

**ADMINISTRATIVE ORDER NO. 53-24-02**  
**of the**  
**City Manager of the City of Eugene**

**REGARDING THE OPPORTUNITY TO COMMENT ON A PROPOSAL TO  
AMEND RENTAL HOUSING CODE ADMINISTRATIVE RULE R-8.430.**

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

**A.** Sections 2.019 and 8.425 of the Eugene Code, 1971, authorize the City Manager to adopt Rules for administration of provisions of the City’s Rental Housing Code. Pursuant to that authority, on July 7, 2005, Administrative Order No. 53-05-02-F was issued adopting the City’s Rental Housing Code Administrative Rule R-8.430, which has subsequently been amended, most recently on October 11, 2022, by Administrative Order No. 53-22-05-F.

**B.** It is necessary to amend Rental Housing Code Administrative Rule R-8.430 to align the requirements of the Rule with the changes made to the Rental Housing Code by Ordinance No. 20694. The Rule provides clarity on documentation, security deposits, application processing, relocation assistance, termination of tenancy, and enforcement.

**THEREFORE**, I propose that Rule R-8.430 be amended as set forth below, and I order that a Notice of the intended Rule amendments substantially conforming to the Notice attached as Exhibit A to this Order, shall be:

1. Made available to any person who has requested such notice;
2. Made available to any business which possesses a license issued pursuant to this Rule; and
3. Published in the Register Guard Newspaper for at least five days.

**PROPOSED AMENDMENTS TO  
RENTAL HOUSING CODE ADMINISTRATIVE RULE R-8.430**

(Proposed additions to current Rule are indicated in blue underline;  
deletions are indicated in ~~red strikethrough~~.)

**R-8.430-A Definitions.**

As used in these rules and in Sections 8.400 through 8.440 of the Eugene Code, words and phrases have the meaning set forth in Section 8.415 of the Eugene Code, 1971 (“EC”) and this section R-8.430-A.

*Advertised or Rented to the General Public* means a notice posted or otherwise made available to the general public, whether online, in a hard copy publication, or on a posted sign.

*In Writing* means a written communication of any type, including emails and text messages.

*Landlord's Principal Residence* means the primary dwelling a landlord inhabits. It is the dwelling unit that is physically occupied and used for overnight sleep by the landlord more than any other dwelling unit.

*Triggering Event* means issuance of termination notice for a rental agreement by a landlord for any of the following reasons: without cause during the first year of tenant occupancy as provided in ORS 90.427; because the landlord has a qualifying reason for termination under ORS 90.427; issuance of a rent increase notice for a rent increase equal to the maximum annual rent increase percentage as set by the State of Oregon pursuant to ORS 90.324; declining to renew or replace an expiring rental agreement (which includes declining to renew or replace an expiring rental agreement on substantially the same terms).

**R-8.430-B Registration.**

1. The owner, or the owner's agent, shall register every dwelling unit subject to the City's Rental Housing Code as required by EC 8.440. The registration form shall be provided by the City, and multiple units under the same ownership may be included on one form.

2. The registration form shall include:

(a) The names and addresses of all owners of the building or unit, and the name and address of the owner's agent, if applicable;

(b) The address of the rental unit, or of the building, if it includes multiple rental units;

(c) The total number of rental units if the building contains multiple units;

(d) The mailing address for the owner(s), and the owner's agent, if different than the information provided in (a) above;

(e) The telephone number(s) or other information for contacting the owner(s) and the owner's agent;

(f) The identifier of any unit exempt from the registration fee requirement under EC 8.440(3), together with documentation that supports the exemption; and

(g) The name and address of the owner's agent for service if the owner(s) does not reside within 75 miles of the Eugene City limits. The appointed agent must reside or have a principal place of business within 75 miles of the Eugene City limits.

3. The registration form shall be submitted within 30 days of the date of the establishment of a rental unit, change of ownership of a rental unit, or change in the number of units available for rent. The fee established by Administrative Order of the City Manager for each rental unit not exempt under EC 8.440(3), shall be payable by the owner or owner's agent within the time and in the manner provided in the payment notice.

