



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

December 7, 2016

12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall
125 East 8th Avenue
Eugene, Oregon 97401

Meeting of December 7, 2016;
Her Honor Mayor Kitty Piercy Presiding

Councilors

Greg Evans, President
George Brown
George Poling
Claire Syrett

Alan Zelenka, Vice President
Mike Clark
Chris Pryor
Betty Taylor

12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall, 125 East 8th Avenue

A. WORK SESSION
Fireworks

B. WORK SESSION
Rental Housing Code

City Council President: *I move to direct the City Manager to prepare an ordinance removing the Rental Housing Code sunset date; revising Rental Housing Code provisions to incorporate recommendations from the Housing Policy Board; and to schedule a public hearing on the ordinance for January 17, 2017, and to schedule action on January 23, 2017.*

Call for vote.

Adjourn.

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at ***www.eugene-or.gov***.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Fireworks

Meeting Date: December 7, 2016
Department: Fire
www.eugene-or.gov

Agenda Item Number: A
Staff Contact: Fire Chief Joe Zaludek
Contact Telephone Number: 541-682-7115

ISSUE STATEMENT

City Council has requested information to consider a complete ban of fireworks with exceptions for professional event displays and within designated locations in Eugene. Impacts from the pervasive use of fireworks include the risk of injuries and property damages from fires, and the noise generated from them disrupts the quality of life for animals, senior citizens, military veterans, refugees, and community members at large. The purpose of this work session is to provide City Council with information to consider a ban on the use of fireworks in Eugene.

BACKGROUND

For Eugene, the purchase, use and storage of Oregon legal fireworks is regulated through Oregon Administrative Rules (OAR) and Oregon Revised Statutes (ORS). Legal fireworks may be purchased only from permitted (state and local) fireworks retailers and stands. Oregon law bans possession, use or sale of fireworks that fly, explode or travel more than six feet on the ground or 12 inches in the air (e.g., firecrackers, bottle rockets, M-80's and similar devices). State and local permits are also required for public displays. Discharge of legal fireworks is restricted by the Eugene Code (EC 4.934) to June 23 – July 6, Dec 31, and Jan 1. A violation of EC 4.934 is punishable by a maximum fine of \$500.

Retail sales of permitted fireworks and related products occur within the city of Eugene from June 23 through July 6 each year. Annually, there are about 28 retail outlets permitted and inspected in Eugene. An average of five permits are issued annually for public displays. Authorized public displays also generate a variety of noise complaints and impact the quality of life for many residents.

Enforcement on the use of illegal fireworks in Eugene is handled by the Eugene Police Department. Additionally, the enforcement of this prohibition has been previously identified as a regional issue.

In response to drought-like conditions, in July 2015, the City Council banned all fireworks in the Wildland Urban Interface (WUI) area for properties south of 18th Avenue and east of Agate Street.

Over the past few years, increased fire patrols have been deployed to observe and report illegal fireworks use and to provide public education. Designated locations identified for members of the public to set off fireworks can create a problem for the City or property owner due to the potential for property damage and injury when a high number of participants using fireworks are close to one another.

Approaches by Other Oregon Communities

Research shows that currently Jacksonville, Talent, and Rogue River prohibit the use of all fireworks. Additionally, Ashland prohibits the use of fireworks at any time, except wire-cored sparklers, smoke bombs, party poppers and ground snakes.

Challenges with Enforcing Fireworks Restrictions

Enforcement of fireworks restrictions are the responsibility of the local law enforcement agency. The greatest challenge to implementing restrictions of fireworks will be to overcome entrenched community behaviors that have developed through years of permissiveness relating to fireworks use. Enforcement on discharges of illegal fireworks or the use of legal fireworks outside the permitted dates would require resources from both the Police and Fire Departments. Police would need to be available to confiscate fireworks from individuals or block parties. It is often difficult to determine the exact location of the fireworks use, identify the responsible party and to respond to the overwhelming number of complaints.

RELATED CITY POLICIES

Previous Council action instituted a date-specific ban on the use of all fireworks, allowing use only between June 23 and July 6, and December 31 and January 1. (City of Eugene Ordinance 20555, EC 4.934)

COUNCIL OPTIONS

Option 1

Adopt a city-wide, year-round ban on the use of fireworks, except for fire code-permitted public displays. Financial impacts: Fire Marshal's Office revenue for retail fireworks permits totaling \$6300 in 2015. Retail sales revenue for retailers will be eliminated inside the city of Eugene. Possible increased costs for dedicated fire patrols. Increased costs for police enforcement is approximately \$3,500 per added day of dedicated enforcement and education.

Option 2

Adopt a year-round ban on the use of fireworks for the area south of 18th and east of Agate Street, *i.e.*, the Wildland Urban Interface area of Eugene that was the subject of the Council's temporary ban in 2015. Financial impact to Fire: none. Financial impact to Police: approximately \$3,500 per added day of dedicated enforcement and education.

Option 3

Make no changes to the City's current fireworks restrictions.

CITY MANAGER'S RECOMMENDATION

The City Manager is seeking direction on which option(s) if any, council wishes to take to a public hearing.

SUGGESTED MOTION

No motion is suggested.

