



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

October 24, 2022

5:30 p.m. CITY COUNCIL WORK SESSION

As the state and community recover from the COVID-19 pandemic, City Council meetings will continue to be held in hybrid format using in person and virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

Meeting of October 24, 2022; Her Honor Mayor Lucy Vinis Presiding

Councilors

Greg Evans, President
Mike Clark
Jennifer Yeh
Alan Zelenka

Matt Keating, Vice President
Randy Groves
Emily Semple

5:30 p.m. CITY COUNCIL WORK SESSION

1. WORK SESSION: Police Auditor Selection Process/Feedback

2. WORK SESSION: Renter Protections, Phase 2

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.

October 24, 2022 Work Session

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Police Auditor Selection Process / Feedback

Meeting Date: October 24, 2022
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Becky DeWitt
Contact Telephone Number: 541-682-5659

ISSUE STATEMENT

This work session is an opportunity for the Council to discuss the feedback from internal and external stakeholders regarding Interim Police Auditor Leia Pitcher to and discuss how it would like to proceed in filling the Police Auditor position.

BACKGROUND

The City Charter vests the City Council with the sole authority and responsibility to hire a Police Auditor. In February, 2021, Mark Gissiner retired from his position as Eugene's Police Auditor. On February 17, 2021, the Council unanimously voted to appoint Deputy Police Auditor Leia Pitcher as the Interim Police Auditor and authorized the Council President to execute an employment agreement with Leia. The Interim Police Auditor's employment contract remains in effect until a newly appointed Police Auditor takes office or either party terminates the Agreement in accordance with certain terms.

In June, 2022 Council held a work session to discuss the Council's desired process for appointing a new Police Auditor. Council considered options for appointing a new Police Auditor ranging from conducting a national recruitment to directly appointing Leia Pitcher to the position, with many options in between. Council passed a motion to gather additional information from internal and external stakeholders to help inform Council decisions regarding how to proceed filling the Police Auditor position.

Council leadership worked with staff to contract with Brenda Wilson, the Executive Director of Lane Council of Governments (LCOG), to gather information from a wide range of stakeholders and provide a related report back to Council. The list of stakeholders designated by Council Leadership included the Civilian Review Board, former members of the Ad Hoc Committee on Police Policy, community partners and stakeholders, Union leadership, Police Commission leadership, current and former Eugene Police Department employees, and City leadership and staff including Police Auditor staff.

The attached Report on Feedback of Interim Police Auditor Leia Pitcher includes summary feedback from 38 stakeholders on Council leadership requested dimensions including individual

October 24, 2022 Work Session – Item 1

characteristics, community leadership, organizational leadership and civilian review board relationships.

PREVIOUS COUNCIL ACTION

February 17, 2021, Council Work Session

MOTION AND VOTE: Councilor Yeh, seconded by Councilor Syrett, moved to appoint Deputy Police Auditor Leia Pitcher as the Interim Police Auditor and authorize the Council President to execute the Interim Police Auditor employment agreement set forth in Attachment A. PASSED: 7:0, Councilor Evans did not vote.

June 15, 2022, Council Work Session

MOTION AND VOTE: Councilor Keating, seconded by Councilor Groves, moved to obtain feedback from internal and external stakeholders regarding Interim Police Auditor Leia Pitcher to help inform Council decisions regarding how to proceed filling the Police Auditor position. PASSED: 8:0

COUNCIL OPTIONS

The Council has the sole authority to determine the Police Auditor hiring process. The Council has a wide variety of options available to them including, but not limited to, directly appointing Leia Pitcher to the Police Auditor position, conducting a national recruitment to fill the position, seeking additional public input regarding the position and/or the process, or developing a process to gather additional information through an interview or other means.

The following salary information is intended to inform Council should they decide to move forward with the direct appointment process at this meeting. Historically, the Police Auditor salary range has generally aligned with the Division Manager pay ranges at the City. Currently, the Division Manager 2 annual pay range is \$119,038 - \$153,504. The salary range for the highest position supervised by the Police Auditor, the Deputy Police Auditor, is \$81,078 - \$118,539. In the interim Police Auditor role, Leia's annual salary is \$127,795.

COUNCILOR REQUESTED MOTION

Move to fill the vacant Police Auditor position through direct appointment by extending an offer of employment to Deputy Police Auditor Leia Pitcher and to authorize Council Leadership to negotiate and execute an employment agreement with Leia with an annual salary falling within the range of \$119,038 - \$153,504.

ATTACHMENTS

A. Report on Feedback of Interim Police Auditor Leia Pitcher

FOR MORE INFORMATION

Staff Contact: Becky DeWitt
Telephone: 541- 682-5659
Staff E-Mail: bdewitt@eugene-or.gov

Report on Feedback of Interim Police Auditor Leia Pitcher

**Presented by Brenda Wilson,
Lane Council of Governments**



EXECUTIVE SUMMARY

Leia Pitcher has been the Interim Police Auditor since February 2021. Prior to that, Leia served as the Deputy Police Auditor for over ten years. During Ms. Pitcher's time as the Interim Police Auditor, the city has experienced many challenges including the on-going effects of COVID-19, a changing public sentiment toward the police and traditional policing practices, and significant issues with adequate staffing, among other challenges.

Earlier this year, the Eugene City Council directed city staff to support Council leadership in developing a process to obtain feedback from internal and external stakeholders regarding Interim Police Auditor Leia Pitcher to help inform Council decisions on how to proceed filling the position. Council direction included contracting with Lane Council of Governments and Executive Director Brenda Wilson to gather feedback from stakeholders and report findings back to Council.

The process began with an interview of Ms. Pitcher, followed by a discussion with Eugene City Council leadership to finalize the process. Stakeholder and community members were interviewed or provided the opportunity to give feedback via an online survey. Feedback was gathered and analyzed for key themes.

Overall, the feedback revealed people have a high regard for Ms. Pitcher, finding her smart, knowledgeable, dedicated, and friendly, with a very high level of honesty and integrity. She has shown herself to be open and accessible and encourages feedback and input. She is viewed as being respectful and inclusive, modeling leadership qualities such as empathy and confidence and having the right attitude for the position. Many noted she makes sound decisions and has the ability to stand by her decisions while remaining open to changing her mind when presented with additional information. She has dealt with complex and controversial issues, and many believe she has navigated the pressure associated with those issues well. She has built good relationships with the EPD and maintains the balance between those good relationships and being the independent Police Auditor.

Challenges identified in the feedback include several areas out of the Police Auditor's authority, such as systemic issues or issues requiring a change in the ordinance governing the Police Auditor process. Feedback specific to Ms. Pitcher included the desire for her to become more engaged and active in the community and build more positive relationships with community stakeholders. Timeliness and organization were noted as two areas for improvement, while many noted this could be due to the fact the Police Auditor's office was short staffed for many months, feedback reflected the need for Ms. Pitcher to find ways to focus and become more organized and find balance in her professional/personal life, which was viewed by some as overlapping in non-productive and distracting ways. Feedback reflected that she is willing to own and learn from her mistakes and is always learning and working to improve professionally and personally.

The overwhelming majority of individuals surveyed felt Ms. Pitcher was the right person for the Police Auditor position because she knows the processes, the community, and has built good relationships, spending years helping to build the program and has demonstrated she is ready for this position. They felt her passion for the work and her dedication to justice were assets to the community and the areas where they felt she needed to improve were well within her ability to accomplish. Participants felt Ms. Pitcher is committed to doing the work right and fulfilling the mission of the office and the promise to the community.

BACKGROUND

Evaluation Process. The following process for gathering feedback was decided upon:

- In-person interviews with select stakeholders chosen by Council Leadership. Requests for interviews were sent to stakeholders including:
 - Civilian Review Board members;
 - Employees of the Police Auditors Office (PAO);
 - Current and former Eugene Police Department (EPD) employees;
 - Eugene Police Employees Association members;
 - Other City of Eugene employees;
 - Police Commission Members; and
 - Former Members of the Ad Hoc Committee on Police Policy.
- Other community partners and stakeholders would provide feedback via an online survey.

Evaluation Questions. Evaluation questions were developed by reviewing the Police Auditor ordinance and other related documents, interviewing Interim Police Auditor Leia Pitcher, and through discussions with Council leadership.