**R-8.430-C Applicability of Standards.**

1. The standards in EC 8.425 apply to all rental housing located within the Eugene city limits, unless exempt under EC 8.410(2).

2. Although the following types of units are exempt from the requirement to pay the registration fee under EC 8.440(3), they are subject to compliance with the standards of EC 8.425 and the registration requirements of R-8.430-B:

(a) A rental unit with a recorded deed restriction requiring the unit to be rented affordably to households at or below 60 percent of the Area Median Income; and

(b) A rental unit that has been approved by the City for an exemption from property taxes pursuant to EC 2.910 to 2.922 and 2.937 to 2.940 for the duration of its exemption, or that is recognized by the City as exempt from property taxes pursuant to ORS 307.092.

**R-8.430-D Documentation, References and Tenant Information.**

1. The documentation of the condition of rental housing required by EC 8.425(11) shall include photo or video documentation showing the condition of the rental housing, including the condition of any appliances provided for use by tenants, and 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. [This information is to be given to the tenant by the landlord.](#)

(a) The photo or video documentation shall include images and/or video footage of each room in the dwelling that, separately or together, show each wall and the ceiling and floor of each room in the dwelling. The photo or video documentation shall also include images of any exterior components of the dwelling that the tenant is responsible for maintaining. Additionally, landlords shall provide images or video footage of the outside and inside of each appliance in the dwelling provided for use by tenants. Images and/or video footage required by EC 8.425(11)(a) and this section may not be taken more than 30 days prior to the beginning of the lease. Images and/or video footage required by EC 8.425(11)(b) and this section must be taken within 31 days after the tenancy terminates. Landlords may provide tenants with physical copies of the images required by EC 8.425(11) and this section or may provide the images electronically.

(b) The written statement shall describe each room of the dwelling noting the condition of floors, walls, windows, ceilings, fixtures, cabinets, locks, smoke detectors, and appliances. The written statement shall also include a description of the condition of any exterior components of the dwelling that the tenant is responsible for maintaining. The City will make available a form that landlords may choose to use in order to comply with the requirements of EC 8.425(11) and this section.

2. The reference form required by EC 8.425(12) shall be created and updated by [Ceity](#) staff and shall be made available to landlords on the City's website.

3. The tenant informational materials required by EC 8.425(13) shall be created and updated by [Ceity](#) staff and shall be made available to landlords on the City's website.

### **R-8.430-E Security Deposit**

1. If a landlord requires a security deposit, the required security deposit must be consistent with EC 8.425(15).

2. A landlord must provide a receipt to the tenant within 10 days of receiving a security deposit payment.

3. If a landlord requires an additional deposit as outlined in EC 8.425(15)(c) for an application the landlord could have denied pursuant to ORS 90.304, the landlord shall provide the tenant a written explanation no later than the time the landlord accepts the application on the condition of an additional security deposit stating the reason the landlord could have denied the application pursuant to ORS 90.304 and detailing the reasons for the additional deposit.

### **R-8.430-F Application Processing**

1. If a landlord receives multiple applications at the same time (e.g. via email, website, drop box on-site) and cannot reasonably determine the actual order of receipt, the landlord may develop and apply a reasonable process for determining order of receipt. The process must be: a) in writing and provided to the applicant for review upon request by an applicant; and b) uniformly applied by the landlord during the Open Application Period.

2. Meaningful Access. “Meaningful access” as used in EC 8.425(16)(f) means time for an applicant with limited English proficiency to use or obtain language assistance services to communicate effectively with the landlord and/or to complete the application.

(a) An advertisement for the availability of a dwelling unit must include information on how an applicant may request up to 24 hours of additional time for meaningful access to the rental application for that dwelling unit.

(b) A request for additional time for meaningful access to a rental application must be submitted to the landlord in writing by either the applicant or an agent of the applicant.