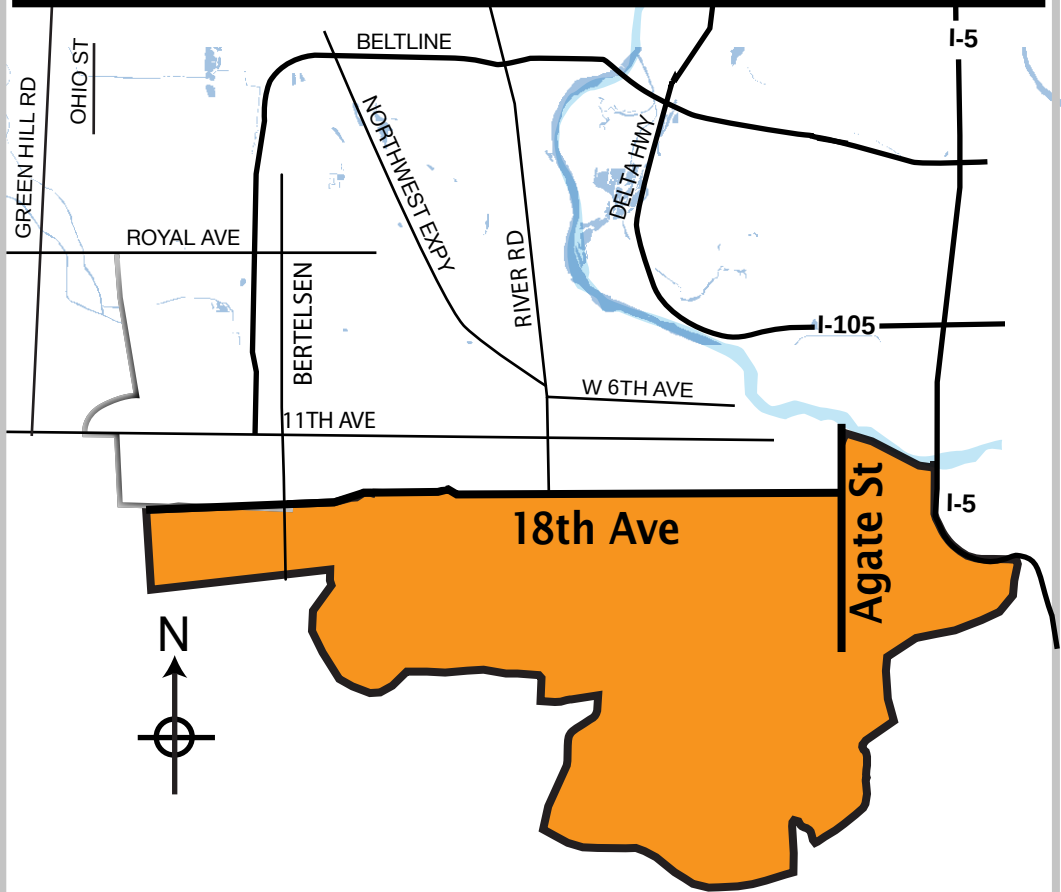
ATTACHMENTS

- A. Wildland Urban Interface Area map for proposed ban
<https://www.eugene-or.gov/2668/Fireworks-Enforcement>
- B. Council Ordinance 20555

FOR MORE INFORMATION

Staff Contact: Fire Chief Joseph Zaludek
Telephone: 541-682-7115
Staff E-Mail: joe.s.zaludek@ci.eugene.or.us

Fireworks Prohibited





COUNCIL ORDINANCE NO. 20555

COUNCIL BILL 5147

AN ORDINANCE PROHIBITING THE USE OF FIREWORKS WITHOUT A PERMIT WITHIN THE CITY LIMITS IN THE AREAS SOUTH OF 18TH AVENUE OR EAST OF AGATE STREET IN 2015; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

ADOPTED: July 1, 2015

SIGNED: July 1, 2015

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: July 1, 2015



ORDINANCE NO. 20555

AN ORDINANCE PROHIBITING THE USE OF FIREWORKS WITHOUT A PERMIT WITHIN THE CITY LIMITS IN THE AREAS SOUTH OF 18TH AVENUE OR EAST OF AGATE STREET IN 2015; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

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

A. Section 4.934 of the Eugene Code, 1971, restricts the use of fireworks, allowing their use only on December 31, January 1, and June 23 through July 6, unless otherwise authorized by the City Manager by Administrative Rule.

B. Severe drought conditions exist within the City of Eugene. Therefore, it is necessary for public health and safety to disallow the use of fireworks within Eugene in the areas south of 18th Avenue or east of Agate Street through the remainder of 2015, except for December 31, and except for a public fireworks show permitted under Section 105.6B of the Fire Code.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

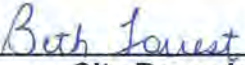
Section 1. In addition to restrictions on the use of fireworks under State law and City Code, the use, lighting, detonation or display of fireworks is prohibited within the City of Eugene in the areas south of 18th Avenue or east of Agate Street through the remainder of 2015, except that this prohibition does not apply on December 31, 2015, and does not apply to a public fireworks show permitted under Section 105.6B of the Fire Code.

Section 2. Due to the severe drought conditions and the upcoming 4th of July holiday, an emergency is declared to exist that cannot be addressed by the ordinance adoption procedures of Section 28(1) of the Eugene Charter of 2002. Immediately prior to adoption of this Ordinance, the City Council unanimously agreed to proceed with consideration of this Ordinance with an abbreviated notice of the public hearing date.

Section 3. As this matter has been declared an emergency, pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto, this Ordinance shall become effective immediately.

Passed by the City Council this

1st day of July, 2015.



City Recorder

Approved by the Mayor this

1st day of July, 2015.



Mayor

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Rental Housing Code

Meeting Date: December 7, 2016
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: B
Staff Contact: Rachele Nicholas
Contact Telephone Number: 541-682-5495

ISSUE STATEMENT

This work session provides an opportunity for the City Council to further discuss recommendations of the Housing Policy Board (HPB) and direct staff on the future of the Rental Housing Code. If no further action is taken the code's ordinance will sunset on March 1, 2017, and be repealed.

