

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

**AMENDING AND REPLACING RENTAL HOUSING CODE  
ADMINISTRATIVE RULE R-8.430 ADOPTED BY ADMINISTRATIVE  
ORDER NO. 53-22-05-F.**

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

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

**B.** On January 24, 2024, I issued Administrative Order No. 53-24-02 ordering that notice be given of the opportunity to submit written comments on a proposal to amend the Rule so that it aligns the requirements of the Rule with the changes made to the Rental Housing Code by Ordinance 20694. The Rule provides clarity on documentation, security deposits, application processing, relocation assistance, termination of tenancy, and enforcement.

**C.** Notice of the proposed amendments to the Rule was given by making copies of the Notice available to any person who had requested such notice and by publication of the Notice in the Register Guard newspaper on January 29, 30, and 31, and February 1 and 2, 2024. The Notice stated that interested persons had an opportunity to submit comments on the proposed amendments until the end of the day on February 13, 2024. The written comments received during the public comment period are addressed in the City Manager's Findings in Consideration of Written Submissions attached as Exhibit A to this Order.

**On the basis of these findings, I order that:**

**1.** Effective April 17, 2024, Rental Housing Code Administrative Rule R-8.430 is amended as set out below.

**2.** The unamended provisions of Administrative Rule R-8.430 adopted by Administrative Order No. 53-22-05-F are reaffirmed and incorporated into Rental Housing Code Administrative Rule R-8.430 adopted by this Order.

**3.** Administrative Order No. 53-22-05-F is superseded and repealed by this Administrative Order No. 53-24-02-F effective April 17, 2024.

**4.** Effective April 17, 2024, the following constitutes Rental Housing Code Administrative Rule R-8.430:

## **RENTAL HOUSING CODE ADMINISTRATIVE RULE R-8.430**

### **R-8.430-A Definitions.**

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

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

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

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

### **R-8.430-B Registration.**

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

2. The registration form shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The written statement shall describe each room of the dwelling noting the condition of floors, walls, windows, ceilings, fixtures, cabinets, locks, smoke detectors, and appliances. The written statement shall also include a description of the condition of any exterior components of the dwelling that the tenant is responsible for maintaining. The

City will make available a form that landlords may choose to use in order to comply with the requirements of EC 8.425(11) and this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. If a landlord refuses to process an application because it is materially incomplete, the landlord must notify the applicant in writing within 48 hours of deeming the application incomplete. The notification to the applicant must inform the applicant that their application will not be processed and must state what made the application materially incomplete.

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

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

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

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

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

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

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

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

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

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

(2) A traceable electronic payment method such as a cash app or an electronic bank transfer if allowed under the written rental agreement.

(3) A cash payment with a receipt.

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

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

(1) The date of the notice.

(2) The delivery method of the notice.

(3) The date the fixed term rental agreement expires.

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

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

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

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

(1) The date of the tenant's notice.

(2) A statement expressing the tenant's desire to renew the fixed term rental agreement.

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

(1) The date of the notice.

(2) The delivery method of the notice.

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

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

(2) A traceable electronic payment method such as a cash app, or an electronic bank transfer if allowed under the written rental agreement.

(3) A cash payment with a receipt.

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

(1) The date of the notice.

(2) The delivery method of the notice.

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

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

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

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

- (1) The date of the notice.
- (2) The delivery method of the notice.
- (3) The maximum annual rent increase percentage allowed by the State of Oregon pursuant to ORS 90.324.
- (4) The tenant's rights and obligations document described in subsection 1 of this section R-8.430-G.

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

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

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

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

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

- (1) A cashier's check delivered by first-class mail or in person.
- (2) A traceable electronic payment method such as a cash app, or an electronic bank transfer if allowed under the written rental agreement.
- (3) A cash payment with a receipt.