(c) A landlord is not required to provide translation or interpretation services to an applicant.

3. If an applicant requests in writing or by phone the position of their application in line for a particular dwelling unit, the landlord must notify the applicant of the applicant’s position in line within 48 hours of the request.

4. If a landlord offers tenancy to a qualified applicant and the applicant does not accept the offer within 48 hours, the landlord may, but is not required to, give the applicant additional time before offering tenancy to the next qualified applicant as provided in EC 8.425(16)(h).

5. If a landlord refuses to process an application because it is materially incomplete, the landlord must notify the applicant in writing within 48 hours of deeming the application

incomplete. The notification to the applicant must inform the applicant that their application will not be processed and must state what made the application materially incomplete.

6. If a landlord refuses to process an application because the application was submitted by an applicant who has violated a rental agreement with the landlord three or more times during the 12-month period preceding the date of the application, the landlord must notify the applicant in writing within 48 hours that their application will not be processed and provide documentation of the violations.

### **R-8.430-G Relocation Assistance – Notices & Payments.**

1. The description of tenants’ relocation assistance rights and obligations required by EC 8.425(17) and this administrative order shall be created and updated by city staff and shall be made available to landlords on the City’s website. A landlord who is required to provide the relocation assistance rights and obligations document to tenants by EC 8.425(17) and/or this administrative order must use the most recent version of the document available on the City’s website. Alternatively, a landlord may request the most recent version of the document from city staff.

#### **2. 90 Day Termination Without Cause or for a Landlord Qualifying Reason**

(a) The 90-day written termination notice required by EC 8.425(17)(a)2. shall be delivered to the tenant by first class mail, personal delivery, or by email and the following information must be included in or attached to the notice:

- (1) The date of the notice.
- (2) The delivery method of the notice.
- (3) The reason for termination of the rental agreement.

(4) Whether the landlord is required to pay state relocation assistance pursuant to ORS 90.427 and, if so, the state relocation assistance amount, and that the amount paid for state relocation assistance will be deducted from the City relocation assistance payment amount.

(5) The tenant’s rights and obligations document described in subsection 1 of this section R-8.430-G.

(b) The relocation assistance payment required by EC 8.425(17)(a)3. shall be paid directly to a tenant listed on the rental agreement. The tenant and landlord must agree on one of the following payment methods:

- (1) A cashier’s check delivered by first-class mail or hand-delivered.
- (2) A traceable electronic payment method such as a cash app or an electronic bank transfer.
- (3) A cash payment with a receipt.

### **3. Fixed-term Rental Agreement**

(a) The 90-day fixed term rental agreement expiration written reminder notice required by EC 8.425(17)(b)1. shall be delivered to the tenant by first class mail, personal delivery, or email, and the following information must be included in or attached to the notice:

- (1) The date of the notice.
- (2) The delivery method of the notice.
- (3) The date the fixed term rental agreement expires.

(4) A written statement informing the tenant that in order to be eligible to receive relocation assistance, the tenant must provide the landlord with a written notice of the tenant's desire to renew the fixed term rental agreement at least 60 days prior to the specified end of the fixed term rental agreement pursuant to EC 8.425(17)(b)2.

(5) The deadline by which the tenant must provide the landlord with a written notice of the tenant's desire to renew the fixed term rental agreement.

(6) The tenant's rights and obligations document described in subsection 1 of this section R-8.430-G.

(b) The 60-day tenant written notice required by EC 8.425(17)(b)2. shall be delivered to the landlord by first class mail, personal delivery, or email, and the following information must be included in or attached to the notice:

- (1) The date of the tenant's notice.
- (2) A statement expressing the tenant's desire to renew the fixed term rental agreement.

(c) If a tenant provides a written notice to the landlord requesting to renew the fixed term rental agreement and the landlord declines to renew the fixed term rental agreement or conditions the renewal on the tenant's agreement to a substantial change to the rental agreement (except for rent increases allowed by state law), the landlord's 30-day written notice to the tenant declining to renew the rental agreement shall be delivered to the tenant by first class mail, personal delivery, or email and the following information must be included in or attached to the notice:

- (1) The date of the notice.
- (2) The delivery method of the notice.