BACKGROUND

History

The Eugene Rental Housing Code (Attachment A) was adopted by the City Council in 2004 to set minimum habitability standards for rental housing. Rental housing accounts for nearly half of Eugene's housing with approximately 35,550 units dispersed across the City. When the code was adopted in 2004 it covered four habitability standards; heating, structural integrity, plumbing, and weatherproofing. In 2007, Council added two standards to the code; security and smoke detectors and then later in 2009, language was added to address the source of mold as a symptom of water intrusion caused by faulty weatherproofing, plumbing or structural integrity. In 2016, Council extended the sunset date to March 1, 2017 to allow time for further discussion of Housing Policy Board recommendations (Attachment D).

The Rental Housing Code prescribes a process that ensures a renter notifies the owner of concerns before they may file a complaint with the City. The goal of the Rental Housing Code is to help tenants and property owners communicate to resolve any issues without requiring further city involvement or legal action. A complaint can be filed with the City after the tenant provides the owner or property manager written notification and allows them 10 days to remedy the problem. A complaint can be filed with the City on-line, in-person, or by mail.

The program responded to approximately 585 calls from tenants last year. This number does not include online or walk-in inquiries. Staff help tenants determine if their issue fits within the criteria addressed by the code or if there are other agencies or resources that would be more appropriate. To date, 320 formal complaints have been filed. Based on the number of tenant calls received versus the number of actual complaints filed we believe many of the tenant concerns are resolved through communication, mediation or the written notification process. In some cases, tenants may decide not to follow through with notifying the owner.

Funding

The Rental Housing Code is funded with a \$10.00 per rental unit fee paid annually. The program is a Special Revenue fund which allows the revenues to stay within the fund. All program costs are covered by fees. Because the number of rental units is constantly changing the amount of revenue varies each year. In the last two years there has been a nine percent increase in the number of rental units.

The work of the program is distributed across several employees whose time is charged to the program. This work includes responding to tenant and property owners, investigation and mediation of complaints, updating the database with current rental unit and owner information, billing, and outreach efforts. The amount of time is equivalent to about two full-time employees.

Rental Housing Code and State Law

The State Residential Landlord Tenant Act (ORS Chapter 90) includes general habitability and maintenance standards for rental units in addition to legal protections for tenants. The law is enforced through the legal system which can be a financial barrier for some tenants. If the owner fails to make repairs the tenancy may be terminated by the tenant. For many tenants this is not a viable solution since they will be faced with the financial impacts of finding another home, the cost of moving, and paying additional rent and security deposits. Another option would be for the tenant to sue the property owner for a court order requiring that the owner make a repair. In order to do this a tenant must file a case in circuit court and would need the assistance of an attorney. Both of these processes are time consuming and cost-prohibitive for low-income tenants. Eugene's Rental Housing Code provides a neutral third party to help mediate a repair dispute.

The City's Rental Housing Code provides a local mechanism to resolve health and safety concerns outside of the court system and enforce minimum housing standards for rentals. This service is not available through the State, County or other agency. The City's Housing Code provides free mediation that does not require attorneys or other associated court costs. Currently, the majority of the complaints received by the Rental Housing Code program are resolved through staff mediation.

Outreach

Staff continue to explore ways to improve our outreach efforts to both property owners and tenants. The Rental Housing Code program website www.eugene-or.gov/rentalhousing provides easy access to program information as well as contact information, and online complaint form. In addition, property owners can go to this site to pay rental unit fees. The site has been visited over 4,000 times in the last year.

The program recently created a new brochure (Attachment B) for use at outreach events and for distribution through local partners and agencies. The brochure was also translated into Spanish (Attachment C) to help increase outreach and access to Spanish-speaking community members. Staff regularly attend University of Oregon events including the student renter fair in the spring and the Community Welcome event in the fall.

A half-time Communication Coordinator will be joining Planning and Development in December. Their focus will be improved communication and outreach efforts for a variety of programs including the Rental Housing Code.

Stakeholder Input and Recommendations

Over the past several years, staff have worked with a committee of community members, appointed by the Housing Policy Board, to review the Rental Housing Code program's costs, enforcement of cases, and other non-financial topics. This committee provided a set of recommendations for the Rental Housing Code program to the HPB on June 6, 2016. The recommendations include adding additional habitability standards to the Code that would require:

- working electrical systems,
- carbon monoxide detectors,
- rodent control, specifically rats and
- working appliances (all that are supplied by the owner such as an oven, refrigerator, etc.)

A copy of the full report is in attachment D.

Ordinance Sunset

When the Rental Housing Code was created, it included an initial sunset date of December 31, 2008. Since that time the sunset date has been extended three times by the City Council. Currently, Eugene's Rental Housing Code is scheduled to sunset on March 1, 2017, if no action is taken.

RELATED CITY POLICIES

City Council Goals

- Safe Community: A community where all people are safe, valued and welcome.
- Sustainable Development: A community that meets its present environmental, economic and social needs without compromising the ability of future generations to meet their own needs.
- Effective, Accountable Municipal Government: A government that works openly, collaboratively, and fairly with the community to achieve measurable and positive outcomes and provide effective, efficient services.

Envision Eugene Pillars

- Provide affordable housing for all income levels
- Promote compact urban development and efficient transportation options
- Protect, repair, and enhance neighborhood livability

COUNCIL OPTIONS

1. Direct the City Manager to prepare an ordinance extending the sunset date to a time certain and to schedule a public hearing on the ordinance.
2. Direct the City Manager to prepare an ordinance extending the sunset date to a time certain and revising Rental Housing Code provisions (EC 8.440 – 8.440) to incorporate recommendations from the Housing Policy Board, and to schedule a public hearing on the ordinance.
3. Direct the City Manager to prepare an ordinance removing the sunset date and to schedule a public hearing on the ordinance.