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

Reports of relocation assistance payments required by EC 8.425(17)(e) shall be made online or in-person on a form created and updated by City staff and available to landlords on the



City's website that includes at least the following information associated with the relocation assistance payment:

- (1) The name of the tenant who received the relocation assistance payment.
- (2) The address of the dwelling unit.
- (3) The type of dwelling unit (for example, detached single-unit dwelling, duplex, apartment, ADU).
- (4) The number of bedrooms in the dwelling unit.
- (5) The number of tenants in the dwelling unit.
- (6) The type of rental agreement (for example, fixed-term or month-to-month)
- (7) If the rental agreement is for a fixed-term, the specified ending date in the rental agreement.
- (8) The date the tenancy began.
- (9) The amount of monthly rent for the dwelling unit.
- (10) The name, mailing address, and email for the person or entity who made the relocation assistance payment to the tenant.
- (11) The number of rental units owned by the landlord.
- (12) The event that triggered the relocation assistance payment:
  - a) issuance of a termination notice for a rental agreement without cause during the first year of tenant occupancy as provided in ORS 90.427;
  - b) issuance of a termination notice for a rental agreement because the landlord has a qualifying reason for termination under ORS 90.427;
  - c) issuance of a rent increase notice for a rent increase equal to or exceeding the maximum annual rent increase percentage as set by the State of Oregon pursuant to ORS 90.324; or
  - d) declining to renew or replace an expiring rental agreement with a specified ending date that falls within the first year of a tenant's occupancy of the dwelling unit (which includes declining to renew or replace an expiring rental agreement on substantially the same terms).
- (13) If state-required relocation assistance was paid, the amount and date of the state-required relocation assistance payment to the tenant.
- (14) The amount of the city relocation assistance payment.
- (15) The date the city relocation assistance payment was made.

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

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

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

- (a) The address of the dwelling unit.
- (b) The type of dwelling unit (for example, detached single-unit dwelling, duplex, apartment, ADU).
- (c) The type of rental agreement (for example, fixed-term, month-to-month, week-to-week).
- (d) If the rental agreement is for a fixed-term, the specified ending date in the rental agreement.
- (e) The date the tenancy began.
- (f) The property owner's first and last name, legal entity name (if applicable), email, phone number, address of principal residence and/or principal place of business, and mailing address (if different).
- (g) If the landlord uses a property management company or other landlord agent to communicate with tenants, the name, phone number, and email of the landlord's agent.
- (h) The exemption in EC 8.425(f) that the landlord believes applies.
- (i) Whether the individual completing the form is the property owner or the property owner's agent.
- (j) The date and method by which the landlord delivered the exemption notice required by EC 8.425(g) to the tenant and whether the exemption notice was included in the rental agreement or as a separate notice. A copy of the exemption notice provided to the tenant pursuant to EC 8.425(17)(g)1. through 4.
- (k) An electronic or wet signature of the landlord or a person legally authorized to act on behalf of the landlord.

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

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

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

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

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

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

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

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

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

(a) The address of the dwelling unit.

(b) The type of dwelling unit (for example, detached single-unit dwelling, duplex, apartment, ADU).

(c) The number of bedrooms in the dwelling unit.

(d) The number of tenants whose tenancy was terminated.

(e) The type of rental agreement (for example, fixed-term, month-to-month).

(1) If the rental agreement is for a fixed-term, the specified ending date in the rental agreement.

(f) The date the tenancy began.

(g) The property owner's first and last name, legal entity name (if applicable), email, phone number, and mailing address.

- (h) The Property Management company, phone number, and email. (If applicable).
- (i) The delivery method of the landlord's termination notice to the tenant.
- (j) The termination date given in the notice.
- (k) The date the tenant moved into the dwelling unit.
- (l) The date the tenant moved out of the dwelling unit.
- (m) The type of termination (e.g. for-cause for non-payment of rent, without cause, landlord-based reason of selling the unit, etc.).
- (n) The type of eviction notice (90-day notice, 30-day notice, 10-day notice, 24-hour notice, or other).
- (o) The court case number, if the landlord filed a residential eviction complaint (Forcible Entry and Detainer (FED)) with the court.
- (p) Whether or not the landlord engaged in any negotiation and, if so, with/without a mediator.
- (q) A copy of a termination notice required to be submitted to the City by EC 8.425(18)(a) shall be uploaded online at the time the landlord submits the termination report or submitted in person along with the completed termination reporting form.

