant who occupies the unit. The offer shall:

1. Terminate 60 days after receipt or upon written rejection by the tenant; and
2. Not constitute a notice to vacate.

The unit may not be sold for a price or at terms more favorable than that which is offered to the tenant for 60 days following the termination of an offer to the tenant.

In the event that improvements need to be made to the unit(s), the Applicant must have tenant consent during the 120-day notice period, but may proceed with improvements to the common elements during this period.



**NOTICE TO PROSPECTIVE TENANTS / CONDOMINIUM
CONVERSION**

This notice informs you that the _____
Name of Project

located at _____
Address of Project

gave a Notice of Planned Condominium Conversion, required by Sections 2.1060
through 2.1084 of the Eugene Code, to the existing tenants of this complex

on _____
Date of Notice

It is the intention of the Owner/Developer (Applicant) to convert this rental project
to condominiums sometime in the future.

Existing tenants who received the Notice of Planned Condominium Conversion
are eligible to receive certain protections and benefits required by the Eugene
Code. Tenants, like yourself, who move into the project after the Notice of
Planned Conversion 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



CONDOMINIUM CONVERSION PERMIT APPLICATION

PROPERTY INFORMATION

1. Attach an accurate legal description of the property included in this permit application.
2. Indicate the assessor's map(s) and tax lot(s) numbers of the property:

3. Indicate the project name and address: _____

4. Type of complex: (please check)

<input type="checkbox"/> Single Family Detached	<input type="checkbox"/> Row House
<input type="checkbox"/> Townhouse	<input type="checkbox"/> Apartment (walk-up)
<input type="checkbox"/> Apartment (elevator)	<input type="checkbox"/> Duplex
5. Number of units by bedroom size: _____
6. Number of structures in complex: _____
7. If apartment, number of stories in each structure: _____
8. In what year(s) was the complex built? _____

INFORMATION CONCERNING THIS REQUEST

This application must be accompanied by the following:

1. An affidavit of the applicant conforming to the requirements of Section 2.1070(c) of the Eugene Code;
2. A Rental History Report;
3. A Tenant Survey Report affidavit;
4. An executed Tenant Assistance Plan (if applicable);
5. If necessary, proof of funding of a cash reserve account; and,

6. Any filed or executed condominium 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 and understand the requirements for an application for a condominium/cooperative conversion, 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



CONDOMINIUM CONVERSION AFFIDAVIT

STATE OF OREGON)
) §
COUNTY OF LANE)

I, _____, being duly sworn,
depose on oath and say :

That I am the owner of _____,
residential units located at _____, in
Eugene, Oregon, that I intend to convert to condominiums.

I have provided each tenant and affected neighborhood group of the project with
a Notice of Condominium Conversion dated _____, and a
Tenant Assistance Plan Contract (if applicable), and will keep all signed receipts
on file in this city and subject to inspection for a period of three years

No affected tenants or special category tenants have been evicted from the
project without cause during the year preceding the date of the Notice of
Condominium Conversion, and no evictions without cause have occurred
between that date and the date of the application for a condominium conversion
permit from the City of Eugene.

I have provided all tenants of the residential units with a copy of the City of
Eugene informational brochure on condominium conversion and the tenant
survey questionnaire.

A Tenant Assistance Plan Contract has been executed and is being submitted
with my application for a condominium conversion.

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 CONDOMINIUM CONVERSION**

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

This survey is provided to the tenants of this conversion project in an attempt by the City to protect the rights provided you by the Eugene Code during the condominium conversion process and to obtain additional information on the effects of conversion 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. Will any member of the household apply for "special category tenant" status?

Yes No If yes, will the application be based on:

Income Disability Age

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

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

4. When did you receive the Notice of Planned Condominium Conversion?

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 unit? 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 unit?

- | | |
|--|---|
| <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. Are you interested in purchasing your unit? Yes No

9. If you do not purchase your unit, 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 conversion of your unit to a condominium or a cooperative?

- Approve Disapprove Indifferent

Please add any additional comments you may have regarding the condominium conversion process.