4. Direct the City Manager to prepare an ordinance removing the sunset date and revising the Rental Housing Code provisions to incorporate recommendations from the Housing Policy Board and to schedule a public hearing on the ordinance.
5. Take no action, thereby allowing the Rental Housing Code program to automatically expire on March 1, 2017.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends option 4.

SUGGESTED MOTION

Move to direct the City Manager to prepare an ordinance removing the Rental Housing Code sunset date; revising Rental Housing Code provisions to incorporate recommendations from the Housing Policy Board; and to schedule a public hearing on the ordinance for January 17, 2017, and to schedule action on January 23, 2017.

ATTACHMENTS

- A. Rental Housing Code (EC 8.440 – 8.440)
- B. Rental Housing Program brochure (English)
- C. Rental Housing Program brochure (Spanish)
- D. Housing Policy Advisory Board recommendation

FOR MORE INFORMATION

Staff Contact: Rachelle Nicholas
Telephone: 541-682-5495
Staff E-Mail: rachelle.d.nicholas@ci.eugene.or.us

RENTAL HOUSING

8.400 Rental Housing – Title. Sections 8.405 through 8.440 of this code constitute the “City Rental Housing Code,” and may be referred to as such.

(Section 8.400 added by Ordinance No. 20329, enacted November 30, 2004, effective December 30, 2004, to sunset December 31, 2011; sunset date extended to September 30, 2012 by Ordinance No. 20480, enacted November 28, 2011, effective December 30, 2011; sunset date extended to September 30, 2016 by Ordinance No. 20494, enacted June 11, 2012, effective July 14, 2012.)

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 8.405 added by Ordinance No. 20329, enacted November 30, 2004, effective December 30, 2004, to sunset December 31, 2011; sunset date extended to September 30, 2012 by Ordinance No. 20480, enacted November 28, 2011, effective December 30, 2011; sunset date extended to September 30, 2016, by Ordinance No. 20494, enacted June 11, 2012, effective July 14, 2012.)

8.410 Rental Housing – Applicability.

- (1) Except as provided in subsection (2) of this section, the standards provided in section 8.425 of this code shall apply to all rental housing.
- (2) The following living arrangements are excluded from the application of sections 8.405 through 8.440 of this code:
 - (a) Occupancy in transient lodging;
 - (b) Occupancy in hospitals and other medical facilities;
 - (c) Occupancy in residential care facilities licensed by the State;
 - (d) Occupancy in institutions providing educational, counseling, religious or similar service, but not including residence in off-campus, non-dormitory housing;
 - (e) Occupancy in a dwelling occupied for no more than 90 days by a purchaser prior to the scheduled closing of a real estate sale or by a seller following the closing of a sale, as permitted under the terms of an agreement for sale of a dwelling unit or the property of which it is a part;
 - (f) Occupancy by a member of a fraternal or social organization in a structure operated for the benefit of the organization;
 - (g) Occupancy in a dwelling by a squatter;
 - (h) Occupancy in a vacation dwelling;
 - (i) Occupancy in a dwelling by an employee of a landlord whose right to occupancy is conditional upon employment in and about the premises;
 - (j) Occupancy by an owner of a condominium unit or holder of a proprietary lease in a cooperative; and

- (k) Occupancy in premises rented to be used by the occupant primarily for agricultural purposes.

(Section 8.410 added by Ordinance No. 20329, enacted November 30, 2004, effective December 30, 2004, to sunset December 31, 2011; sunset date extended to September 30, 2012 by Ordinance No. 20480, enacted November 28, 2011, effective December 30, 2011; sunset date extended to September 30, 2016, by Ordinance No. 20494, enacted June 11, 2012, effective July 14, 2012.)

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

Agent. A person authorized to act on behalf of another person.

Building code. The currently adopted edition of the State of Oregon Structural Specialty Code or Oregon Residential Specialty Code.

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

Dwelling unit. A building or portion of a building that is used as a home, residence or sleeping place by one or more persons who maintain a household. For purposes of this City Rental Housing Code, where portions of a residential building are occupied under separate rental agreements, but tenants share eating, cooking, and/or sanitation facilities, each portion under a separate rental agreement shall be considered a dwelling unit.

Habitable room. Any room used for sleeping, living, cooking or dining purposes, but excluding closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.

Mechanical code. The current edition of the State of Oregon Mechanical Specialty Code or Oregon Residential Specialty Code.

Plumbing code. The current edition of the State of Oregon Plumbing Specialty Code or Oregon Residential Specialty Code.

Rental agreement. All written or oral agreements concerning the use and occupancy of a dwelling unit and premises. "Rental agreement" includes a lease.

Rental housing. A legal dwelling unit which is the subject of a rental agreement.

Transient lodging. A room or suite of rooms which is occupied not as a principal residence by persons for periods of less than 30 consecutive days.

(Section 8.415 added by Ordinance No. 20329, enacted November 30, 2004, effective December 30, 2004, to sunset December 31, 2011; sunset date extended to September 30, 2012 by Ordinance No. 20480, enacted November 28, 2011, effective December 30, 2011;

sunset date extended to September 30, 2016, by Ordinance No. 20494, enacted June 11, 2012, effective July 14, 2012.)

8.420 Rental Housing – Dangerous Buildings. Conditions which constitute a dangerous building and procedures for abating them are provided in Section 8.005(25) of this code.

(Section 8.420 added by Ordinance No. 20329, enacted November 30, 2004, effective December 30, 2004, to sunset December 31, 2011; sunset date extended to September 30, 2012 by Ordinance No. 20480, enacted November 28, 2011, effective December 30, 2011; sunset date extended to September 30, 2016, by Ordinance No. 20494, enacted June 11, 2012, effective July 14, 2012.)