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

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

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

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

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

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

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

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

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

**4.** If the owner fails to respond to the written notice as required in sections 1 and 2 above within the applicable period identified in sections 1 or 2, the individual may file a complaint with the City. A complaint may be made by phone, email, mail, or in person and shall contain all of the following information:

(a) Name and address of the complainant;

(b) Mailing address of the complainant, if different than the address provided pursuant to (a) above;

(c) Telephone number(s) and/or e-mail address at which the complainant can be reached;

(d) The address at which the alleged code violation(s) exists, if applicable;

(e) A description of the alleged code violation(s); and

(f) The date on which written notice of the alleged code violation was e-mailed, mailed, or personally delivered to the owner or the owner's agent.

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

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

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

**8.** In the case of a complaint regarding a violation of EC 8.425(16), the complainant shall submit with the complaint a copy of the written notice provided to the owner and information

showing that a rental housing application was submitted as well as evidence demonstrating that the application was not processed as required by EC 8.425(16), such as the date/time stamp provided by the landlord.

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

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

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

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

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

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

**12.** When a complaint is filed with the City, the City Manager shall provide the written notice required by section 11 above and shall initiate an investigation of any complaint found to be a potentially valid complaint unless prior to that time the complaint is withdrawn in writing by the complainant. If the investigation results in a determination that the complaint is not valid, the City Manager shall notify all parties of that determination and the case shall be closed.

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

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

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

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

(d) When the City Manager determines that repairs are needed to remedy a lack of essential services, a requirement that the owner complete the required repairs within 48 hours of issuance of the order, unless the City Manager determines the repairs cannot be

completed within that period of time, in which case the owner or owner's agent shall, within the 48 hour period, submit a compliance schedule for completion of the repairs that is acceptable to the City Manager;

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

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

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

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

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

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

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

#### **R-8.430-L Appeal.**

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

#### **R-8.430-M Determination of Amount of Administrative Civil Penalty.**

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

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

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

(1) "E" is the effort made by the owner or the owner's agent in taking

all feasible steps necessary and appropriate to correct the violation. The value of “E” shall be:

- a. 1, if the owner or owner’s agent has made an active attempt to correct the violation.
- b. 3, if the owner or owner’s agent has made minor attempts to correct the violation.
- c. 5, if the owner or owner’s agent has taken little or no action to correct the violation.

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

- a. 5, if the present violation is the first violation by the owner or the owner’s agent, within 24 months of the date of issuance of the notice.
- b. 20, if the present violation is the second violation by the owner or the owner’s agent, with 24 months of the date of issuance of the notice.
- c. 35, if the present violation is the third violation by the owner or the owner’s agent within 24 months of the date of issuance of the notice.
- d. 50, if the present violation is the fourth or subsequent violation by the owner or the owner’s agent within 24 months of the date of issuance of the notice.

**R-8.430-N Penalty.**

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

Dated this 9th day of April, 2024.



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**Sarah Medary**  
City Manager



**Summary and Responses to Public Comments on  
PROPOSED AMENDMENTS TO  
RENTAL HOUSING CODE ADMINISTRATIVE RULE R-8.430**

Notice of the proposed amendments to Rental Housing Code Administrative Rule R-8.430 (the proposed amendments) was published in the Register Guard on January 29, 30, and 31, and February 1 and 2, 2024 with a 15-day public comment period. Additional outreach on how to provide public comment in email form was included in the EUG Planning Newsletter that reaches over 22,000 subscribers, along with website updates posted on the City's Renter Protections Process page. The Notice and Administrative Rule were posted and made available for in-person viewing at the Planning and Development reception desk in the Atrium Building at 99 W 10<sup>th</sup> Ave, Eugene, OR 97401. Ten commenters submitted comments in writing.

### Comment Summary and Responses

1. One commenter requested that landlords be allowed to email move-in/move-out documentation photos to tenants.

Response: Emailed move-in/move-out documentation photos images are already allowed by the Rental Housing Code Administrative Rule R-8.430 (the Rule). R-8.430-D 1. (a). states that "Landlords may provide tenants with physical copies of the images required by EC 8.425(11) and this section or may provide the images electronically." No changes are being made to the rule or the proposed amendments as a result of this comment.