**TENANT ASSISTANCE PLAN CONTRACT
FOR PLANNED CONDOMINIUM CONVERSION**

This Agreement is made between _____ and
the City of Eugene (City), this _____ day of _____, 20____.
Owner/Developer (Applicant)

RECITALS:

- A. Owner/Developer (Applicant) holds an ownership interest in real property located at the following address:

_____ in Eugene, Oregon. Applicant represents that this ownership interest is sufficient to give Applicant authority and capacity to agree to offer the following benefits to affected and special category tenants.
- B. Applicant desires to convert the use of the above residential real property from residential rental units to condominium ownership. Existing City regulations require the provision of benefits to tenants as preconditions to City approval of a conversion. Both parties desire to memorialize those obligations in this Agreement.
- C. Attached to this Agreement, as Exhibit 8-A, is a list by unit number of all tenants (hereafter referred to as "affected tenants") who reside in the building to be converted on the date Notice of Planned Condominium Conversion was given to the City, (insert date of notice) _____. Applicant represents that the information on Exhibit 8-A is correct.
- D. Attached to this Agreement as Exhibit 8-B, is a list of all special category tenants (those tenants who are disabled, elderly, or low-income, as those terms are defined in Section 2.1060 of the Eugene Code) who resided in the building(s) to be converted on the date Notice of Planned Condominium Conversion was given to the City. Applicant represents that the information on Exhibit 8-B is complete and true to the best of Applicant's knowledge.
- E. Applicant has executed a Housing Counselor Contract with (insert name of Housing Counselor) _____, a copy of which is attached as Exhibit 9. The identity of the Housing Counselor and provisions of the contract have been approved by the City.

In light of the above recitals, Applicant and the City agree that:

- 1. **MOVING EXPENSES.** The Tenant Assistance Plan Contract shall obligate the condominium conversion developer to pay moving expenses of all special

category tenants in accordance with the Federal Uniform Relocation Assistance Real Property Acquisition Policies Act, as amended, Fixed Residential Moving Cost Schedule. Also, the TAP contract shall obligate the condominium conversion developer to pay elderly or disabled special category tenants a fixed sum of \$500 for packing and unpacking expenses. Moving expenses, including, if applicable, packing and unpacking expenses, shall be paid to the tenant 14 days prior to the tenant's move-out date.

2. **WITHDRAWAL OF APPROVAL OF 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/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 special category tenant. Applicant 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 under Administrative Rule R-1078-D-5.
3. **COMPARABLE HOUSING.** Applicant agrees to offer independently two comparable housing units to each special category tenant listed on Exhibit 8-B prior to giving notice to such a tenant of termination of tenancy. As used herein, "comparable housing" shall be that type of housing defined in Section 2.1060 of the Eugene Code, and Administrative Rule R-1078-D- 6, 7, 8, and 9. An independent offer to one which is not an outstanding offer to any other tenant and which is, during the period of consideration, an exclusive offer to that tenant. If the status of the offered unit as comparable is contested by the tenant, it shall not constitute such an offer until the decision of the Hearings Officer on its comparability. The Applicant may evict any tenant at any time, consistent with state law, if such eviction is for good cause as that term is defined in Section 2.1060 of the Eugene Code. Failure of any special category tenant to accept a comparable housing offer within five days of the initial offer shall constitute a rejection unless such tenant is temporarily immobile because of sickness or injury in which case such tenant shall have 25 days to consider an offer of comparable housing.
4. **LIMITATION ON RENT INCREASES AND EVICTION REMEDIES.** Applicant agrees not to evict any affected tenant, except for good cause (as defined in Section 2.1060 of the Eugene Code) prior to the issuance of a condominium conversion permit by the City or the expiration of 180 days from the time the tenant receives the Notice of Planned Condominium Conversion, whichever is later. Applicant further agrees not to raise the rent of any special category tenant prior to issuance of the conversion permit and offer of two comparable

housing units to an amount equal to or less than rent for comparable housing in the same building, if such comparable housing exists.

5. **OPERATION OF CONTRACT.** This Agreement 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 Applicant's conversion project of the Applicant's actions or failure to act in any attempt to comply with local or state legal requirements applicable to condominium or cooperative conversion.
6. **ATTORNEY FEES.** Should any action be brought on this Agreement by either party or any third-party beneficiary, 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. **MODIFICATIONS.** This Agreement may be modified only by a written document signed by both parties. Both parties agree that the lists of affected and special category tenants (Exhibits 8-A and 8-B hereto) shall be modified without additional consideration should new or additional facts warrant inclusion of any person not presently listed. In particular, any affected tenant who becomes disabled prior to issuance of a conversion permit shall be added to Exhibit 8-B.