8.425 Rental Housing – Standards.

- (1) Structural Integrity. Roofs, floors, walls, foundations and all other structural components shall be capable of resisting loads prescribed by the building code in effect at the time of construction.
- (2) Plumbing.
 - (a) Plumbing systems shall be maintained in a safe and sanitary condition and shall be free of defects, leaks and obstructions. The presence of significant visible mold may be a symptom of faulty plumbing, however, the presence of mold, by itself, is not a violation for purposes of sections 8.400 through 8.440 of this code.
 - (b) Repairs must be permanent rather than temporary and shall be through generally accepted plumbing methods. If significant visible mold results from faulty plumbing, repairs must include removing the mold, which may include mold on or in interior walls, sheetrock, insulation, floors, carpets or carpet backing.
- (3) Heating.
 - (a) A permanently installed heat source able to provide a room temperature of 68 degrees Fahrenheit three feet above the floor, measured in the approximate center of the room, in all habitable rooms. Portable space heaters shall not be used to achieve compliance with this section.
 - (b) All heating devices or appliances shall conform to applicable law at the time of installation.
 - (c) Ventilation for fuel-burning heating appliances shall be as required by the Mechanical Code at the time of installation.
- (4) Weatherproofing.
 - (a) Roof, exterior walls, windows and doors shall be maintained to prevent water intrusion into the building envelope which may cause damage to the structure or its contents or may adversely affect the health of an occupant. The presence of significant visible mold may be a symptom of faulty weatherproofing, however, the presence of mold, by itself, is not a violation for purposes of sections 8.400 through 8.440 of this code.

- (b) Repairs must be permanent rather than temporary and shall be through generally accepted construction methods. If significant visible mold results from faulty weatherproofing, repairs must include removing the mold, which may include mold on or in interior walls, sheetrock, insulation, floors, carpets or carpet backing.
- (5) Security. Doors and windows leading into a dwelling unit must be equipped with locks and shall be maintained in a condition so as to restrict access into the dwelling unit.
- (6) Smoke detectors. Every dwelling unit shall be equipped with an approved and properly functioning smoke alarm or smoke detector installed and maintained in accordance with the state building code, ORS 479.270, 479.275, and 479.285, and applicable rules of the State Fire Marshal.
- (7) 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 8.425 added by Ordinance No. 20329, enacted November 30, 2004, effective December 30, 2004, to sunset December 31, 2008; amended by Ordinance No. 20408, enacted May 27, 2008, effective June 30, 2008, to sunset December 31, 2011; amended by Ordinance No. 20431, enacted April 27, 2009, effective May 29, 2009, to sunset December 31, 2011; sunset date extended to September 30, 2012 by Ordinance No. 20480, enacted November 28, 2011, effective December 30, 2011; sunset date extended to September 30, 2016, by Ordinance No. 20494, enacted June 11, 2012, effective July 14, 2012.)

8.430 Rental Housing – Enforcement.

- (1) Authority. The city manager may enforce all the provisions of sections 8.400 through 8.440 of this code.
- (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 a party to the current rental agreement covering the property in question or an agent of the party.
 - (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. 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; and
 - 4. Provide notice to the owner or the owner's agent of the complaint per written procedures.
- (3) Investigations.
 - (a) The city manager shall initiate investigations only after completion of the process in subsection (2) of this section.
 - (b) The city manager shall conduct an investigation to confirm the validity of the complaint.
 - (c) If the city manager determines that the complaint is not valid, the case shall be closed and all parties notified.
 - (d) If the city manager determines that the complaint is valid, the city manager shall issue a notice and order pursuant to subsection (5) of this section.
- (4) Inspection and Right of Entry. When it may be necessary to inspect to enforce the provisions of sections 8.400 through 8.440 of this code, the city manager may enter the building or premises at reasonable times to inspect or to perform the duties imposed therein, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the city manager shall first make a reasonable effort to locate the owner, the owner's agent, or other person having charge or control of the building or premises and request entry. If entry is refused by the owner, the city manager shall have recourse to every remedy provided by law to secure entry, including issuance of administrative search warrants. If entry is refused by the tenant, the complaint may be dismissed and the case closed. The city shall provide notice to the owner or owner's agent not less than 24 hours prior to a scheduled inspection of the premises in order to afford the owner or landlord the opportunity to be present during the inspection.
- (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 the necessary repairs 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.
- (6) Failure to Comply. Failure to comply with the notice and order issued under subsection (5) of this section by the specified date shall constitute a violation subject to the penalties contained in section 8.995 of this code.

(Section 8.430 added by Ordinance No. 20329, enacted November 30, 2004, effective December 30, 2004, to sunset December 31, 2011; sunset date extended to September 30, 2012 by Ordinance No. 20480, enacted November 28, 2011, effective December 30, 2011; sunset date extended to September 30, 2016, by Ordinance No. 20494, enacted June 11, 2012, effective July 14, 2012.)

8.435 Rental Housing – Appeals. Any owner or owner's agent upon whom an order is served under section 8.430 of this code shall have the right to appeal within the time and in the manner provided in section 2.021 of this code. The appeal must include the applicable fee.

(Section 8.435 added by Ordinance No. 20329, enacted November 30, 2004, effective December 30, 2004, to sunset December 31, 2011; sunset date extended to September 30, 2012 by Ordinance No. 20480, enacted November 28, 2011, effective December 30, 2011; sunset date extended to September 30, 2016, by Ordinance No. 20494, enacted June 11, 2012, effective July 14, 2012.)