Creation and Deployment of Evaluation Tools. Invitations were sent to 36 individuals requesting an in-person interview and 27 agreed to be interviewed, with participants from each of the categories listed above. Interviews were conducted virtually without being recorded.

Invitations to complete an anonymous online survey were sent to 83 community partners and stakeholders. Participants were given ten days to respond, and a reminder was sent out three days before the deadline. Eleven responses were received for the online survey. A total of five stakeholders responded they did not have enough information to participate.

Analyzation of Feedback. Once feedback was gathered, feedback was analyzed to identify patterns and key themes. Feedback comments are provided in this report in a way to maintain anonymity.

Other Data. The participants have lived or worked in the city of Eugene for an average of 11.94 years; only 3 responded that they have filed a complaint.

FINDINGS

Feedback was gathered in three main categories, with an additional category for the members of the Civilian Review Board.

1. INDIVIDUAL CHARACTERISTICS
2. COMMUNITY LEADERSHIP
3. ORGANIZATIONAL LEADERSHIP
4. CIVILIAN REVIEW BOARD RELATIONSHIPS

For each of the categories, the participant was asked to use the following rating system:

- S: area of strength and highest performance.

- M: area where Leia is meeting expectations.
- I: area where Leia could improve.
- U: Unknown; participant does not know.

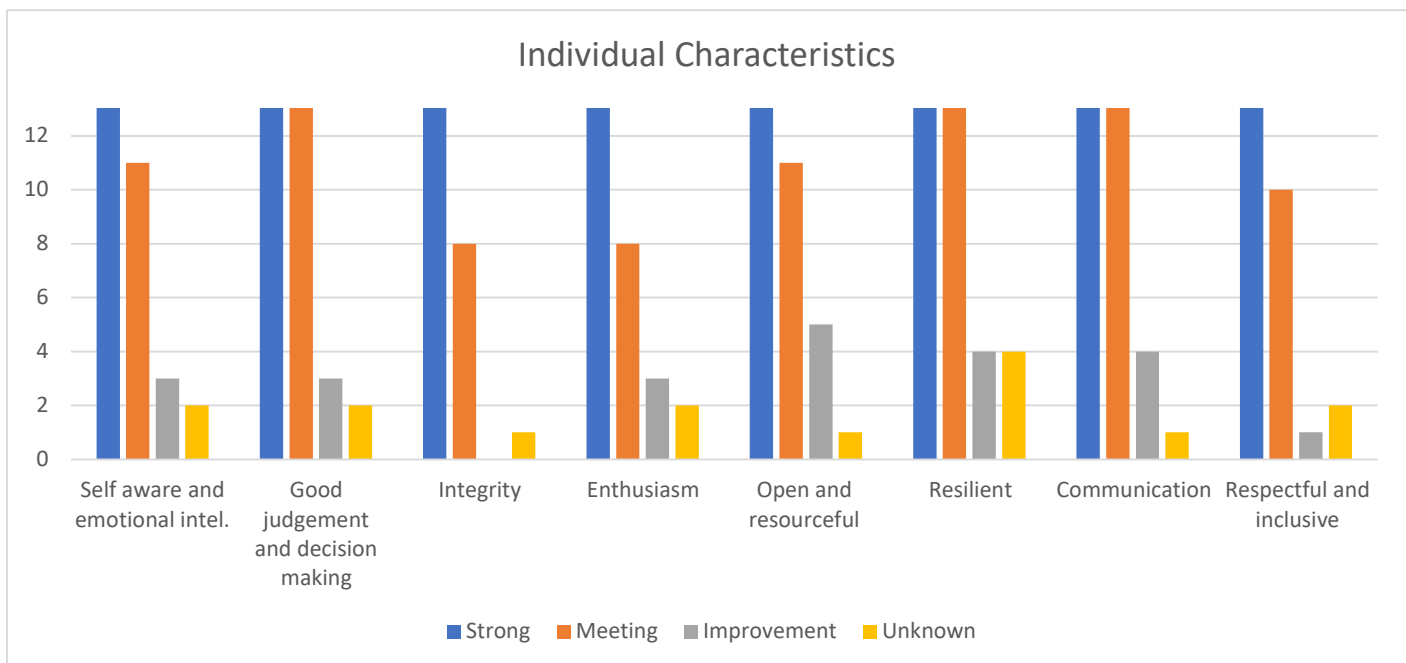
The participants were also provided the opportunity to submit comments and narrative feedback. Below are summaries for each of the categories the participants were asked to provide their feedback on.

1. INDIVIDUAL CHARACTERISTICS

Under this category, eight questions were asked to solicit feedback about Leia's individual characteristics as the Interim Police Auditor:

1. Exhibits the right level of self-awareness and emotional intelligence appropriate for the position such as composure, attitude, empathy, and confidence?
2. Exercises good judgment and decision making?
3. Has and exhibits integrity?
4. Displays enthusiasm for the work?
5. Is open, resourceful, and persistent?
6. Is resilient, able to recover from challenges?
7. Communicates well and at the right level, providing clarity when necessary?
8. Is respectful and inclusive and someone who leads in areas of equity and belonging?

Overall feedback:



Participants felt Ms. Pitcher was strong or meeting expectations in all areas, but especially in the areas of self-awareness, enthusiasm for the job, and being respectful and inclusive. Almost everyone felt she modeled the highest standards of integrity and treating people respectfully. Participants felt she is not afraid to make an unpopular decision and strives to land in the right place based on an

objective and informed read of the issues, not shying away from having the necessary discussions no matter how difficult they may be and always leading these discussions with integrity.

Participants also felt she had good communication skills, especially her in written communications, having great ability to recall very detailed legal information, impressive technical knowledge, and a deep understanding of very complex issues. Participants felt she made sound and well-informed decisions, even dealing with highly complex and controversial issues. Some praised her dedication to improving the system and mentioned her creative problem solving, like mediation of complaints, building a community portal, and moving the PAO to a more welcoming and accessible location.

Areas for improvement included her needing to be more open and resourceful with some responses indicating the need for her to be more transparent with the community, although participants recognized that full transparency was not always possible due to policies and laws regarding privacy and exempt records. Some participants felt Ms. Pitcher could improve her resiliency by working on her work/life balance which appeared to create issues, but some noted that with the hiring of new staff, this could be addressed. She could also accomplish this by knowing when to ask for help and creating a professional peer network she can rely on.

2. COMMUNITY LEADERSHIP

Under this category, seven questions were asked about Leia's community leadership characteristics as the Interim Police Auditor:

1. Is engaged, visible, and active within the community?
2. Builds relationships with the community?
3. Understands and is knowledgeable about issues in the community?
4. Encourages and embraces community input and feedback?
5. Informs the community about what the Police Auditor's office does?
6. Informs the community on how to file a complaint?
7. Is accessible and responsive to the community?

Overall feedback:



Participants felt Ms. Pitcher was strong or meeting expectations in most areas, but especially in the areas of knowledge about the issues in the community and being accessible and responsive. Most participants felt she was collaborative and interested in fairness and hearing all sides, encouraging and embracing input and feedback from the community and stakeholders with the ability to navigate the position well with a calm and clear demeanor, and is listening and trying to improve the process. For those who felt she could improve in her knowledge about the issues in the community, participants mentioned a lack of trust in the system, so building faith and trust in the PAO will be key.

Many felt she could improve in the areas of educating the community on what the Police Auditor's office does and how to access the system. These areas, however, must be ongoing issues for the Police Auditor's Office and not new to Ms. Pitcher's time as the Interim. Being more engaged and active in the community and building better relationships with the community was a priority for many feedback participants. Some felt she has not had the resources necessary to do effective community outreach and community building and needed sufficient resources to get maximum community value from the PAO.