Applicant may satisfy the obligations imposed by this Agreement 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 completely evading the obligations of Applicant, 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 comparable housing and moving expenses to particular tenants may be satisfied by execution of a lifetime lease (as defined in Section 2.1060 of the Eugene Code) by that tenant.

8. **PURCHASE INCENTIVES.** [Insert any purchase incentives to tenants offered by Applicant.]
9. **SEVERABILITY.** If any provision of the Agreement or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Agreement which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Agreement are severable.
10. **LIBERAL CONSTRUCTION.** Every duty imposed by this Agreement imposes an obligation of good faith in its performance. This Agreement shall be

liberally construed and applied to promote the purposes and policies of Sections 2.1060 to 2.1084 of the Eugene Code.

11. **TERMINATION.** This Agreement shall terminate upon complete performance of the duties imposed herein or the withdrawal of the Applicant's application for a Condominium Conversion Permit or execution of a written termination by both parties.

12. **CONTRACTUAL AUTHORITY.** Each of the signatories to this Agreement have read this Agreement in full and represent that he/she has or has obtained the necessary authority to enter this Agreement on behalf of his/her principal.

DATED this _____ day of _____ 20_____.

CITY OF EUGENE

APPLICANT

By: _____
Angel L. Jones
City Manager Pro Tem

By: _____
Name



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 convert the rental units on this property to condominium or cooperative ownership or to close a Manufactured Dwelling Park. As part of the conditions for the granting of this permit, Applicant is obligated to offer comparable housing to those tenants who are presently elderly or low-income or who are disabled at the time of issuance of a conversion permit (special category tenants). Attached to this Agreement is a list of tenants who presently are elderly, disabled, or low-income and who are entitled to such benefits. This list shall be modified if a tenant becomes disabled before issuance of a condominium conversion permit or a manufactured dwelling park closure permit.

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

Applicant and Housing Counselor agree that:

1. **DUTIES OF HOUSING COUNSELOR.** Housing Counselor agrees to canvas and obtain a list of currently available rental units within the city of Eugene; Housing Counselor shall provide this list upon request to any special category tenant. Housing Counselor will use his/her best efforts to obtain and offer two comparable housing units (as that term is defined in Section 2.1060 of the Eugene Code, and any Administrative Rules issued there under) to each special category tenant. Housing Counselor agrees to ascertain the particular housing needs of affected tenants and to use all reasonable efforts to locate housing which is not only comparable but adequate to fulfill the particular and stated needs of each special category tenant. Housing Counselor shall act as the Applicant's sole agent in representing housing as comparable to special category tenants. Housing Counselor shall receive receipts and billings from special category tenants on moving expenses, determine if these expenses

are reasonable, and recommend payment or nonpayment of all expenses to Applicant.

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 the offering of comparable housing. 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 an offered alternative dwelling unit as comparable, or because of a recommendation by Housing Counselor on payment of moving expenses. 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 special category tenants;
 - b. relocation of some but not all special category tenants and the execution of lifetime leases or waiver of relocation benefits by the remaining special category 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-5.
 - 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



COMPARABLE HOUSING CHECK SHEET

* Tenant Priority Ranking – Please indicate, of the features numbered 1 through 6, which items you most want in your replacement unit by ranking them 1 to 6 (with 1 being the priority).

Tenant Name:		Phone:	
Present Address:			
Special Category: <input type="checkbox"/> Elderly <input type="checkbox"/> Disabled <input type="checkbox"/> Low-income			
FEATURE	TENANT PRESENT UNIT	COMPARABLE UNIT #1	COMPARABLE UNIT #2
Location Address			
Apartment size (SF)			
Rent w/no Utilities			
Number of Bedrooms			
	Tenant Priority <<Ranking *		
1. KITCHEN FACILITIES:			
• Range			
• Refrigerator			
• Dishwasher			
• Disposal			
• Window/Vent			
• Storage/Pantry			
2. BATH FACILITIES:			
<u>Main Bath:</u>			
• Tub/Shower			
• Shower			
• Window/Vent			
• Storage/linen closet			
• Medicine Cabinet			
<u>Second Bath:</u>			
• 1/2 Bath			
• Full Bath			