8.440 Rental Housing – Registration and Fees.

- (1) All rental housing not excluded under 8.410(2) shall be registered with the city on a form and in a manner to be determined by the city manager.

- (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.
- (3) The following unit types, while subject to the standards, enforcement procedures, and other requirements established in sections 8.400 through 8.440 of this code, shall be exempt from the fee payment requirements:
 - (a) Rentals with a recorded deed restriction requiring the units to be rented affordably to households at or below 60 percent of the Area Median Income; and
 - (b) Rentals that have been approved by the city for an exemption from property taxes pursuant to sections 2.910 to 2.922 and 2.937 to 2.940 of this code or that are recognized by the city as exempt from property taxes pursuant to ORS 307.092.
- (4) The owner or the owner's agent shall be responsible for paying the fee. The total fee shall be paid for any dwelling unit which is covered by this Rental Housing Code for any portion of a billing period, and no refunds will be provided after fees are paid if a dwelling unit:
 - (a) Ceases to be a rental; or
 - (b) Changes ownership.
- (5) For each month in which the fee is not paid by the date specified in the written notice of payment, a penalty shall be assessed to the owner or the owner's agent. The amount of the penalty shall be set pursuant to section 2.020 of this code.
- (6) The city manager may initiate appropriate action to collect the fees due. All costs associated with these actions, including attorney fees, may be assessed to the owner or the owner's agent.

(Section 8.440 added by Ordinance No. 20329, enacted November 30, 2004, effective December 30, 2004, to sunset December 31, 2011; sunset date extended to September 30, 2012 by Ordinance No. 20480, enacted November 28, 2011, effective December 30, 2011; amended and sunset date extended to September 30, 2016, by Ordinance No. 20494, enacted June 11, 2012, effective July 14, 2012.)

Memorandum

Date: 3/16/16
 To: Housing Policy Board; Eugene City Council
 From: Eugene Rental Housing Committee
 Subject: Report on Rental Housing Code

Background:

Eugene enacted a rental housing code, with a sunset clause, in 2005. Its purpose is to "provide minimum habitability criteria to safeguard health, safety, property and public wellbeing to owners, occupants and users of rental housing." City Council has renewed the code several times, each time making minor changes. The ordinance sunsets again in September 2016. One of the changes the Council made when it renewed the Code in 2012 was to create an advisory committee to report through the Housing Policy Board on the working of the code. This is a report of the work of the committee and the code. Members of the committee are:

Heather Buch (landlord)
 Norton Cabell, chair, (chair of the Housing policy Board, a landlord)
 Eric Hall (landlord, former board member of Rental Owners Association)
 Chris Wig (tenant advocate)
 Jim Straub (landlord, former president of Rental Owners Association)
 Geni Sustello (director of public housing at HACSA)
 John VanLandingham (Legal Aid, member of the Housing Policy Board)

Synopsis of complaints:

In fiscal years 2013, 2014, and 2015:

- 72 complaints were logged. (Not every complaint is logged; some are satisfied over the phone or the housing code is determined not to apply.)
- 5 complaints were dismissed because either the tenant didn't follow up with a copy of written notice to the landlord or the tenant denied access to the landlord for repairs.
- 22 complaints were resolved before an inspection was required (usually because the landlord made the repair to the tenant's satisfaction, or because the tenant moved out).
- 46 complaints required inspection by city staff.
 - 30 required an order to correct. All were eventually corrected.
 - 16 complaints were found, after inspection, to require no action.
- 1 resulted in a fine.

The subjects of the complaints are as follows (most complaints involved more than one subject):

Tenants complained about		Inspector found:
Mold	47	14
Weather tightness	43	20
Plumbing	33	14
Electrical	15	13
Security	18	7
Heating	17	10
Smoke detector	3	4
Structural integrity	1	0
Other	3	0

Work of the committee:

Meetings of the committee have been devoted mostly to reviewing the complaints and how city staff has responded to them, and some to reviewing the costs of the program.

The committee did not review every complaint but does review those it deems interesting, especially the complicated ones and those that drag on for some time. When the code was last renewed and the committee formed, there was a perception among landlords of unfairness: of inspectors going beyond the issues in the complaint, and of inspectors taking the tenant's side. (Inspectors, it should be noted, are obligated by law to document conditions that are a threat to health or safety.) The committee found, however, no such instances and that staff regularly has acted professionally and properly.

The program has been expensive to run. It costs about \$300,000 annually, which is paid for by a \$10 per unit annual fee levied on landlords (who sometimes pass it on to tenants). That works out to almost \$12,500 per complaint actually filed or \$30,000 per "order to correct" or \$285 per logged call. The committee reviewed the budget and expenditures and didn't find any viable ways substantially to cut the costs.

Not all inquiries result in a complaint. In 2012 and 2013, an average of just over 1,000 calls were logged each year. Almost half were from landlords, most regarding billing. The inquiries (both calls and walk-ins) from tenants that didn't result in a formal complaint concerned housing issues such as pests, electrical, garbage, screens, appliances, insulation, and carbon monoxide detectors. Non-housing issues included general landlord-tenant issues, evictions, and fair housing.

With the imminent sunset, the committee has been looking at codes in other jurisdictions and worked with staff to identify gaps in our own code.

Benefits of the program:

1. Tenants who do complain about legitimate problems often get results.
2. The requirement for a written complaint helps both landlord and tenant by documenting the problem, reducing "he said, she said" arguments, and by helping to resolve problems more promptly than might occur otherwise.

3. Inspections are impartial and are performed by individuals with expertise. In a later dispute about the condition of the housing, the inspector and the report can be subpoenaed.
4. Tenants who follow the required process receive some legal protection, since landlord-tenant law prohibits retaliation against tenants who reasonably complain. However, it can be argued that no tenant complains without risk.
5. It is clearer to both parties what a landlord's obligations are, and what they are not.