Additionally, at the June 28 Eugene City Council Work Session, Ms. Pitcher outlined the following Next Steps. Participants were asked which items the Police Auditor should focus on:

- Community Portal
- Review of Complaint Process through DEI Lens
- Improve the narrative following use of deadly force
- Improvement to the IDFIT System
- AHCPP Recommendations
- New Team Members / Training
- Community Outreach

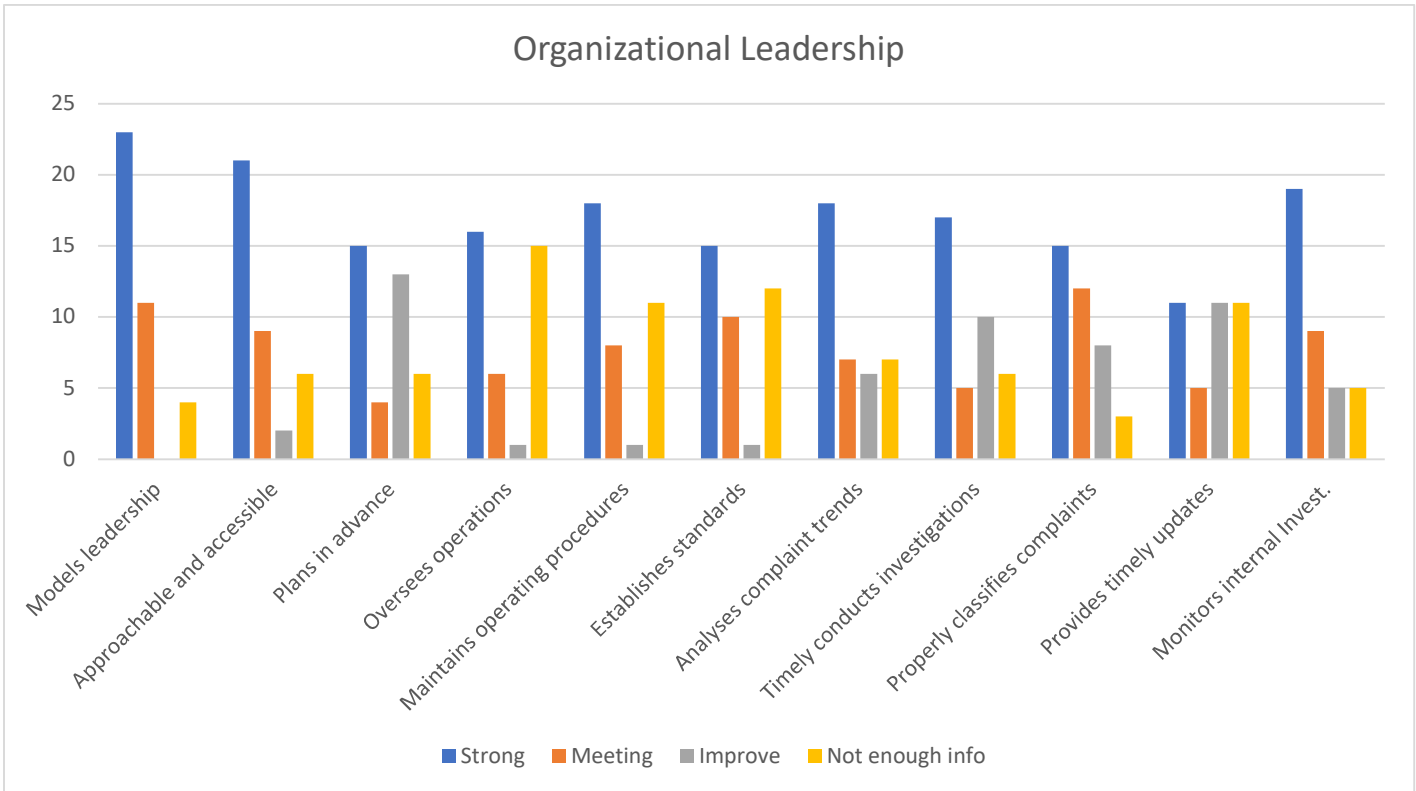
Participants felt the Police Auditor's Office should focus on the Community Portal, Community Outreach, and the recommendations from the Ad Hoc Committee on Police Policy.

3. ORGANIZATIONAL LEADERSHIP

Under this category, eleven questions were asked about Leia's organizational leadership characteristics as the Interim Police Auditor:

1. Models Leadership competencies in the Police Auditor's office such as cultivating trust, being respectful and professional?
2. Is approachable, accessible and demonstrates care for City of Eugene employees and the organization?
3. Plans in advance and leads proactively?
4. Oversees the operations of the auditor's office appropriately?
5. Develops and maintains proper operating procedures for the auditor's office such as handling and monitoring complaints and investigations?
6. Establishes standards of professional conduct for staff in the auditor's office?
7. Analyzes complaint trends and recommends reasonable changes to police services?
8. Timely conducts the preliminary investigation of all complaints lodged with the auditor's office or internal affairs?
9. Properly classifies complaints?

10. Provides timely updates on the status of a complaint and notification to the complainant of its final disposition?
11. Actively monitors internal investigations to ensure a thorough, objective, and timely investigations?



Participants felt Ms. Pitcher was strong or meeting expectations in most areas, but especially in her ability to model leadership qualities such as being professional, credible, and objective. Participants also felt she had a welcoming and friendly demeanor which made her approachable and accessible. Feedback also reflected her demeanor seems differential to EPD, but others noted this may be positive as she does not seem threatening, which may help her build better relationships with EPD. Comments reflected Ms. Pitcher wants EPD to be successful and truly seems to care about helping make EPD better while serving the community's interests.

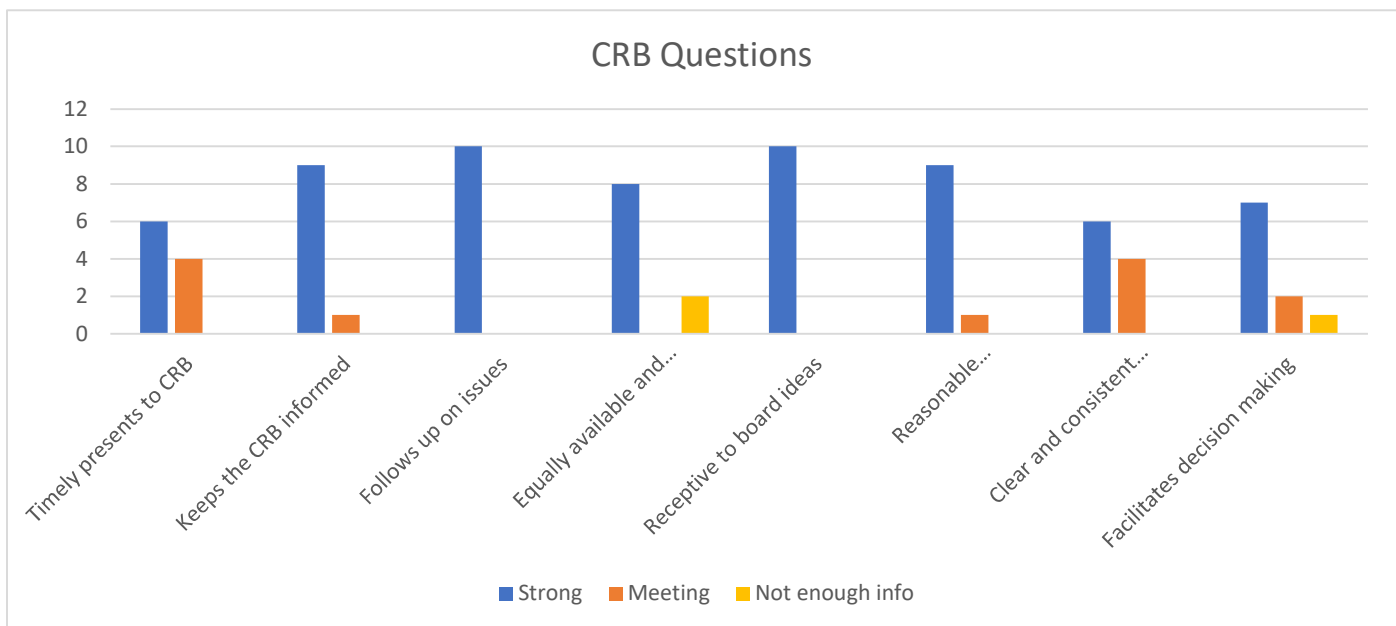
Most participants felt she did a good job of monitoring internal investigations but could improve on the timeliness of her work and the resolution of complaints, although some agreed the lack of timeliness could have been due to the office being short staffed for so many months.