FEATURE	TENANT PRESENT UNIT	COMPARABLE UNIT #1	COMPARABLE UNIT #2
Tenant Priority <<Ranking *			
3. SPECIAL FEATURES FOR ELDERLY OR DISABLED:			
• Elevator			
• Security			
• Other – please list:			
•			
•			
4. HEATING/COOLING TYPE (GAS/ELEC):			
• Central System			
• Individual Room Control			
• Air Conditioning			
5. ACCESS:			
• Employment			
• Community Facilities			
• Schools			
• Medical			
• Commercial Facilities			
• Public Transportation			
6. OTHER FACILITIES (FOUND IN PRESENT UNIT, TENANT WANTS IN NEW UNIT) – List:			
•			
•			
•			

7. ACKNOWLEDGE COMPLETION OF DESCRIPTION OF TENANT'S PRESENT UNIT.

TENANT

HOUSING COUNSELOR

Signature

Signature

Date

Date

8. DATE COMPARABLE UNIT #1 OFFERED TO TENANT: _____

Date Accepted: _____ Tenant Signature: _____

Date Rejected: _____ Tenant Signature: _____

9. DATE COMPARABLE UNIT #2 OFFERED TO TENANT: _____

Date Accepted: _____ Tenant Signature: _____

Date Rejected: _____ Tenant Signature: _____

Please attach any comments to this check sheet. Thank-you.



EXHIBIT 12

TENANT ASSISTANCE PLAN INFORMATION REPORT

Progress Report on Special Category Tenants Who Have Not Relocated from the Project

Project Name: _____ Date of this Report: _____

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



PURCHASER INFORMATION REPORT CONDOMINIUM CONVERSION

To the Purchaser of a Condominium Unit: The City of Eugene needs to know what effect, if any, condominium conversions have on the supply of rental housing. Your response to the following questions would be helpful:

1. Will you be the occupant of the unit you purchased? Yes No
2. Was the home you are moving from:
 - An Apartment Single Family House Mobile Home
 - Other _____
3. Did you own or rent your previous home?
4. Is the previous home now occupied by (or will its new occupant be) renting the home the owner of the home ?
5. Did you buy this unit as an investment-rental property? Yes No
If your tenant now occupies the unit, please answer the next questions, if you have the information.
6. Was the tenant a previous occupant of the project?
 - a. In the same unit? Yes No
 - b. In a different unit? Yes No
7. If the answer to #6 was "no," was the home the tenant moved from:
 - An Apartment Single Family House Mobile Home
 - Other _____
8. Is the home the tenant moved from now occupied by (or to be occupied by) a renter an owner ?
9. What is the rent for this unit? \$ _____
10. What utilities does the rent (in #9) include? _____
11. Where did you (if you are the occupant), or the tenant (if you are an investor) live before moving into the condominium?
 - Eugene
 - Springfield
 - Outside Eugene/Springfield but in Lane County
 - Outside Lane County, but in the state of Oregon
 - Outside the state of Oregon



**PURCHASER DISCLOSURE RECEIPT
CONDOMINIUM CONVERSION**

I/We, _____, state that I/We
purchased a condominium unit in the conversion project located in Eugene,
Oregon at _____ on _____.
(Address) (Date purchased)

Prior to closing of this sale, I/We had the opportunity to review and were shown:

1. The Declaration of Unit Ownership and any Supplemental Declarations or amendments;
2. The Plat of the Condominium filed with the Declaration;
3. Notice of Planned Conversion given to tenants (Eugene);
4. Notice of Conversion (State of Oregon);
5. State of Oregon Disclosure statement;
6. Bylaws of Unit Owners Association;
7. Building Code Inspection Report of the City of Eugene;
8. Engineer/architect's Report; and
9. Tenant Assistance Plan contract.

If the conversion project is for cooperative housing units, I/We were shown and had the opportunity to review, prior to execution of a sale agreement for a cooperative share, the following:

1. Articles of Incorporation of Cooperative;
2. Bylaws of the Cooperative Corporation;
3. Occupancy Agreement applicable to shareowners;
4. Management Contract for the Cooperative;
5. Management Plan for the Cooperative; and
6. Application for Mortgage Insurance or its equivalent.

I/We further declare that I/We have completed the Purchaser Information Report form provided by the Owner/Developer (Applicant) and such information is true and correct.

DATED this _____ day of _____, 20_____.