And the concerns:

1. Cost. It is an expensive program to run, particularly when weighed against the actual results.
2. While this is a general fund category, city council promised that the costs of the program would be borne by the door tax, but that the latter shouldn't be a new source of revenue for the city in general. The revenue (which runs about \$320,000 annually) has exceeded the expenses (in fiscal '13 by \$18,000; fiscal '14 by \$34,000; fiscal '15 by \$66,000). The accumulated surplus since 2005 is now \$263,000. We have no recommendation regarding the surplus, feeling it will begin to shrink and the surplus will insulate against fee increases.
3. Should additional areas be covered? Should timelines for code compliance (especially in winter) be shortened?

Recommendations:

1. Renew the rental housing code and extend the sunset provision four years.
2. Retain an advisory committee.
3. Add some items to the code:
 - a. Working electrical systems. While electrical safety is covered under existing codes, working electrical is not. If electricity fails in part of a dwelling—but it doesn't create a safety risk—it is not covered.
 - b. Carbon monoxide detectors. We should mirror Oregon Landlord-Tenant Law and other jurisdictions by requiring such alarms where a potential source of CO is present.
 - c. Rats. Oregon Landlord-Tenant Law requires a landlord to provide premises free of pests and vermin. Some codes make that an ongoing problem. Pest and vermin problems, other than rats, are usually caused by tenants; an infestation of rats is usually not.
 - d. Certain appliances. Landlord-Tenant Law requires a landlord to maintain appliances the landlord provides. There is some disagreement regarding what is covered. We recommend that if a landlord provides a range, refrigerator, air conditioning, dishwasher, microwave, clothes washer, or clothes dryer, that the landlord must maintain the appliance.
4. Not add certain items to the code. The committee considered the following but is not recommending covering them:
 - a. Window screens. These are not essential, they are easily and cheaply provided by the tenant.
 - b. Insulation. Energy efficiency and insulation (or their lack) is expensive to retrofit and is usually reflected in the rent. Requiring them would have significant impact

on housing costs in Eugene. The committee has been looking into tenant education programs and will continue that effort.

c. Ventilation, particularly in bathrooms. Lack thereof usually creates mold, which is already covered by other city codes.

d. Garbage. If it is outside, it is covered by other codes.

e. Evictions, etc. These are beyond the scope of the code.

f. External maintenance. Items like working gutters and downspouts that cause water intrusion into the dwelling unit are already covered by the code.

5. Shorten some timelines. Before the City can react to a complaint, the tenant must provide ten days' written notice of the failure to the landlord. This works a serious hardship on tenants when it is an essential utility, such as no heat in the winter or no working toilet. Oregon Landlord-Tenant Law provides that if an essential utility is lacking—posing “an imminent and serious threat to the tenant’s health, safety or property”—and is not repaired within 48 hours after written notice, the tenant may terminate the tenancy. The committee doesn’t want the tenant to be forced to move out; rather it wants to allow the City to intervene. Hence, the recommendation is to shorten the 10-day notice period to 48 hours in the case of an essential utility.



Rental Housing Program

The City of Eugene works with property owners and renters to ensure our community has safe and livable rental housing. The rental housing code (*Eugene Code 8.425*) was adopted to establish minimum habitability standards that all rental properties must meet, and to provide assistance to renters and property owners or managers when there is a question about those standards.

Funding

Costs for the program are paid by a \$10 per unit fee annually. The property owner or owner's agent is responsible for paying the fee. Funding of the program helps ensure our community has safe and livable rental housing.



How to File a Complaint

A complaint may be filed with the City only after the renter has sent written notice to the owner or the property manager. The renter must allow 10-days for the owner to respond to the complaint.

To file a complaint related to the structural integrity, heating, plumbing, weatherproofing, security or smoke detection of a rental:

- 1 Send a written notice to the owner or the property manager.
- 2 Allow 10-days for the owner or property manager to respond.
- 3 If there is no response you can submit a complaint to the City online at www.eugene-or.gov/rentalhousing.

Complaint investigations will begin only after the steps above have been completed.

Contact the Rental Housing Program for further information or for help through the process.



Contact Us

www.eugene-or.gov/rentalhousing
rentalhousing@ci.eugene.or.us
 541-682-8282



Attachment C



Rental Housing Program



HEATING
SECURITY
SMOKE DETECTION
STRUCTURAL INTEGRITY
WEATHERPROOFING
PLUMBING
MOLD



The Rental Housing Code covers the basics.

The rental housing code only covers habitability standards for rental properties. Other laws and City of Eugene codes address legal and human rights issues for property owners, managers and renters.

HEATING

There must be a permanently installed heating source able to provide a room temperature of 68°F. Heating devices must conform to applicable laws and fuel-burning appliances must be properly ventilated.



SMOKE DETECTION

Each unit must have an approved and working smoke alarm or smoke detector installed and maintained in accordance with the state building code.



SECURITY

Doors and windows must be equipped with working locks.



STRUCTURAL INTEGRITY

Roof, floors, walls, foundations and all other structural components must meet the building code.



WEATHERPROOFING

Roof, exterior walls, windows and doors must prevent water leakage into living areas; repairs must be permanent and use accepted construction methods.



PLUMBING

Systems must be in a safe and sanitary condition, free of defects, leaks and obstructions; repairs must be permanent and use accepted plumbing methods.



Mold is addressed through the weatherproofing and plumbing standards.



Concerns about your Rental Property?

