

NOTICE FOR THE EUGENE REGISTER-GUARD

On Tuesday, June 21, 2022, at 5:30 p.m., the Eugene City Council will conduct a public hearing on the following ordinance:

AN ORDINANCE CONCERNING RENTAL HOUSING AND AMENDING SECTIONS 8.405, 8.415, 8.425, 8.430, AND 8.440 OF THE EUGENE CODE, 1971.

As our state and community recover from the COVID-19 pandemic, this public hearing will be held in-person and remotely using virtual meeting technology. Information about online or other options for participation will be available by 5 p.m. on June 17, 2022, at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>. Written testimony may be sent to mayorcouncilandcitymanager@eugene-or.gov or to Eugene City Manager's Office, 101 West 10th Avenue, Suite 203, Eugene, OR 97401. Written testimony must be received by Tuesday, June 21, 2022, at 5 p.m.

This ordinance is posted on the City of Eugene website at <http://www.eugene-or.gov> and is also available by calling the City Manager's Office at 541-682-5010.

Notice posted on Wednesday, June 1, 2022.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING RENTAL HOUSING AND AMENDING SECTIONS 8.405, 8.415, 8.425, 8.430, AND 8.440 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 8.405 of the Eugene Code, 1971, is amended to provide as follows:

8.405 Rental Housing – Purpose.

The purpose of this City Rental Housing Code is to provide minimum habitability criteria to safeguard health, property and public wellbeing of the owners, occupants and users of rental housing and is intended to supplement rather than conflict with ~~the habitability standards of~~ the State of Oregon Residential Landlord and Tenant Act.

Section 2. Section 8.415 of the Eugene Code, 1971, is amended by adding the definitions of “Applicant Screening Charge”; “Landlord”; “Security Deposit”; “Tenant”; and “Tenant Support Services” 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:

Applicant Screening Charge. Any payment of money required by a landlord of an applicant prior to entering into a rental agreement with that applicant for rental housing, the purpose of which is to pay the cost of processing an application for a rental agreement for rental housing.

Landlord. The owner, lessor, or sublessor of the rental housing. “Landlord” includes a person who is authorized by the owner, lessor, or sublessor to manage the rental housing or to enter into a rental agreement.

Security Deposit. A refundable payment or deposit of money, however designated, the primary function of which is to secure the performance of a rental agreement or any part of a rental agreement.

Tenant. A person entitled under a rental agreement to occupy rental housing to the exclusion of others.

Tenant Support Services. Services provided to tenants of rental housing, such as, but not limited to: tenant hotline; eviction diversion; support for ex-offenders and other individuals with similar challenges who are struggling to qualify for rental housing; and support for tenants seeking rental housing that is accessible to and usable by persons with disabilities.

Section 3. Section 8.425 of the Eugene Code, 1971, is amended by amending the Section heading, adding new subsections (11), (12), (13), (14) and (15), and renumbering subsection (11) to subsection (16) to provide as follows:

8.425 Rental Housing – Standards and Protections.

(11) Documentation of Condition of Rental Housing.

(a) Prior to the date a tenant begins to occupy rental housing the landlord shall provide the tenant with documentation of the condition of the rental housing and receive written confirmation from the tenant that the tenant has received and reviewed the documentation.

(b) At the same time that a landlord provides a written accounting required by ORS 90.300, stating the basis of a claim for all or any part of a security deposit, the landlord must provide documentation of the condition of the rental housing, as well as a written statement describing the condition or damage the landlord believes justifies the landlord's refusal to refund the full security deposit, to the individual to whom the security deposit would otherwise be due pursuant to the rental agreement.

(c) Documentation of the condition of rental housing required by this section shall include at least the following information:

(1) Photo documentation showing the condition of the rental housing, including the condition of any appliances provided for use by tenants; and

(2) A written statement describing the condition of the rental housing, including the condition of any appliances provided for use by tenants, and noting any damage.

(12) References. Within five business days of receipt of a tenant's written request, the tenant's landlord shall provide the tenant with a reference utilizing a form approved by the city manager.

(13) Tenant Educational Information. At the time a rental agreement is executed, the landlord shall provide each tenant who is a party to the rental agreement a document, in a form approved by the city manager, that includes at least the following information:

(a) The rights and obligations of landlords and tenants related to termination of a tenancy; and

(b) Information about the requirements of this City Rental Housing Code.

(14) Maximum Applicant Screening Charge. The amount of any applicant screening charge may not exceed the amount of an applicant screening charge allowed by ORS 90.295 or \$10.00, whichever is less.

(15) The city manager may adopt administrative rules pursuant to section 2.019 of this code for implementation of this section 8.425.

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

8.430 Rental Housing – Enforcement.

(2) *Complaint.*

- (a) A complaint must be in writing and may be filed in person or by mail or fax.
- (b) A person who files a complaint must be:
 - 1. A party to the current rental agreement covering the property in question or an agent of the party;
 - 2. For alleged violations of EC 8.425(14), an individual who has paid an applicant screening charge or an agent of that individual.
- (c) A complaint must include the following:
 - 1. Name of person filing the complaint and, if different, the name of the affected tenant. Complaints may not be submitted anonymously;
 - 2. Name of the owner or the owner's agent;
 - 3. Address of the dwelling unit with the alleged violation;
 - 4. A complete description of the alleged violation; and
 - 5. A copy of the written notice of the alleged code violation that has been sent by the tenant to the owner or the owner's agent.
- (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 a~~ violation of section 8.425 of this code as alleged in the complaint;
3. A description of the violation;
4. A deadline of ten days for remediating the violation, including completing completion of any 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 n~~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~~the violation is not remedied 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. If repairs are required to remedy the violation, ~~t~~he 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 5. Subsection (2) of Section 8.440 of the Eugene Code, 1971, is amended to provide as follows:

8.440 Rental Housing – Registration and Fees.

(2) ~~For the purpose of offsetting the costs to the city associated with the enforcement of this code,~~ the city manager, using the process contained in section 2.020 of this code, shall set a fee for each dwelling unit covered by a rental agreement. [The revenues generated by the fee shall be used for the purpose of offsetting the costs to the city associated with the enforcement of this code and costs associated with providing services to tenants and owners and managers of rental housing, including but not limited to: a rental housing navigator position, rental housing data collection, and tenant support services.](#)

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
___ day of _____, 2022

Approved by the Mayor this
___ day of _____, 2022

City Recorder

Mayor