In response to the question of her ability to plan in advance, participants noting they felt she was strong in the area commented the thoroughness of her work. Those that responded a need for improvement here commented on Ms. Pitcher's timeliness and the backlog in getting complaints resolved. Most, however, agreed that being short-staffed may have contributed to this issue and felt more organization on her part and increased staff in the Police Auditor's Office could help in this area. Others noted that transitioning from Deputy PA is hard and it is hard to be interim and not knowing she can implement change.

4. CIVILIAN REVIEW BOARD RELATIONSHIPS

Under this category, eight questions were asked about Leia's relationship with the Civilian Review Board*:

1. Timely presents annual reports describing the activities of the auditor's office, its findings and recommendations to the Civilian Review Board?
2. Keeps the CRB informed of issues and avoids surprises?
3. Responsive and follows up on issues and requests?
4. Equally available and engaged with each Civilian Review Board member?
5. Receptive to Board member ideas and suggestion?
6. Makes reasonable and responsible recommendations?
7. Is clear and consistent in her communications?
8. Facilitates Civilian Review Board decision making and discussions well?



* Note that these questions were also asked of former CRB members as well as employees of the Police Auditor's office.

Participants felt Ms. Pitcher was strong or meeting expectations in all areas, but especially in following up on issues and being receptive to Civilian Review Board ideas. Board members feel she is smart, patient, thorough, and listens to all sides. They find her collaborative, easy to work with, and someone who leads with integrity and is committed to justice, providing a respectful space for disagreement. Overall, Board members felt Ms. Pitcher was doing a great job as Interim, onboarding new staff as well as new Board members and did a great job of "holding it together" during the Pandemic while being short staffed.

None of the participants felt she needed to improve in any of the areas. Some noted that they understand the job is hard and transitioning from Deputy to Interim and then to permanent auditor would be challenging but they believe she has the skills, the knowledge, and the heart to do so successfully.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Renter Protections, Phase II

Meeting Date: October 24, 2022
Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Genevieve Middleton
Contact Telephone Number: 541-682-5529

ISSUE STATEMENT

The purpose of this work session is to review and discuss the updated draft roadmap for renter protections (Attachment A), including a proposed second phase of implementation for three of the renter protection measures discussed at the November 22, 2021 and March 16, 2022 council work sessions. Council will have the opportunity to provide direction on which renter protections, if any, to bring back for further consideration.

BACKGROUND

Locally and nationally, changes to the housing market have created a housing crisis for many renters. Renter Protections include components of stabilization that can help disadvantaged households gain access to decent and affordable rental options, decrease discrimination, and prevent lower-income renters from becoming unhoused. Renter protections, as a form of public policy, can influence landlord management practices and decisions around renter concessions and evictions.¹ Even before the COVID-19 pandemic, Council recognized that renters in our community need additional support, resources, and protections. The issue has grown more critical through the pandemic and its economic consequences, magnifying the need for renter protections. Over half of all Eugene households rent housing and over half of all renters in Eugene are considered “housing cost burdened” (a household that pays 30% or more of their income for housing). With Eugene’s expected population growth, housing costs will continue to rise, which will effectively push some of the most vulnerable renters out of housing. Regulation of the relationship between rental property owners and renters, along with expanding the City’s services and connection to the rental market, are ways that the City can support renters and rental property owners.² Ultimately, the goal is to get more people into housing and, once there, to keep them in housing.

The Oregon Legislature has recognized the need for renter protections at the state level. The Legislature adopted Senate Bill (SB) 608 in 2019, limiting no-cause evictions after the first year of tenancy and limiting the amount rent may increase in a year to 7% plus the consumer price index

¹ *The Impact of the Pandemic on Landlords: Evidence from Two National Surveys*. Kneebone, Decker, De La Campa, Herbert. Joint Center for Housing Studies, Harvard University. September 2021.

² For example, national research has shown eviction prevention reform efforts at a local level are a critical component to keeping people housed. <https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/02/fact-sheet-white-house-summit-on-building-lasting-eviction-prevention-reform/>

(CPI). However, a significant increase in the CPI will allow rent increases of up to 14.6% for calendar year 2023.

Across the state, local municipalities have enacted or are considering additional protections. The Renter Protections that Council approved for Phase I, and are considering in Phases II and III, are not duplicative of current State law but rather seek to build from State requirements to create a more comprehensive renter protection framework.

On March 16, 2022, Council reviewed information about the feasibility and resources needed to implement a set of renter protections and gave direction to move forward with exploring Phase I protections. Council held a public hearing on Phase I renter protections on June 21, 2022 and approved the Phase I ordinance on July 11, 2022. The new Rental Housing Navigator position was recently filled, and documents associated with tenant education, references, and move-in/move-out are available at EugeneRentalCode.org.

Renter Protections Project Timeline

- Mid-March – June 21, 2022: Draft Phase I ordinance, prepare for and staff the Council public hearing
- June – July 11, 2022: Prepare for and staff the Council action item for Phase I ordinance
- July 12 – end of September 2022: Draft administrative rules for public comment period, respond to comments and finalize. Prepare and publish compliance related required materials. Conduct Rental Housing Navigator recruitment.
- September – early October 2022: Research Phase II items, host listening sessions, update roadmap and prepare for Council consideration before 11/1. Solicit feedback from Housing Policy Board (HPB) on displacement prevention assistance.

Updated Roadmap

The updated Renter Protections Roadmap in Attachment A includes the protections under consideration (the second and third phases). The roadmap shows a phased implementation and includes summary information on anticipated impact, funding needs and sources, implementation, and enforcement. The proposed phasing was based on the legal analysis available at the time, as well as the complexity of implementation. Phase I protections have already been implemented and are shown in grey text, except where revisions related to enforcement are proposed to be implemented with Phase II. (See the “Enforcement Follow-Up” section below for more information.) A guide to the roadmap is included in Attachment B with more information.

The proposed Phase II protections are:

- *Limit deposits.* Limit landlords to charging deposits with a maximum of two times the subject unit's monthly rent. For purposes of this prohibition, security, cleaning, and last month's rent deposits are all included in this maximum standard for deposits. Pet deposits are not included.
- *Process applications in the order received.* Require landlords to process applications on a first-come, first-served basis.

- *Displacement Prevention Assistance under certain circumstances.* Create provisions for Displacement Prevention Assistance for legal no-cause evictions, substantial changes in the lease, or substantial increases in the rent by the landlord.

Listening Sessions

The City held two small group input sessions on September 30, 2022. One group consisted of eight tenants and tenant advocates, and one group consisted of seven landlords, property managers, and real estate professionals. Hosted online, the purpose of the meetings was to listen for specific feedback on components that were being researched by staff for Phase II: Displacement Prevention Assistance, Limiting Deposits, and Processing Applications in the Order Received. The sessions primarily focused on Displacement Prevention Assistance, using Portland's Relocation Assistance Ordinance as a recent and detailed example. A summary from each meeting is in Attachment C.

Housing Policy Board

The Housing Policy Board (HPB) met on October 4, 2022, to review Displacement Prevention Assistance because this topic was not part of HPB's original set of recommendations presented to Council in November 2021.³ HPB members had a number of questions, many focused on unintended outcomes that might hurt tenants in the long run and expressed an interest in having an economist provide local analysis on the impacts of Displacement Prevention Assistance. HPB voted to recommend that Council remove Displacement Prevention Assistance from Phase II for further research on impacts and consider Displacement Prevention Assistance in Phase III or as a separate item.

Enforcement Follow-Up

In the July 11 Agenda Item Summary (AIS), staff provided information on a potential additional mechanism for enforcement of the screening fee cap. Currently, applicants must contact the landlord and give the landlord 48 hours to respond before the applicants can file a complaint with the City, which is impractical in the current rental market. Council could amend the code to allow prospective applicants to immediately file a complaint with the City if a landlord requires a screening fee greater than the cap and to provide language that would allow a prospective tenant a legal avenue to seek damages in court against landlords who require screening fees that exceed the amount allowed by the City Code.