(d) The relocation assistance payment for declining to renew a fixed term lease required by EC 8.425(17)(b)3. shall be paid directly to a tenant listed on the rental agreement. The tenant and landlord must agree on one of the following payment methods:

(1) A cashier's check delivered by first-class mail or hand-delivered.

(2) A traceable electronic payment method such as a cash app, or an electronic bank transfer.

(3) A cash payment with a receipt.

(e) If the landlord agrees to renew the fixed term rental agreement on substantially the same terms as provided in EC 8.425(17)(b)3.b., the 30-day written notice to the tenant agreeing to renew the rental agreement shall be delivered to the tenant by first class mail, personal delivery, or email, and the following information must be included in or attached to the notice:

(1) The date of the notice.

(2) The delivery method of the notice.

(3) A statement that the landlord agrees to renew the rental agreement on substantially the same terms.

(4) A copy of the renewal rental agreement for signature by the tenant.

#### **4. Rent Increase**

(a) The 90-day rent increase written notice required by EC 8.425(17)(c)1 shall be delivered to the tenant by first class mail, personal delivery, or by email, and the following information must be included in or attached to the notice:

(1) The date of the notice.

(2) The delivery method of the notice.

(3) The maximum annual rent increase percentage allowed by the State of Oregon pursuant to ORS 90.324.

(4) The tenant's rights and obligations document described in subsection 1 of this section R-8.430-G.

(b) The tenant written notice provided to the landlord pursuant to EC 8.425(17)(c)2. requesting relocation assistance in response to a rent increase notice shall be delivered to the landlord by first class mail, personal delivery, or email within 30 days of the rent increase notice and must include:

- (1) The date of the notice.
- (2) The delivery method of the notice.
- (3) A statement requesting relocation assistance due to the rent increase.

(c) The tenant written notice of termination required by EC 8.425 (17)(c)4.a. shall be delivered to the landlord by first class mail, personal delivery or by email within 45 days of receipt of the relocation assistance payment. The tenant termination notice must include the following information:

- (1) The date of the notice.
- (2) The delivery method of the notice.
- (3) The move out date.
- (4) The tenant's name and address.

(d) The relocation assistance payment required by EC 8.425(17)(c)3. shall be paid directly to a tenant listed on the rental agreement. The tenant and landlord must agree on one of the following payment methods:

- (1) A cashier's check delivered by first-class mail or hand-delivered.
- (2) A traceable electronic payment method such as a cash app, or an electronic bank transfer.
- (3) A cash payment with a receipt.

#### **R-8.430-H Relocation Assistance – Payment Reporting**

Reports of relocation assistance payments required by EC 8.425(17)(e) shall be made online or in-person on a form created and updated by City staff and available to landlords on the City's website that includes at least the following information associated with the relocation assistance payment:

- (1) The name of the tenant who received the relocation assistance payment.
- (2) The address of the dwelling unit.
- (3) The type of dwelling unit (for example, detached single-unit dwelling, duplex, apartment, ADU).
- (4) The number of bedrooms in the dwelling unit.



- (5) The number of tenants in the dwelling unit.
- (6) The type of rental agreement (for example, fixed-term or month-to-month)
- (7) If the rental agreement is for a fixed-term, the specified ending date in the rental agreement.
- (8) The date the tenancy began.
- (9) The amount of monthly rent for the dwelling unit.
- (10) The name, mailing address, and email for the person or entity who made the relocation assistance payment to the tenant.
- (11) The number of rental units owned by the landlord.
- (12) The event that triggered the relocation assistance payment.
- (13) If state-required relocation assistance was paid, the amount and date of the state-required relocation assistance payment to the tenant.
- (14) The amount of the city relocation assistance payment.
- (15) The date the city relocation assistance payment was made.