PURCHASER

PURCHASER

Signature

Signature

Printed Name

Printed Name



APPLICATION FOR RECOGNITION AS A SPECIAL CATEGORY TENANT IN A CONDOMINIUM CONVERSION

1. Date prepared: _____
2. Prepared by: _____
3. Tenant Name: _____
4. Address: _____ Phone: _____
5. Household composition (list all household members, including yourself):

	Name	Age	Sex	Relationship
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				

6. Please complete, if you are claiming status as a disabled person. Does any member of the household have a physical, emotional, or mental disability?

Yes No

If yes, please describe the condition, including:

a. Is the condition temporary? Yes No

b. Is the condition permanent? Yes No

c. Does the disability require the use of external aids, such as:

Wheelchair Cane Walker Other, please describe:

d. Are you under a doctor's care? Yes No

e. Do you require another person's assistance? Yes No

f. Does the disability impair your ability to move about without pain?

Yes No

g. Has a government agency made a determination of your condition?

Yes No

h. Please describe the disability and explain whether the disability prevents or makes it difficult to carry out regular activities of daily living, such as housework, shopping, meal preparation, or personal care.

- i. What special housing requirements may be necessary as a result of the disability (such as bath fixtures, ramps, etc.)? Please describe.

7. Using the chart below, please list your gross income (before taxes are taken out) from all sources, such as wages, social security, interest, Veteran's Benefits, child support, etc.). **Note: if tenant qualifies as elderly or disabled, income question (#7) need not be answered.**

Source	Exact Monthly Amount
A. Wages from employment (full or part-time)	\$
- Is employment seasonal or temporary?	<input type="checkbox"/> Yes <input type="checkbox"/> No
- If yes, please explain:	
B. Disability/retirement benefits	
- Social Security	\$
- Veterans Administration Benefits	\$
- Unemployment Insurance	\$
- Workers' Compensation	\$
- Company Retirement	\$
- Other:	\$
C. Investment Income	
- Interest on Savings/Investments	\$
- Rental Income	\$
- Payments from Real Estate Sale	\$
D. Other Sources	
- Educational Grants/Loans	\$
- Assistance from Relatives	\$
- Child Support	\$
TOTAL MONTHLY INCOME	\$

8. General Information:

Name/location of employment: _____

Where do children attend school? _____

Do you depend on public transportation? Yes No

I am aware that the benefits provided to special category tenants in a condominium conversion are based on established eligibility criteria, therefore, I swear/affirm the above statements are true, to the best of my knowledge.

Tenant's Signature

Date

FOR OFFICE USE

Eligibility of Special Category Tenant:

- Approved
- Denied/Disapproved

If Denied/Disapproved – provide reason:

By:

Please print name and title

Signature

Date



REQUEST FOR DETERMINATION OF COMPARABLE HOUSING

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 comparable housing. For more information, please refer to Section 2.1076(2) of the Eugene Code and to Administrative Rule R-1078-G-2.

1. In the event that a dispute arises between the tenant and the Applicant over the status of an offered unit as comparable which cannot be mediated by the Housing Counselor, either the Applicant or tenant may file a Request for Determination of Comparable Housing with the City of Eugene.
2. Ten days following the Request for Determination of Comparable Housing request, the Hearing Officer shall hold a hearing on the request. The determination of the Hearings Officer shall be final.

REQUIRED INFORMATION

The following information or material must be submitted with a Request for Determination of Comparable Housing:

1. Name of condominium or cooperative to be converted:

2. Date of filing request for determination:

3. Name, address, and telephone number of special category tenant or Applicant with whom the dispute is with:

4. Please attach a copy of the completed Comparable Housing Check Sheet which specifically relates to this request.
5. Please attach a copy of the written determination of the Housing Counselor on the status of the units as comparable.



**NOTICE OF APPEAL
CONDOMINIUM CONVERSION 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 Section 2.1066(4) of the Eugene Code, and Administrative Rule R-1078-G-3.

1. The decision of the City Manager unconditionally approving, approving with conditions, or denying a Condominium Conversion Permit may be appealed by any interested person. An "interested person" means the Owner/Developer (Applicant) or any person or entity 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 fourteen 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 ten days after the hearing and 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 condominium/cooperative conversion 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

Printed Name

Address

Address

Telephone Number

Telephone Number

