



COUNCIL ORDINANCE NO. 20573

COUNCIL BILL 5162

**AN ORDINANCE CONCERNING THE RENTAL HOUSING CODE;
AMENDING SECTIONS 8.415, 8.425 AND 8.430 OF THE EUGENE CODE,
1971, AND REPEALING THE SUNSET DATE.**

ADOPTED: January 25, 2017

SIGNED: January 26, 2017

PASSED: 6:2

REJECTED:

OPPOSED: Poling, Clark

ABSENT:

EFFECTIVE: February 26, 2017



ORDINANCE NO. 20573

AN ORDINANCE CONCERNING THE RENTAL HOUSING CODE; AMENDING SECTIONS 8.415, 8.425 AND 8.430 OF THE EUGENE CODE, 1971, AND REPEALING THE SUNSET DATE.

The City Council of the City of Eugene finds as follows:

A. Sections 8.400 through 8.440, and 8.995 of the Eugene Code, 1971, (“the Rental Housing Code”) were adopted by Ordinance No. 20329 on November 22, 2004. Ordinance No. 20329 also provided that the Ordinance and the Rental Housing Code be repealed effective December 31, 2008

B. Since its initial adoption in 2004, the Rental Housing Code sunset date has been extended and its provisions amended. The most recent amendment was adopted by Ordinance No. 20494 on June 11, 2012. The most recent extension was adopted by Ordinance No. 20568 on September 26, 2016, extending the sunset date to March 1, 2017.

C. The Council has determined that the Rental Housing Code sunset date should be removed and that revisions recommended by the Housing Policy Board be incorporated into the Rental Housing Code.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 8.415 of the Eugene Code, 1971, is amended by adding the definitions of “Carbon Monoxide Alarm” and “Carbon Monoxide Source” and by repealing the definition of “Plumbing code” to provide as follows:

8.415 **Rental Housing – Definitions.** For purposes of sections 8.400 through 8.440 of this code, the following words and phrases mean:

Carbon Monoxide Alarm. A device that:

- a. Detects carbon monoxide;
- b. Produces a distinctive audible alert when carbon monoxide is detected;
- c. Conforms to State Fire Marshal rules;
- d. Is listed by Underwriters Laboratories or any other nationally recognized testing laboratory or an equivalent organization; and
- e. Operates as a distinct unit or as two or more single station units wired to operate in conjunction with each other.

Carbon Monoxide Source. A heater, fireplace, appliance or cooking source that uses coal, kerosene, petroleum products, wood or other fuels that emit

carbon monoxide as a by-product of combustion, or an attached garage with an opening that communicates directly with a living space.

Essential Services. Heat, plumbing, hot and cold running water, gas, electricity, light fixtures, locks for exterior doors, latches for windows and any cooking appliance or refrigerator supplied or required to be supplied by the landlord; and any other service or habitability obligation imposed by the rental agreement or ORS 90.320, the lack or violation of which creates a serious threat to the tenant's health, safety or property or makes the dwelling unit unfit for occupancy.

Section 2. Section 8.425 of the Eugene Code, 1971, is amended by adding new subsections (7), (8), (9) and (10), and renumbering current subsection (7) to subsection (11) to provide as follows:

8.425 Rental Housing – Standards.

- (7) Carbon Monoxide Alarms. Every dwelling unit that contains a carbon monoxide source shall be equipped with at least one approved and properly functioning carbon monoxide alarm installed and maintained in accordance with State Fire Marshal rules, applicable requirements of the state building code, and the Oregon Revised Statutes. A dwelling unit that is located within a structure that contains a carbon monoxide source and is connected to the room in which the carbon monoxide source is located by a door, ductwork or a ventilation shaft is considered to contain a carbon monoxide source.
- (8) Electrical.
 - (a) Electrical systems, including electrical outlets, light fixtures and light switches, shall be in good working order.
 - (b) Electrical systems shall conform to applicable law at the time of installation. Repairs must be permanent rather than temporary and shall be through generally accepted electrical methods.
- (9) Appliances. All appliances that are furnished by the landlord, including, but not limited to, refrigerator, range, air conditioner, dishwasher, microwave, clothes washer and dryer, must be in good working order and shall be maintained by the landlord.
- (10) Rats. Every dwelling unit must be maintained free of rats. At a minimum, the landlord must comply with the standards set forth in section 6.015 of this code.
- (11) Interpretations.
 - (a) The city manager is empowered to render interpretations of sections 8.400 through 8.440 of this code.
 - (b) Such interpretations shall be consistent with the purpose of this code.

Section 3. Subsections (2)(d) and (5) of Section 8.430 of the Eugene Code, 1971, are amended to provide as follows:

8.430 Rental Housing – Enforcement.

(2) Complaint.

(d) Complaints shall be processed by the city manager. The city manager shall adopt rules pursuant to section 2.019 of this code that specify the procedure to be followed in processing complaints. Before initiating an investigation under subsection (3) of this section, the city manager shall:

1. Confirm that the complainant has standing to file a complaint;
2. Confirm that the subject of the complaint could be a violation of this code;
3. Except for complaints regarding lack of essential services, confirm that the owner or the owner's agent has had ten days since mailing of the written notice by the tenant to respond to the complaint;
4. For complaints involving lack of essential services, confirm that the owner or owner's agent has had 48 hours from the time the tenant provided written notice to respond to the complaint; and
5. Provide notice to the owner or the owner's agent of the complaint per written procedures.

(5) Notices and Orders.

- (a) For valid complaints, the city manager shall issue an order to the owner or the owner's agent. The notice and order shall include the following:
1. Address and unit number if applicable;
 2. A statement that the city manager has found the premises to be in violation of section 8.425 of this code as alleged in the complaint;
 3. A description of the violation;
 4. A deadline for completing repairs of ten days, unless the city manager determines that:
 - a. Repairs are needed to remedy the lack of essential services. Upon making this determination, the city manager shall fix a deadline for completing the repairs that is reasonable in the circumstances and is within 48 hours from issuance of the notice and order. However, if the city manager determines that the repairs cannot be completed within 48 hours, the owner or owner's agent shall, within 48 hours, submit a compliance schedule acceptable to the city; or

- b. The necessary repairs of non-essential services cannot be completed within the ten day period. If the city manager makes such a determination, the owner or owner's agent shall submit a compliance schedule acceptable to the city within ten days;
- 5. A statement advising the owner or the owner's agent that if the required repairs are not completed by the deadline stated in the notice and order, the city manager may:
 - a. Issue an administrative civil penalty, or initiate a prosecution in municipal court, or both; and
 - b. Initiate action to recover all city costs associated with the processing of the complaint, investigation and the resolution of the issue.
- 6. A statement that the owner or the owner's agent may appeal the notice and order as specified in section 8.435 of this code; and;
- 7. The date after which a reinspection will be scheduled.
- (b) The city manager shall mail the order, and any amended or supplemental notice and order, to the tenant and to the owner or the owner's agent by first class mail. If the complaint involves lack of essential services, the city manager shall provide such notice and order by e-mail, phone, and/or personal delivery.

Section 4. The sunset date of the Rental Housing Code (Sections 8.400 through 8.440, and 8.995 of the Eugene Code, 1971) is removed.

Section 5. The City Manager shall review the City's Rental Housing Code program and report to City Council every three years with the results of the review.

Section 6. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this
25th day of January, 2017.

Approved by the Mayor this
26th day of January, 2017.



City Recorder



Mayor