#### **R-8.430-I Relocation Assistance – Exemptions & Notices.**

##### **1. Exemption Reporting to the City**

The exemption notices the landlord is required to submit to the City by EC 8.425(17)(g)5. shall be submitted online or in-person on a form created and updated by city staff and available to landlords on the City’s website that includes at least the following information for the dwelling unit that is exempt from relocation assistance:

- (a) The address of the dwelling unit.
- (b) The type of dwelling unit (for example, detached single-unit dwelling, duplex, apartment, ADU).
- (c) The type of rental agreement (for example, fixed-term, month-to-month, week-to-week).
- (d) If the rental agreement is for a fixed-term, the specified ending date in the rental agreement.
- (e) The date the tenancy began.

(f) The property owner's first and last name, legal entity name (if applicable), email, phone number, address of principal residence and/or principal place of business, and mailing address (if different).

(g) If the landlord uses a property management company or other landlord agent to communicate with tenants, the name, phone number, and email of the landlord's agent.

(h) The exemption in EC 8.425(f) that the landlord believes applies.

(i) Whether the individual completing the form is the property owner or the property owner's agent.

(j) The date and method by which the landlord delivered the exemption notice required by EC 8.425(g) to the tenant and whether the exemption notice was included in the rental agreement or as a separate notice. A copy of the exemption notice provided to the tenant pursuant to EC 8.425(17)(g)1. through 4.

(k) An electronic or wet signature of the landlord or a person legally authorized to act on behalf of the landlord.

2. The following information must be included in exemption notices provided to tenants pursuant to EC 8.425(17)(g)1. through 4.:

(a) Notices of exemptions pursuant to EC 8.425(17)(f)2. through 4. must include the date the landlord began to occupy the lot or parcel as the as the landlord's principal residence.

(b) Notices of exemptions pursuant to EC 8.425(17)(f)5. or 6. must include the date the landlord began to occupy the dwelling unit as their principal residence and the date the landlord intends to return and reoccupy the dwelling unit as the landlord's principal residence.

(c) Notices of exemptions pursuant to EC 8.425(17)(f)8. must include a Notice of Eligibility for Uniform Relocation Act (URA) Relocation Assistance as required by the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(d) Notices of exemptions pursuant to EC 8.425(17)(f)9. must include documentation that the dwelling unit is immediately uninhabitable not due to the action or inaction of the landlord or tenant.

(e) Notices of exemptions pursuant to EC 8.425(17)(f)10. must include a copy of the notice of an accepted demolition permit application provided by the City.

(f) Notices of exemptions pursuant to EC 8.425(17)(f)11. must include a copy of the executed rental agreement where the landlord's intent to sell or permanently convert the dwelling unit to a use other than as a dwelling unit is a term of the rental agreement.

## R-8.430-J Termination of Tenancy/Eviction Reporting

1. The termination of tenancy reports required by EC 8.425(18) must be submitted to the City by the landlord online or in-person on a form created and updated by city staff and available to landlords on the City's website that includes at least the following information associated with the terminated tenancy:

- (a) The address of the dwelling unit.
- (b) The type of dwelling unit (for example, detached single-unit dwelling, duplex, apartment, ADU).
- (c) The number of bedrooms in the dwelling unit.
- (d) The number of tenants whose tenancy was terminated.
- (e) The type of rental agreement (for example, fixed-term, month-to-month).
  - (1) If the rental agreement is for a fixed-term, the specified ending date in the rental agreement.
- (f) The date the tenancy began.
- (g) The property owner's first and last name, legal entity name (if applicable), email, phone number, and mailing address.
- (h) The Property Management company, phone number, and email. (If applicable).
- (i) The delivery method of the landlord's termination notice to the tenant.
- (j) The termination date given in the notice.
- (k) The date the tenant moved into the dwelling unit.
- (L) The date the tenant moved out of the dwelling unit.
- (m) The type of termination (e.g. for-cause for non-payment of rent, without cause, landlord-based reason of selling the unit, etc.).
- (n) The type of eviction notice (90-day notice, 30-day notice, 10-day notice, 24-hour notice, or other).
- (o) The court case number, if the landlord filed a residential eviction complaint (Forcible Entry and Detainer (FED)) with the court.
- (p) Whether or not the landlord engaged in any negotiation and, if so, with/without a mediator.