The goal of the Rental Housing Program is to help renters and owners communicate with each other to resolve issues without further city involvement or legal action. If you are concerned your rental property may not meet the code, you can:

- Learn more about the rental housing standards at www.eugene-or.gov/rentalhousing
- Talk to your property manager about your concern; follow up with written communication about the issue and keep a copy for your records.
- If your concern persists, you can file a complaint with the City of Eugene – see reverse for details.

Additional Resources for Renters

Lane County Legal Aid

www.lclac.org
541-485-1017

Community Alliance of Tenants

www.oregoncat.org

Renter's Rights Hotline

503-288-0130

Fair Housing Council of Oregon

www.fhco.org
503-223-8197

Resources for Currently Enrolled Students

UO: ASUO Legal Services

541-346-4273

LCC: Student Legal Services

541-463-5365

Resources for Property Owners and Managers

Rental Owners Association in

Lane County

www.laneroa.com
541-485-7368

Oregon Rental Housing

Association, Inc.

www.oregonrentalhousing.com
503-364-5468

Rental Housing Alliance Oregon

www.rhaoregon.org
503-254-4723



Programa de alquiler de vivienda

La ciudad de Eugene trabaja con propietarios e inquilinos para asegurarse de que la comunidad tenga viviendas de alquiler seguras y habitables. Se adoptó el código de alquiler de vivienda (Código de Eugene 8.425) para establecer normas mínimas de habitabilidad que toda propiedad debe cumplir y para brindar asistencia a los inquilinos y a los propietarios o administradores en caso de tener alguna duda sobre dichas normas.

Fondos

Los costos del programa se pagan anualmente con una tarifa de \$10 por unidad. El dueño de la propiedad o su agente es responsable por el pago de la tarifa. Los fondos para el programa ayudan a asegurar que la comunidad cuente con viviendas de alquiler seguras y habitables.



Cómo presentar una queja

Se puede presentar una queja ante el Ayuntamiento de la Ciudad sólo después de que el inquilino haya enviado una notificación por escrito al propietario o administrador de la propiedad. El inquilino debe permitir al propietario 10 días para responder a la queja.

Para presentar una queja relacionada con la integridad estructural, la calefacción, la plomería, la impermeabilización, la seguridad o detección de humo en la propiedad de renta:

- 1 Envíe una notificación por escrito al dueño o el administrador de la propiedad.
- 2 Permita que el dueño o administrador de la propiedad responda en 10 días.
- 3 Si no recibe respuesta, Ud. puede presentar una queja por internet al www.eugene-or.gov/rentalhousing.

La investigación comenzará únicamente después de que se hayan cumplido los pasos anteriores.

Póngase en contacto con el programa de alquiler de vivienda para mayor información o para obtener ayuda a través del proceso.

Eugene

Reglamento de alquiler de vivienda en Eugene

Ayudando a propietarios e inquilinos a abordar las condiciones de seguridad



CALEFACCIÓN
SEGURIDAD
DETECCIÓN DE HUMO
IMPERMEABILIZACIÓN
PLOMERÍA
MOHO



Eugene

Contáctenos

www.eugene-or.gov/rentalhousing
541-682-8282



El código del alquiler de vivienda cubre los conceptos básicos.

El código del alquiler de vivienda sólo cubre los estándares de habitabilidad en las propiedades de alquiler. Otro tipo de leyes y códigos de la Ciudad de Eugene plantean cuestiones legales y de derechos humanos para el dueño de la propiedad, los administradores y los arrendatarios.

CALEFACCIÓN

Debe de existir una fuente de calefacción instalada de forma permanente capaz de proporcionar una temperatura ambiental de 68°F. Los aparatos de calefacción deben cumplir con las leyes aplicables y los aparatos de combustión deben tener una ventilación adecuada.



DETECCIÓN DE HUMO

Cada unidad debe tener un detector de humo aprobado, que funcione y que haya sido instalado y mantenido de acuerdo con el código de construcción del estado.

SEGURIDAD

Las puertas y las ventanas deben estar equipadas con herrajes de seguridad que funcionen.



INTEGRIDAD ESTRUCTURAL

El techo, las paredes y los cimientos, además de todos los componentes estructurales, deben cumplir con el código de construcción.

IMPERMEABILIZACIÓN

El techo, las paredes exteriores, las ventanas y las puertas deben evitar filtraciones de agua en las zonas habitables; las reparaciones deben ser permanentes y utilizar métodos de construcción aceptados.



PLOMERÍA

Los sistemas deben estar en condición segura e higiénica, libre de defectos, fugas y obstrucciones; las reparaciones deben ser permanentes y utilizar métodos de plomería aceptados.



¿Tiene algunas inquietudes sobre su alquiler?

El objetivo del programa de alquiler de vivienda es el de ayudar a los inquilinos y a los propietarios a comunicarse entre sí para resolver los problemas sin implicar a la ciudad o llegar a alguna acción legal. Si le inquieta que su propiedad de alquiler no esté cumpliendo con el código, Ud. puede:

- Aprender más sobre los estándares del alquiler de vivienda en www.eugene-or.gov/rentalhousing
- Hable con el administrador de la propiedad acerca de lo que le inquieta; haga un seguimiento por escrito sobre el tema y guarde una copia para sus registros.
- Si la situación persiste, puede presentar una queja a la Ciudad de Eugene - Vea el reverso para obtener más detalles.

Recursos adicionales para los inquilinos

Lane County Legal Aid

www.lclac.org
541-485-1017

Community Alliance of Tenants

www.oregoncat.org

Renter's Rights Hotline

503-288-0130

Fair Housing Council of Oregon

www.fhco.org
503-223-8197

Recursos para los estudiantes matriculados

UO: ASUO Legal Services

541-346-4273

LCC: Student Legal Services

541-463-5365

Recursos para propietarios y administradores

Rental Owners Association in

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