Additionally, an important component of the rental housing data collection is eviction data reporting by landlords.⁴ Based on prior efforts to collect data through the Rental Housing Code, it will be important for reporting to be a requirement that, if not done, will result in enforcement. As such, staff recommend enforcement of data collection requirements be included in the next Code change, if Council moves forward with any other renter protection measures.

More information about both of these enforcement follow-ups is included in the Phase I section of the Guide to the Roadmap in Attachment B.

³ Displacement Prevention Assistance was not in the Portland code when HPB started their process. HPB discussed mid-process but decided it would be disruptive to the ongoing discussion to add in late.

⁴ There is not abundant existing data available on displacement to track the number of for-cause and no-cause evictions that result in a tenant exiting the unit. <https://evictioninnovation.org/landscape/data/>

Potential Next Steps

If Council has interest in moving forward with the Phase II renter protections, the next steps would be:

- staff to draft an ordinance to amend the code
- Council to hold a public hearing on the ordinance
- and Council to take action on the ordinance.

As noted in the “enforcement follow-up” section above, that ordinance could also include requirements related to enforcement of the screening fee cap and eviction data collection.

In the meantime, staff would focus on researching Phase III protections and return with an updated roadmap for Council direction in January 2023 with the public hearing for the Phase II ordinance scheduled for the spring of 2023.

HIP Connection

Renter protections that work toward neighborhood stabilization and allow residents to stay in their changing neighborhoods, is a direct form of anti-displacement policy.⁵ Enhancing renter protections is identified as one of the anti-displacement actions in the High Priority Policies and Programs section of the [Housing Implementation Pipeline \(HIP\)](#). The HIP is the 5-year internal work plan to coordinate current and future resources, goals, and priorities with a systems-thinking approach to housing across the full spectrum from people experiencing homelessness to overall housing supply.

PREVIOUS COUNCIL DIRECTION

[July 11, 2022 City Council Meeting](#)

Council approved Ordinance 20670 for Phase I Renter Protections: support services, required move-in/out documentation, access to rental history, dissemination of tenant educational information, and a cap on applicant screening fees.

[March 16, 2022 City Council Work Session](#)

Council directed the City Manager to schedule a public hearing prior to Council's summer break and action on the protections included in Phase I as described in the AIS and to include protection #8, a cap of \$10 on application and screening fees, into Phase I. Council also directed staff to provide Council with actionable information on items in Phase II by November 1, 2022 and Phase III by February 1, 2023.

[November 22, 2021, Work Session](#)

Council directed the City Manager to come back in the first quarter of 2022 with information about the feasibility and resources needed to implement renter protections consistent with the Housing Policy Board recommendations plus the other renter protections discussed during the meeting.

⁵ *White Paper on Anti-Displacement Strategy Effectiveness*. Chapple, Loukaitou-Sideris. California Air Resources Board. February 28, 2021.

March 13, 2019, Work Session

Council received a follow-up presentation from staff with information on the status of the Eugene rental market, experiences of Eugene renters, issues related to rental housing, and state legislation related to renter protections. Council directed staff to come back with more data as well as recommendations on ways to increase rental housing stability, access, and affordability.

February 21, 2017, Work Session

Council received a presentation from staff about the status of rental housing in Eugene. Council directed staff to conduct additional research and return with more information at a future work session.

COUNCIL OPTIONS

1. Direct the City Manager to prepare and schedule a public hearing on an ordinance:
 - a. Limiting the amount of deposits a landlord may charge;
 - b. Requiring that applications be processed in the order they are received; and
 - c. Requiring that landlords provide displacement prevention assistance under certain circumstances.

OR

2. Direct the City Manager to prepare and schedule a public hearing on an ordinance:
 - a. Limiting the amount of deposits a landlord may charge;
 - b. Requiring that applications be processed in the order they are received;
 - c. Providing for additional enforcement for violations of the screening fee cap, and
 - d. Requiring eviction data reporting and providing for enforcement.

Additionally, direct the City Manager to bring back more information on displacement prevention assistance as part of Phase III of renter protections.

OR

3. Direct the City Manager to schedule a work session to discuss a draft ordinance implementing a modified set of Phase II protections identified by Council.

OR

4. Take no further action.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends option 2.

SUGGESTED MOTION

Move to direct the City Manager to prepare and schedule a public hearing on an ordinance limiting the amount of deposits a landlord may charge, requiring that applications be processed in the order they are received, providing for additional enforcement options for violations of the screening fee cap, and requiring eviction data reporting and providing for enforcement. Additionally, direct the City Manager to bring back more information on displacement prevention assistance as part of Phase III of renter protections.

ATTACHMENTS

- A. Renter Protections Roadmap
- B. Guide to the Roadmap
- C. Listening Sessions Notes

FOR MORE INFORMATION

Staff Contact: Genevieve Middleton
Telephone: 541-682-5529
Staff E-Mail: Genevieve.A.Middleton@eugene-or.gov

DRAFT RENTER PROTECTIONS ROADMAP

Attachment A

Updated with Council's 3/16/22 & 7/11/22 direction.

Phase

I = Council approved 7/11/22
II = Additional research by 11/1/22
III = Additional research by 2/1/23

Impact Scale

● = Regular
○ = Partial

Keeping People Housed
Components of Rental Affordability
Housing Racial Equity

PHASE	RECOMMENDATION	ACTIVITY	IMPACT			FUNDING	HOW TO IMPLEMENT	ENFORCEMENT
I *	1. Fund a rental housing navigator position; expand and manage rental housing data collection ; code enforcement of the protections; and other tenant support services, such as a tenant hotline and eviction diversion; all with funds from an increased Rental Housing Code annual door fee. The housing navigator will also assist with solutions and support for a) ex-offenders and other classes of people with similar challenges struggling to qualify for rental housing and b)rental housing that is accessible and usable by persons with disabilities.	Support Services	<div></div>	<div></div>	<div></div>	Revenue Backed	Code Amendment to expand use of fee; Administrative Order to increase fee	Complaint driven, code enforcement , collection procedures
	2. Require landlords to itemize and photo document property condition at move-in and move-out, and to itemize and photo document withholdings from security deposit. The tenant shall receive copies.	Move In/ Move Out	<div></div>	<div></div>	<div></div>		Code Amendment	Complaint driven, code enforcement
	3. Require landlord, at tenant written request, to provide rental history (reference) for a tenant who has not yet given notice.	Move In/ Move Out	<div></div>	<div></div>	<div></div>		Code Amendment	Complaint driven, code enforcement
	4. Require landlords to distribute, together with any written rental agreement, a tenant educational information document regarding terminations. The City will be responsible for creating, updating, and posting the educational material. At a minimum the rental housing code, including tenant protections, will be included.	Move In/ Move Out	<div></div>	<div></div>	<div></div>		Code Amendment	Complaint driven, code enforcement
	5. Cap applicant screening fees at \$10 .	Application	<div></div>	<div></div>	<div></div>		Code Amendment	Complaint driven, code enforcement, cause of action
PHASE II FEASIBILITY ANALYSIS UNDERWAY								
II	6. Limit landlords to charging deposit (combination of security, cleaning, and last month deposits) with a max of 2 times the monthly rent, not including pet deposit.	Application	<div></div>	<div></div>	<div></div>	Revenue Backed	Code Amendment	Complaint driven, code enforcement, cause of action
	7. Require Landlords to process applications in the order received (first-come, first-served).	Application			<div></div>		Code Amendment	Complaint driven, code enforcement, cause of action
	8. Displacement prevention assistance for legal no cause evictions, substantial changes in the lease, or substantial increases in the rent by the landlord.**	Support Services	<div></div>	<div></div>	<div></div>		Code Amendment	Complaint driven, code enforcement
PHASE III REQUIRES FEASIBILITY ANALYSIS								
III	9. Prohibit landlords from: a) including medical or education debt when evaluating an applicant's income vs. expense and b) using a mandatory credit score of above 500. (9,10 need to be considered together).	Application	<div></div>	<div></div>	<div></div>	Additional research to be presented to Council by 2/1/2023		
	10. Loosen minimum monthly gross income screening standards. (9,10 need to be considered together).	Application	<div></div>	<div></div>	<div></div>			
	11. Local prevention of, or moratorium on, no cause evictions.	Support Services	<div></div>		<div></div>			

*Council approved Phase I ordinance items on 7/11/22. **Black** text in Phase I is related to enforcement follow-up that is explained further in the 10/24/22 AIS and the Roadmap Guide in Attachment B.