(q) A copy of a termination notice required to be submitted to the City by EC 8.425(18)(a) shall be uploaded online at the time the landlord submits the termination report or submitted in person along with the completed termination reporting form.

2. A termination report required by EC 8.425(18)(a) must be submitted to the City within 30 days of delivery of possession of the dwelling by the tenant.

### **R-8.430-K Complaint Procedure.**

1. Except as provided in section 2 below, at least ten (10) days prior to filing a complaint with the City, a person authorized to file a complaint by EC 8.430(2)(b), and~~tenant or the tenant's agent~~ who believes a violation of the City's Rental Housing Code exists shall provide a written notice of the alleged violation to the owner or the owner's agent, as required by EC 8.430(2). The notice shall be mailed by first class mail, ~~or~~ hand delivered, or emailed, to the owner or the owner's agent.

2. At least 48 hours prior to filing a complaint with the City, the following individuals shall e-mail, mail by first class mail, or hand deliver a written notice of an alleged violation to the owner or the owner's agent, as required by EC 8.430(2):

(a) In the case of a complaint regarding lack of essential services, a tenant or the tenant's agent.

(b) In the case of a complaint regarding a violation of EC 8.425(14), the individual who paid the applicant screening charge or that individual's agent.

(c) In the case of a complaint regarding a violation of EC 8.425(15), the individual who has paid a security deposit or an agent of that individual.

(d) In the case of a complaint regarding a violation of EC 8.425(16), the individual who submitted a rental housing application or an agent of that individual.

3. In the case of a complaint regarding a violation of EC 8.425(18), the written notice required by R-8.430-K may not be provided to a landlord by an individual who was a party to a rental agreement that is the subject of the notices required by EC 8.425(18), or by that individual's agent, until at least 30 days after the individual has vacated the dwelling unit.

~~3.4.~~ If the owner fails to respond to the ~~tenant or tenant's agent~~ written notice as required in sections 1 and 2 above, ~~or in the case of a complaint regarding a violation of EC 8.425(14), the individual who paid the applicant screening charge or that individual's agent,~~ within the applicable period identified in sections 1 or 2, the ~~tenant or tenant's agent, or in the case of a complaint regarding a violation of EC 8.425(14), the individual who paid the applicant screening charge or that individual's agent~~ individual, may file a complaint with the City. ~~The~~ A complaint ~~shall~~ may be made by phone, email, mail, or in person ~~in writing~~ and shall contain all of the following information:

(a) Name and address of the complainant;

- (b) Mailing address of the complainant, if different than the address provided pursuant to (a) above;
- (c) Telephone number(s) and/or e-mail address at which the complainant can be reached;
- (d) The address at which the alleged code violation(s) exists, if applicable;
- (e) A description of the alleged code violation(s); and
- (f) The date on which written notice of the alleged code violation was e-mailed, mailed, or personally delivered to the owner or the owner's agent.

**54.** Except as provided in [sections 6 through 10](#)~~section 5~~ below, the complainant shall submit with the complaint a copy of the written notice provided to the owner and copies of an identification card, bill, rental agreement, or other items that demonstrate that the tenant is [or was](#) a party to a rental agreement at the address identified in the complaint.

**6.5.** In the case of a complaint regarding a violation of EC 8.425(14), the individual who paid the applicant screening charge, or that individual's agent, shall submit with the complaint a copy of the written notice provided to the owner and information showing that the individual paid an applicant screening charge that exceeds the amount allowed by EC 8.425(14).

