

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Overview of Chronic Nuisance Codes

Meeting Date: February 24, 2015
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: B
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ISSUE STATEMENT

This work session follows up on previous council discussions related to rental unit management and community livability. Staff will present an update on the recent administrative rule change requiring a local contact be registered with the City for all rental properties, review livability codes that are currently in place, and provide examples of regulations from other communities that may provide possible options for the council to consider to help address on-going concerns and enhance neighborhood livability.

BACKGROUND

At the July 27, 2015, council work session, staff provided an overview of strategies that have been implemented to help address neighborhood livability concerns as well as a review of ways other communities are regulating rental housing to help improve livability.

Additionally, staff presented data collected on local rental units, property management types, and calls for service related to livability to help inform a discussion on rental unit management. The data collected was used to help better understand the role of on-site management as it might relate to neighborhood livability. In summary, the data revealed the following:

- The data collected indicated that more units did not necessarily mean more calls for service. In general, smaller multi-unit properties had more calls for livability related services than larger properties in the sample.
- Of the multi-unit properties surveyed, most of the large complexes did not have a resident manager living on-site, but many of the smaller complexes did.
- Almost 80 percent of the Unruly Gathering Citations have been issued at single-family dwellings.

Based on the review of strategies used by other communities, two possible actions were discussed by the council: consider requiring rental properties in Eugene to have a local emergency contact or agent and explore a chronic nuisance code or similar provision.

Local Contact Requirement

At the July work session, the council indicated support to add language to the existing Rental

Housing Administrative Order requiring registration of a local contact. Administrative Order 53-15-16, which requires rental property owners who reside more than 75 miles outside of Eugene City limits provide an emergency contact that resides within 75 miles, was released for public comment last fall. The City received a total of 49 comments; 43 opposed and six in support. Of those opposed, the primary reasons cited were: concern for what authority would be required of a local agent which may lead to increased cost if the owner is required to pay a property management company; several felt the need for a local contact was unnecessary based on “modern” technology, and some felt the distance was arbitrary. Based on the feedback, the City adjusted the distance from the initially proposed 60 miles to 75 miles measured from the City limits. After reviewing and responding to comments, the Order was signed February 17, 2016. Staff will be contacting applicable owners in the next few months to request the local contact information which will be added to the City’s existing rental housing database.

Chronic Nuisance Code Examples

At the work session, the council also indicated an interest in further exploring the concept of a chronic nuisance code or similar provision. Staff have collected examples of chronic nuisance ordinances adopted in the following Oregon cities - Beaverton, Bend, Corvallis, Gresham, Portland, Salem, Tigard, Tualatin and Clackamas County. Staff also looked at a few cities outside of Oregon, including Bremerton, Seattle, Tacoma, and Sunnyside, Washington, Fort Collins, Colorado and Madeira Beach, Florida. A summary of staff findings is included (Attachment A).

Staff found that generally jurisdictions consider three or more nuisance activities within a defined period constitute a chronic nuisance. That period of time varied anywhere from a 60-day period to 180 days and most expanded the definition to capture problem properties that continue past that initial period. For example, in Corvallis, Oregon, a chronic nuisance property is defined as “having three or more nuisance activities occur during any 30-day period, or five or more in a 90-day period.”

The violations used to constitute a chronic nuisance property varies by city. Some cities include all code violations, criminal and non-criminal, and others select specific code section violations as nuisances to be enforced under a chronic nuisance code. Examples of criminal violations may include: loud parties, drugs, minor in possession, disorderly conduct, etc. Non-criminal violations may include: parking in the front yard or within setbacks, improper storage of garbage cans, visible junk, etc.

Current Eugene Livability Codes

The City has a number of existing codes in place to help protect neighborhood livability and address problem properties. These codes are enforced on a complaint-based system. When a complaint is received staff will attempt to contact the owner or the party responsible for the property. If necessary, the City can issue an Order to Correct and then a Notice of Civil Penalty if the issue is not resolved within a given timeframe. The majority of cases are handled without assessing penalties. Additional steps can be taken, especially if there is an immediate life or safety issue.

In cases of a repeat violator the City can assess immediate civil penalties without issuing an Order to Correct. If the owner doesn’t pay the civil penalty the amount may be placed as a lien on the

property that accrues interest. Staff follow this process for any zoning, nuisance, building code, or rental housing violation reported. City staff receive about 1,600 complaints each year. Staff respond to a variety of concerns including: vehicles parked on lawns, storage of junk and/or garbage, garbage can placement, illegal signs, odor, smoking violations, hoarding, rodent harborage, animal violations, too many un-related occupants, unsafe/dangerous structures, open and vacant homes, illegal secondary dwelling, etc.

Complaints of oversize, disorderly gatherings, and parties involving alcohol are handled by the Eugene police.

In response to concerns from University neighborhoods the City adopted an Unruly Gathering Ordinance (Social Host) (Attachment B). The ordinance went into effect on March 2, 2013. A Social Host Ordinance has been an effective strategy at many other university cities. The ordinance holds individuals and property owners accountable for unruly events or social gatherings. The ordinance applies only when multiple law violations are taking place. On the first visit the hosts may be cited for any of those violations. Should there be subsequent visits that meet the definition of an Unruly Gathering the host and the owner may be cited and assessed a civil penalty for recovery of actual response costs.

Unsafe and Vacant Properties

Last fiscal year, staff responded to 79 properties where there was either an unsafe/dangerous building or a building that was vacant and open. When staff identify a building that is unsafe/dangerous, action may be taken to immediately address any life safety concerns which may include contacting the utility company to disconnect power and/or water and, if warranted, having the doors and/or windows boarded up. In situations where staff identify a building is vacant and open, but not dangerous, the property is posted with a Notice to Abate. The Notice provides 10 days for the owner or responsible party to secure the building. If there is no response the City will work with a contractor to have the building secured. As long as the building remains unoccupied and secure and there are no other violations the City takes no further enforcement action.

It is not uncommon for staff to hear from a community member who's concerned about the "condition" or maintenance of a home in their neighborhood. Often it is a home that's in the foreclosure process or the owners may be deceased and the home is awaiting action by an estate. The neighbors share concern that the property has become an eyesore, contributing to and impacting property values in the neighborhood. Unless the concern is related to a nuisance defined in the existing codes such as junk, garbage or overgrown vegetation the City does not have the authority to take any additional action. The existing codes do not include language specific to the aesthetics of a structure.

The council has asked staff to provide information on how other cities are handling similar neighborhood concerns. Staff found that Portland, Gresham, Salem and Corvallis (adopted in 2015) have codes that include language that requires owners maintain the outside of the dwelling. As an example, Portland's Housing Maintenance Code (Attachment C) specifically requires dwellings be free of peeling paint, missing or damaged gutters, broken windows, damaged roofing or chimneys, and missing or damaged siding, or other signs of neglect.

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.

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

No options at this time. Staff will be looking for council input and direction on next steps.

CITY MANAGER'S RECOMMENDATION

No recommendation is proposed at this time.

SUGGESTED MOTION

No motion is proposed at this time.

ATTACHMENTS

- A. Chronic Nuisance Code Research
- B. Eugene Unruly Gathering Code
- C. Portland Property Maintenance (Chapter 29)

FOR MORE INFORMATION

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