** Housing Policy Board voted on 10/3/22 to recommend Council to remove Displacement Prevention Assistance from Phase II for further research on impacts and consider DPA in Phase III or as a separate item.

Guide to the Roadmap

Eugene’s real estate market has changed considerably over the last decade, with median owner-occupied home prices increasing by 25% and median rents increasing by 38%. Over half of all Eugene households rent housing and over half of all renters in Eugene are considered “housing cost burdened” (a household that pays 30% or more of their income for housing). With Eugene’s expected population growth, housing costs will continue to rise, which will effectively push some of the most vulnerable renters out of housing and increase the number of residents who are housing cost burdened.

Regulation of the contractual relationship between rental property owners and renters, along with expanding the City’s services and connection to the rental market, are ways that the City can support renters and rental property owners. Ultimately, the goal is to get more people into housing and, once there, to keep them in housing.

For over five years, across Oregon and the nation, policy analysts have recognized the critical need for renter protections to keep people housed. National research has shown eviction prevention reform efforts at a local level are a critical component to keeping people housed.¹ Senate Bill (SB) 608 provides a statewide level of protection to renters by limiting no-cause evictions after the first year of tenancy as well as limiting the amount of rent increases that can happen in a year to 7% plus the consumer price index. Across the state, local municipalities have enacted or are considering additional protections specifically crafted to meet the needs of the local population. The Renter Protections outlined in the attached Roadmap were developed based on Eugene’s local population needs.

Renter protections are broadly defined. They can include programs like the City’s Rental Housing Code. Renter protections can also include anti-discrimination protections like the ones found in Eugene’s Human Rights Code. They can even include rent stabilization and limitations on no-cause evictions. The renter protections under consideration are focused on: 1) protecting renters and vulnerable populations and 2) preventing displacement.

The following guide explains the roadmap in Attachment A, the Phase II items in more detail, and provides preliminary information on the Phase III items (which are not the subject of the 10/24/22 work session).

How the roadmap is organized

The renter protections roadmap is a formatted table to provide high level summary information based on feedback from Council’s November 22, 2021 and March 16, 2022 work sessions. The roadmap includes phasing and summary information on anticipated impact, funding, implementation, and enforcement. The roadmap contains columns for activity, impact, funding, implementation, and enforcement. The symbol key is shown at the top of the table. Additional information about the impact categories, funding, and enforcement is below followed by information on each of the proposed renter protections.

Impacts Categories

The impacts categories are priority rental housing policy goals at the local, state, and federal levels and include components of stabilization that can help disadvantaged households gain access to decent and affordable rental options, decrease discrimination, and prevent lower-income renters from becoming

¹ <https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/02/fact-sheet-white-house-summit-on-building-lasting-eviction-prevention-reform/>

unhoused. Renter protection measures can play an important role in influencing landlord decisions around renter concessions and evictions.²

- **Keeping people housed.** This impacts category represents an action that will prevent or ameliorate evictions, provide supports that can improve a tenant's knowledge about their rights, and improve the length of time a tenant has in accessing another rental unit. "Local policies implemented in the wake of the pandemic will contribute to the shift in a positive correlation between rental nonpayment and landlord management responses that keep people housed."³
- **Components of Rental Housing Affordability.** This impacts category represents opportunities to lessen the costs associated with rental housing that are in addition to annual rents. "The COVID-19 pandemic has exacerbated the affordability crisis, especially for households that were already cost burdened. Even before 2020, the number of households paying more than 30 percent of income for rent remained stubbornly high, and the job losses over the past two years are likely to have left even more renters struggling to pay for rent."⁴ The allowable rent increase in Oregon for the 2023 calendar year is 14.6%. This means that already cost burdened tenants could see increases that would push them to become severely cost burdened (more than 50% of household income for rent).
- **Housing Racial Equity:** This impacts category represents opportunities to stop discriminatory rental housing practices that can impact renter ability to acquire, maintain, or be financially capable of future housing. "Landlords do not pursue evictions equally across households. While the national eviction filing rate was 1 in 20; for Black renters, it was 1 in 11. People of color, women, and families with children are more likely to be evicted. A study found that almost 15 percent of American children born in large cities between 1998 and 2000 had experienced an eviction by age 15. The percentage was approximately 29 percent for children living in deep poverty⁵. (). Among tenants at risk of eviction, Hispanic tenants in predominantly white neighborhoods were roughly twice as likely to be evicted as those in predominantly non-white neighborhoods. Hispanic tenants were also more likely to get evicted when they had a non-Hispanic landlord."⁶

Funding

The cost to implement Phase II protections would primarily be in code enforcement. The estimated cost for code enforcement will depend in part on how many complaints are received.

Enforcement

The primary goal of code enforcement is to raise awareness of any new requirements and to minimize the need for enforcement. Enforcement for the protections will utilize the existing Rental Housing Code enforcement process. By using the existing enforcement process, tenants can file complaints with code enforcement staff without pursuing litigation, as litigation can result in long delays and can be costly.

² *The Impact of the Pandemic on Landlords: Evidence from Two National Surveys*. Kneebone, Decker, De La Campa, Herbert. Joint Center for Housing Studies, Harvard University. September 2021.

³ Id.

⁴ *America's Rental Housing 2022*. Joint Center for Housing Studies of Harvard University. 2022.

⁵ *A Research Note on the Prevalence of Housing Eviction Among Children Born in U.S. Cities*. Lundberg and Donnelly. 2019. *Demography*, 56(1), 391–404

⁶ Greenberg, Gershenson, and Desmond. 2016. *Discrimination in Evictions*, *Harvard Civil Rights-Civil Liberties Law Review*, 51, 115 – 158 [FY 2021 Eviction Protection Grant Program | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)

The focus of Eugene’s Rental Housing Code is to ensure rental properties in the City are safe for tenants by creating minimum habitability standards and offering protections for renters. The program is designed to encourage written communication between the tenant and owner and ideally resolve issues without the need for City enforcement. If a tenant and owner are unable to resolve the issues on their own, the City works with both parties to reach compliance.

If a complaint is received, staff will consider what path to follow, depending on the type of complaint. In all cases, staff will contact the landlord immediately to resolve the complaint quickly. As with all enforcement cases, resolution with a phone call or in-person contact is preferred by all parties. Often, staff can mediate a resolution with this first contact. In cases where staff are unable to achieve immediate resolution, staff can issue a Notice to Correct. If staff determine that a landlord or property manager has violated a City code a Notice of Civil Penalty may be issued. If a Notice to Correct is necessary, the landlord will be given either 48 hours or 10 days to correct the violation, depending on the violation. If the landlord is unresponsive or does not correct the violation within the allowed timeframe, the City may issue a civil penalty. The landlord has the ability to appeal the City’s determination. The primary goal is to reach compliance without penalties. If, after correspondence from compliance staff and requests to correct the violation, a rental owner doesn’t correct the violation(s), there may be a minimum of \$140 per day up to a maximum of \$1,200 per day penalty. The amount of the civil penalty assessed depends on several factors and is unique in each case. Of the total number of rental housing complaints received to date, only five were assessed civil penalties. As with the rest of the compliance program, the focus is on education and enforcement, not assessing penalties.

The time to resolve complaints can vary. Frequently, as noted above, complaints can be resolved with one phone call from city code enforcement staff to landlords. Other times, the complaint process can take up to a few months depending on the complexity of the corrections needed. The estimated cost for renter protections code enforcement will depend in part on the number and complexity of the complaints received, which is hard to predict.

See the Phase 1 section below for information on enforcement follow-up specific to the screening fee cap and management of rental housing data collection.

Phase I Items – Approved July 11, 2022

Council approved the Phase I items in July 2022.