**7.** [In the case of a complaint regarding a violation of EC 8.425\(15\), the complainant shall submit with the complaint a copy of the written notice provided to the owner and information showing that the landlord required a security deposit that exceeds the amount allowed by EC 8.425\(15\).](#)

**8.** [In the case of a complaint regarding a violation of EC 8.425\(16\), the complainant shall submit with the complaint a copy of the written notice provided to the owner and information showing that a rental housing application was submitted as well as evidence demonstrating that the application was not processed as required by EC 8.425\(16\), such as the date/time stamp provided by the landlord.](#)

**9.** [In the case of a complaint regarding a violation of EC 8.425\(17\), the complainant shall submit with the complaint a copy of the written notice provided to the owner and information showing that the tenant is eligible to receive relocation assistance \(such as a copy of the termination notice and any correspondence between the owner or the owner's agent and the complainant regarding the termination of tenancy\) as required by EC 8.425\(17\).](#)

**10.** [In the case of a complaint regarding a violation of EC 8.425\(18\), the complainant shall submit with the complaint a copy of the written termination of tenancy notice showing that the complainant is the subject of the notice, as required by EC 8.425\(18\).](#)

**116.** The City Manager shall review the complaint and documentation -and shall provide written notice of the complaint to the owner or the owner's agent upon a determination that:

- (a) The complainant has standing to file the complaint;

(b) The alleged violation could constitute a violation of the City's Rental Housing Code; and

(c) The owner failed to respond within the applicable period identified in sections 1 and 2 above.

~~12.7. Within ten (10) business days of the date the~~ When a complaint is filed with the City, ~~and subsequent to mailing the notice under~~ the City Manager shall provide the written notice required by section 611 above, the City Manager and shall initiate an investigation of any complaint found to be a potentially valid complaint unless prior to that time the complaint is withdrawn in writing by the complainant. If the investigation results in a determination that the complaint is not valid, the City Manager shall notify all parties of that determination and the case shall be closed.

~~13—8.~~ If the investigation results in a determination that the complaint is valid, the City Manager shall issue a written order that includes the following:

(a) The complete address where the alleged violation has occurred;

(b) A statement that the City Manager has found a violation of EC 8.425, and a detailed description of the violation(s);

(c) Except as provided in subsections (d) and (e) below, a requirement that the owner remedy the violation, including completion of any required repairs, within ten (10) days from the date of the order, unless the City Manager determines the repairs or remedy cannot be completed within that period of time, in which case the owner or owner's agent shall, within the ten (10) day period, submit a compliance schedule for completion of the repairs or remedy that is acceptable to the City Manager;

(d) When the City Manager determines that repairs are needed to remedy a lack of essential services, a requirement that the owner complete the required repairs within 48 hours of issuance of the order, unless the City Manager determines the repairs cannot be completed within that period of time, in which case the owner or owner's agent shall, within the 48 hour period, submit a compliance schedule for completion of the repairs that is acceptable to the City Manager;

(e) When the City Manager determines that a remedy for a violation of EC 8.425 (14), (15), or (16) is required, the owner must complete the required remedy within 48 hours of issuance of the order.

~~(f)~~<sup>(e)</sup> A statement advising the owner or owner's agent that if the violation is not remedied by the deadline stated in the order, the City Manager may:

(1) Issue an administrative civil penalty, or initiate prosecution in municipal court, or both; and

(2) Initiate action to recover all city costs associated with the processing of the complaint, investigation and the resolution of the issue;

(g) A statement advising the owner of the right to appeal the notice and order, and the procedure for doing so; and

(h) If repairs are required to remedy the violation, the date after which a reinspection will be scheduled to determine compliance.

**149.** The City Manager shall mail the order by first class mail to the owner or the owner's agent, and to the tenant and complainant. If the complaint involves a lack of essential services, the City Manager shall also provide the order by e-mail, phone, and/or personal delivery.