PHASE I	1. Support services <i>(see enforcement follow-up info below this table)</i>
	2. Move-in/out documentation
	3. Rental history
	4. Tenant Educational Information
	5. Cap applicant screening fees <i>(see enforcement follow-up info below this table)</i>

Screening Fee Cap Enforcement Follow-Up: In the July 11 Agenda Item Summary (AIS), staff provided information on a potential additional mechanism being needed for enforcement of the screening fee cap that would be better suited or more utilized. Current City code requires applicants to pay the applicant screening fee at the price that the landlord has set, then contact the landlord to let them know that the fee should not be higher than the cap, and then allow the landlord 48 hours to respond before the applicant can submit a complaint to the City. This approach is impractical in the current rental market. Council could amend the code to allow prospective applicants to immediately file a complaint with the City if a landlord requires a screening fee greater than the cap and to provide language that would allow a prospective tenant a legal avenue to seek damages in court against landlords who require screening fees that exceed the amount allowed by the City Code.

Eviction Data Collection Enforcement Follow-Up: An important component of the rental housing data collection approved is eviction data reporting by landlords.⁷ Currently, data is not available on the number of no-cause evictions or for-cause evictions that do not go to court. This data will help staff understand and track the state of the rental market and inform on specific anti-displacement efforts, potentially including support services for landlords and tenants. Based on prior efforts to collect data through the Rental Housing Code, it will be important for reporting to be a requirement that, if not done, will result in enforcement. As such, staff recommend this be added to the ordinance.

Phase II Proposed Items – subject of 10/24/22 work session

PHASE II	6. Limit deposits.
	7. Process applications in the order received.
	8. Displacement Prevention Assistance under certain circumstances.

6. Limit landlords to charging deposits with a maximum of two times the subject unit's monthly rent. For purposes of this prohibition, security, cleaning, and last month's rent deposits are all included in this maximum standard for deposits. Pet deposits are not included.

This recommendation would place a limit or ceiling on the total amount of deposits a landlord could require. Although some landlords and tenants report that this limit is in line with their current experience, other Eugene and Springfield tenants report security deposits of up to 6 months' rent. The proposed ceiling on total deposits is consistent with national and high-cost-urban markets, with nearly all U.S. states that regulate the amount of deposits using a limit of 1-2 months' rent, and some high-rental-cost cities also restricting it further, including Seattle (1 month) and Portland (1.5 months). This protects renters by reducing financial burden of a large upfront payment and increasing the transparency to the prospective tenant of the overall cost of housing.

Housing Policy Board recommended a limit of two times the monthly rent, considering it a balanced approach to local limitations. Local service provider agencies have noted that a deposit of two months' rent can often serve as extra assurance to landlords who rent to low-income residents receiving assistance from

⁷ There is not abundant existing data available on displacement to track the number of for-cause and no-cause evictions that result in a tenant exiting the unit. <https://evictioninnovation.org/landscape/data/>

the local providers. However, a fee any higher than two months' rent can be burdensome for market rate renters who do not have the additional assistance from service providers.

One potential exemption that could be considered is to allow renters to offer to pay additional funds as the security deposit as extra assurance if tenants have risk factors such as no credit or a low or extremely low credit score. In Portland, a landlord must allow the tenant to pay an additional security deposit in up to three installments if requested by the tenant.

7. Process applications in the order received (first-come, first-served).

This item would help qualified applicants have a fair chance at being offered a rental unit. This item is intended to prevent discriminatory or preferential screening from the rental application process. It protects renters by ensuring fair access to housing for the first tenant who meets screening standards, advances fair housing agenda by preventing "cherry-picking," and mitigates against unnecessary processing of screening fee payments by limiting "batch processing."

In Portland, once the application period has opened, landlords are required to digitally or manually record the date and time the landlord received each complete application; if a landlord received an application before the application window opened, the landlord must timestamp it as 8 hours after the start of the application period. Landlords may process multiple applications at once, but must accept, conditionally accept, or deny applicants in order of receipt. Landlords may refuse to process an application that is materially incomplete or that was submitted by an applicant who has verifiable repeated rental agreement violations with this landlord and if the most recent violation occurred within the last 365 days.

In Seattle, Washington, landlords are required to date and time stamp applications in the order received; screen applications in chronological order one at a time, give applicants a minimum of 72 hours for additional information on an otherwise complete application; provide 8 hours for a response to an offer of a rental agreement, after which time the landlord can proceed screening the next applicant in line.

8. Displacement Prevention Assistance for legal no-cause evictions, substantial changes in the lease, or substantial increases in the rent by the landlord.

Generally speaking, Displacement Prevention Assistance protects a tenant from actual or constructive eviction due to a landlord's decision to increase rent or to use the dwelling unit for another purpose. Displacement Prevention Assistance may also entail relocation assistance such as payment from a landlord to a tenant when a lease is legally terminated for reasons that have nothing to do with the tenant's behavior or use of the dwelling (commonly referred to as no-cause evictions) and the decision to terminate the lease is solely landlord related (i.e. a decision to increase the rent; to remodel the unit making it unavailable; or to lease to a family member). There is more than one model of Displacement Prevention Assistance, and best practice is to calibrate the program to address the issues in the local rental market.

State law already provides some Displacement Prevention Assistance for Eugene renters. In February of 2019, SB 608 (codified at ORS 90.427) became effective and includes two of the following renter protections: 1) prohibits most no-cause evictions after the first year of occupancy and 2) limits how much landlords can increase rent each year for dwellings that are 15 years old or older. SB 608 protects tenants who have been in their current home for a year or more from no-cause eviction, and rent increases for units in buildings 15 years old or older are limited to 7% plus the average percentage of inflation (consumer price index/CPI) over the past twelve months. Due to high inflation levels experienced this year, landlords are allowed to increase rents by up to 14.6% in 2023.

The City of Portland's mandatory relocation assistance code requires assistance amounts to be paid to a tenant when the landlord chooses to terminate a lease for no-cause or when a landlord increases the monthly rental amount by more than 10% and the current tenant chooses to leave rather than pay the rent increase. The amount of relocation assistance is based on the unit size:

Studio or Single Room Occupancy:	\$2,900
1-Bedroom	\$3,300
2-Bedroom	\$4,200
3-Bedroom or larger	\$4,500

Whereas SB 608's limits on rent increases only applies to rental units 15 years or older, the Portland relocation assistance program applies to all rental units regardless of age – with exemptions available by application in defined situations. No-cause eviction or rent increases require 90 days written notice to tenants before the effective date. Notices must be accompanied with a description of the tenant's rights and obligations and the amount of relocation assistance they are eligible to receive. The notice must be hand-delivered or sent by first class mail.

The Portland code also goes further than SB 608 in that it provides relocation assistance for rent increases; no-cause evictions; notice of non-renewal of a fixed term lease; qualified landlord reason for termination; and substantial changes in lease terms.

Additional examples of Displacement Assistance Prevention in other jurisdictions demonstrate the ways in which cities provide renter protections that extend beyond state laws and craft ordinances to meet the specific needs of renters. California has state mandated relocation assistance equal to one month of the tenant's rent for no cause evictions after one year of tenant occupancy. In Healdsburg, California, low- or moderate-income households may be eligible to receive additional Displacement Prevention Assistance from landlords when no-cause evicted: in addition to state-mandated payments, tenants who earn 120% or less of area median income receive a relocation payment equal to one month of rent, and tenants who earn 80% or less of area median income receive two months of rent. Tenants must provide proof of income within seven calendar days of eviction notice.

Staff heard concerns from both tenants and landlords about potential challenges faced by small landlords or low- or moderate-income landlords. An additional component of Displacement Prevention Assistance could be a compensation fund for qualifying landlords to mitigate the cost.⁸ Such a fund could be administered by a third-party program administrator selected through a Request for Proposals process. Requirements of landlords requesting funds could include showing proof of payment of the door fee, submitting a copy of the no-cause eviction along with information about their units, and submitting federal tax returns or a declaration of hardship if they do not meet the income qualifications.

The Housing Policy Board (HPB) met on October 4, 2022, to review the Displacement Prevention Assistance concept because it was not part of HPB's original set of recommendations presented to Council in November 2021.⁹ HPB members had a number of questions, many focused on unintended outcomes that might hurt tenants in the long run and expressed an interest in taking more time for a greater analysis of the impacts of Displacement Prevention Assistance, including an economic analysis of these types of market interventions. HPB voted to recommend Council remove Displacement Prevention Assistance from

⁸ A small landlord can be defined by the number of properties they own, and their income reported on federal tax returns. An example of this would be a landlord who owns four units or fewer and whose income is below 80% of the Area Median Income by household size.

⁹ Displacement Prevention Assistance was not in the Portland code when HPB started their process. HPB discussed mid-process but decided it would be disruptive to the ongoing discussion to add in late.

Phase II for further research and to consider Displacement Prevention Assistance in Phase III or as a separate item. Council members have also expressed an interest in better understanding the potential unintended consequences of Displacement Prevention Assistance.

Phase III Items – NOT the subject of the 10/24/22 agenda item

Renter protections listed in Phase III are more complex and need additional research on the feasibility of enforcement, the extent of the impact, and the results of pending litigation and potential changes in State law. Phase III protections may also be more difficult or complex to effectively administer. The information provided below is based on preliminary research and is subject to change after more thorough research that will be completed and presented to Council by February 1, 2023.

PHASE III	9. Prohibit medical and education debt and limit credit score.
	10. Loosen minimum monthly gross income screening standards.
	11. Local prevention of, or moratorium on, no-cause evictions.

9. Prohibit landlords from: a) including medical or education debt when evaluating an applicant's income vs. expense and b) using a mandatory credit score of above 500. (9 & 10 need to be considered together)

This recommendation would follow the City of Portland's Fair Access in Renting (FAIR) Ordinance on credit screening, including that an applicant may not be denied for having a credit score lower than 500, and that screening should exclude medical debt and education debt. It protects renters by lowering barriers to housing access by recognizing that credit score does not correlate with present ability to pay rent.

10. Loosen minimum monthly gross income screening standards (9 & 10 need to be considered together)

This recommendation would allow a landlord to require an applicant to show monthly gross income up to but not greater than 2 times amount of rent. This follows the spirit of the Portland FAIR Ordinance guidelines but would be simpler to implement. Protects renters by improving access to housing for lower- and moderate-income tenants. Reflects existing disparity between local incomes and local prices for rental housing as reported in the 2020 Eugene-Springfield Consolidated Plan: "Households paying more than 30% of household income are considered to have a 'housing cost burden.' Most of all renters in Eugene (55%) and slightly under half of all renters in Springfield (48%) are considered housing cost burdened."

11. Local prevention of, or moratorium on, no-cause evictions.

This item would establish a local moratorium on no-cause evictions. The State had a moratorium on evictions that expired on June 30, 2022. That protection was in place for renters who were unable to pay rent due to the impacts of the pandemic. A ban on no-cause evictions would go a step further than the Displacement Prevention Assistance in item #8 above. If the Displacement Prevention Assistance and a moratorium were both in place, landlords would not be able to use a no-cause eviction and would not need

to pay for tenant Displacement Prevention Assistance. This item in particular will require additional legal research and input from enforcement staff regarding feasibility.

The City held two small group input sessions on September 30, 2022. One group consisted of eight tenants and tenant advocates, and one group consisted of seven landlords, property managers, and real estate professionals. Throughout the participant recruitment process and the listening sessions, tenants and landlords expressed hesitations about participating in the discussions. Some landlords voiced concerns that they do not understand what the problem is that the City is trying to solve. Some tenants expressed concerns that the opponents of Renter Protections were requesting time to provide more input as a method to delay the Renter Protection process; some tenants expressed that landlords have not been willing to discuss strategies when they have given feedback. Some participants in each group were skeptical that any positive result would come from the sessions. Hosted online, the purpose of the meetings was to **listen to specific feedback on components researched by staff for Phase II: Displacement Prevention Assistance, Limiting Deposits, and Processing Applications in the Order Received**. The majority of the feedback requested was focused on Displacement Prevention Assistance components, using Portland's Relocation Assistance Ordinance as an example because it recently implemented a detailed program. The table below summarizes feedback on specific topics; for full topic descriptions, see page 2.

Topic	Listening Session 1	Listening Session 2
Displacement Prevention Assistance (DPA): General Concepts	<p>Assistance is essential to help maintain permanent housing for low-income residents:</p> <ul style="list-style-type: none"> • After paying upfront moving costs and deposits, low-income renters do not have funds to move again. • When crafting code, consider the impacts on vulnerable populations experiencing No-Cause evictions, such as people on Social Security, with a disability payment, or fleeing domestic violence. 	<p>Additional renter protections, including assistance, will result in less rental housing and higher rents in Eugene:</p> <ul style="list-style-type: none"> • Landlords will sell their Eugene rentals and invest in other communities. • If a rental house is sold to a new owner and they choose to be a landlord, the rent will increase to accommodate a higher mortgage. • Define problem before proposing solutions.
DPA: Triggering Events	<ul style="list-style-type: none"> • A 10% increase in rent as a trigger is too high, it should be less. • Treat student housing in Eugene the same as housing for the general population. 	<ul style="list-style-type: none"> • A 10% cap will be a problem if costs increase by more than 10% per year. • Landlords of large houses near campus noted that these properties have a seasonal cycle, and state law makes them difficult to maintain with month-to-month leases
DPA: Assistance	<p>Participants shared several ideas:</p> <ul style="list-style-type: none"> • The assistance amount should be a percentage; such as % of Fair Market Rent. • The % increase should be based on average rent increases in the area. • The amount should be 3X the monthly rent. 	<p>Participants agreed that:</p> <ul style="list-style-type: none"> • The public sector should help renters who are struggling, not the private sector. • Residents should prove they need assistance. • The increased financial risk of assistance will deter landlords from investing in rentals.
DPA: Written Notice Timeframe	<ul style="list-style-type: none"> • 90 days is not enough time to find housing, especially for individuals with health issues or experiencing disabilities. 	<ul style="list-style-type: none"> • Some participants felt 90 days made sense, others suggested both landlords and renters have the same Written Timeframe Notice.
DPA: Exemptions	<ul style="list-style-type: none"> • Participants did not support most of Portland's exemptions, specifically those for ADUs and landlords living onsite. • Week to week exemption made sense to several participants • Exemptions provide loopholes for landlords • Enforcement methods or documentation? 	<ul style="list-style-type: none"> • Exemption clauses can be complicated and require that landlords obtain the exemption before notifying tenants.

Limiting Deposits and Processing Applications	<ul style="list-style-type: none"> • 2X the monthly rent is a large sum of money for market rate renters with low wage jobs. • Clarify that 2X the monthly rent must also include the last month's rent. • High security deposits are used to avoid renting to low-income residents. 	<ul style="list-style-type: none"> • Limiting deposits creates negative impacts on residents with poor credit scores. Currently, a landlord can mitigate the risk of an otherwise unqualified applicant by asking for a higher deposit. That will change if limits are set.
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Displacement/Relocation Assistance Topics and Questions:

Triggering Events: Participants were given the following list of triggering events taken from Portland's program and asked to comment and provide feedback on these events: **No-cause** evictions; **Rent increase** of 10% or more over a 12-month period; **Notice of a non-renewal** of a fixed term lease (not becoming month-to-month);

Qualified landlord reason for termination; and **Substantial change** of lease terms.

Assistance and Timeframes: Participants were asked about the Written Notice Timeframe as well as the dollar amount of Displacement/Relocation Assistance. Portland's examples that were provided are a 90-day timeframe and the following dollar amounts for different types of housing: Studio/Single Room Occupancy - \$2900; 1 bedroom - \$3300; 2 bedroom - \$4200; 3 bedroom - \$4500.

Exemptions: Participants were shown a slide with a summarized version of Portland's exemptions and asked to comment. The exemptions shown are:

- Week to week tenancies
- Landlord lives onsite: in same dwelling unit, in duplex, in ADU, or rent out their primary residence for not more than 3 years
- Rental unit conditions are uninhabitable or plan to demolish within the next 6 months
- Other landlord factors: active military service, rent to family member, plan to sell or permanently convert
- Specific designation: regulated affordable unit & issuing rent increase, acquired for public use through eminent domain

Limiting Deposits & Processing Applications: Participants were asked to provide feedback on the two other components of Phase II Renter Protections: 1. Limiting Deposits to 2x the Monthly Rent and 2. Processing Applications in the Order Received.