**R-8.430-LF Appeal.**

The owner or owner's agent upon whom an order is served under EC 8.430, against whom an administrative civil penalty is imposed, or against whom other enforcement action taken under the City Rental Housing Code, shall have the right to appeal within the time and manner provided in EC 2.021. The appeal shall be accompanied by the required Appeal Fee.

**R-8.430-MG Determination of Amount of Administrative Civil Penalty.**

**1.** If an administrative civil penalty is imposed for failure to comply with the notice and order issued pursuant to EC 8.430(5), the amount to be assessed shall be determined in accordance with the following formula:

(a) The dollar amount of the penalty per day per violation is calculated by multiplying the amount of the BASE (subsection (b)) by \$20. Notwithstanding this formula, the maximum assessment for a violation per day shall be \$2,000.

(b) The BASE is the sum of "E" and "P" where:

(1) "E" is the effort made by the owner or the owner's agent in taking all feasible steps necessary and appropriate to correct the violation. The value of "E" shall be:

a. 1, if the owner or owner's agent has made an active attempt to correct the violation.

b. 3, if the owner or owner's agent has made minor attempts to correct the violation.

c. 5, if the owner or owner's agent has taken little or no action to correct the violation.

(2) "P" is the frequency of prior violations of ordinances, rules, orders or permits attributed to the owner or owner's agent. The value of "P" is based on prior similar violations as verified as valid, regardless of whether enforcement action was taken. For the purposes of this rule, similar violations shall be violations of Chapter 8 of the Eugene Code, 1971, and rules, orders and permits issued under or related to that Chapter. The value of "P" shall be:

a. 5, if the present violation is the first violation by the owner or the owner's agent, within 24 months of the date of issuance of the notice.

b. 20, if the present violation is the second violation by the owner or the owner's agent, with 24 months of the date of issuance of the notice.

c. 35, if the present violation is the third violation by the owner or the owner's agent within 24 months of the date of issuance of the notice.

d. 50, if the present violation is the fourth or subsequent violation by the owner or the owner's agent within 24 months of the date of issuance of the notice.

**R-8.430-NH Penalty.**

Pursuant to EC 8.995, failure to comply with a notice and order issued under EC 8.430(5) shall be subject to the imposition of an administrative civil penalty under EC 2.018, computed as set forth in R-8.430-FM above, and/or a fine imposed by the Eugene Municipal Court in an amount not to exceed \$250 per violation. Each day a violation exists constitutes a separate violation for which an additional penalty may be assessed.

**Dated this 24th day of January, 2024.**



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**Sarah Medary**  
**City Manager**



**NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED AMENDMENT OF  
THE EUGENE RENTAL HOUSING CODE ADMINISTRATIVE RULE R-8.430.**

Pursuant to Section 2.019 of the Eugene Code, 1971, the City Manager is proposing to amend the Rental Housing Code Administrative Rule R-8.430 to align the requirements of the Rule with the changes made to the Rental Housing Code by Ordinance No. 20694.

The principal document prepared by or relied upon by the City in considering the need for and in preparing this Rule is Ordinance No. 20694, which may be viewed via the following link: <https://eugene.municipal.codes/enactments/Ord20694/media/original.pdf>.

The proposed Rule amendments may be reviewed at the Planning and Development Department, 99 West 10<sup>th</sup> Avenue, Eugene, Oregon, Monday through Friday between the hours of noon and 4 p.m. or on the City of Eugene's website at <https://www.eugene-or.gov/520/Administrative-Order>.

Comments on the proposed Rules should be submitted in writing to Dana Bernard, Senior Program Coordinator, 99 W. 10th Ave., Eugene, Oregon, 97401, or via e-mail to [DBernard@eugene-or.gov](mailto:DBernard@eugene-or.gov). To be considered, written and e-mail comments must be received within 15 days of the first date of publication as indicated below. If the City Manager chooses to take action after considering the comments received, the proposed or modified rule will be adopted by administrative order.

**Sarah Medary, City Manager**

**Dates of Publication:** January 29, 30, and 31, and February 1 and 2, 2024.