2. Three commenters stated that the new renter protections are going too far and the new regulations are making it more difficult for small landlords. One of the commenters noted the increasing cost of owning rentals in Eugene with property taxes that take 2-2.5 months of rent to cover, plus the cost of mortgage, insurance, property management, repairs, and maintenance; the commenter is concerned that the renter protection policies are creating a dynamic in which only millionaires and out of state corporations can afford to own rentals in Eugene. One of the commenters noted that it will be beneficial to our community to preserve the small landlord as a small business owner and preserve the properties for tenants.

Response: The comments summarized above express an opinion on policy choices made by the City Council but do not request any specific changes to the proposed Rule amendments; therefore, no changes are being made to the proposed amendments as a result of these comments.

3. One commenter asked that City relocation assistance match the state relocation payment amount and asked that the City allow an exemption for small landlords who own 4 or fewer properties.

Response: The relocation assistance payment amount and exemptions from the requirement to provide relocation assistance are policy decisions made by the City Council and set by ordinance. An exemption from relocation assistance for small landlords who own four or fewer properties would require a City Code amendment and matching the City's relocation payment amount to the amount set by the State would require City Code amendments and are decisions for the City Council. No changes are being made to the proposed amendments as a result of this comment.

4. One commenter asked that the City adopt additional exemptions from the requirement to provide relocation assistance when tenants are asked to move out to allow the landlord's immediate family members to move in and when tenants are asked to move out to allow the owner to sell the property.

Response: Relocation assistance exemptions are policy decisions made by the City Council. Eugene Code 8.425 (17)(f) provides an exemption to relocation assistance for "11. A dwelling unit subject to a fixed term tenancy where the landlord's intent to sell or permanently convert the dwelling unit to a use other than as a dwelling unit is a term of the executed rental agreement." An exemption from relocation assistance when tenants are asked to move out to allow the landlord's immediate family members to move in would require a City Code amendment and is a decision for the City Council. No changes are being made to the proposed amendments as a result of this comment.

5. One commenter expressed concern about abandoned and neglected pets and would like to see a standard policy that requires tenants to provide proof of immunizations and pet care plans for university breaks when students are away.

Response: No changes are being made to the proposed amendments as a result of this comment.

6. One commenter requested that the City provide dedicated staff to help landlords navigate the new rules and provide educational opportunities for landlords.

Response: The City's [Rental Housing Program](#) is a resource for landlord education and outreach. In addition, as a part of phase I implementation, the City hired a Rental Housing Analyst to provide support services to landlords and tenants. The position develops resources and training materials designed to provide information on the local rental housing code, statewide legislation, landlord/tenant relationship best practices, and other subjects as needed. No changes are being made to the proposed amendments as a result of this comment.

7. One commenter asked the City to consider renaming Renter Protections with a less "adversarial title." The commenter suggested including language that sets an example of mutual respect terms such as "equitable," "fair practices," or "mutual."

Response: The term "renter protections" is not included in the Rule or the proposed amendments. No changes are being made to the proposed amendments as a result of this comment.

8. One commenter noted that "campus rentals" should be exempt from some of the new renter protections. The commenter suggested rules be added that enforce tenant departure dates if the tenant declines a pre-lease offer and the landlord then pre-leases the unit to another tenant. The commenter is concerned that if tenants are allowed to change their mind up to 60 days before the end date in the lease (the time by which the City Code requires a tenant in a fixed term lease of less than one year to inform their Landlord that they wish to stay in the unit in order to be eligible for relocation assistance), it puts future residents who signed the pre-lease in a predicament without a new home. The commenter also requested "campus rentals" be exempted from the relocation assistance penalties for no-cause terminations in the first year of tenancy to provide more freedom to the landlord to ensure properties

are well maintained and that the tenant is going to be a “good neighbor” and not materially damage the unit.

Response: The code allows a tenant in a fixed term tenancy of less than one year up to 60 days prior to the lease end date to inform the landlord that the tenant would like to renew the lease and remain in the unit. If the tenant informs the landlord that the tenant would like to stay in the unit at least 60 days prior to the end of the lease term, the code allows the landlord to choose to renew the tenant’s lease or allow the lease to expire and pay the tenant relocation assistance. If the tenant does not inform the landlord that the tenant would like to remain in the unit at least 60 days prior to the end of the lease term, the tenant will not be eligible for relocation assistance. No changes are being made to the proposed amendments as a result of this comment.

9. One commenter noted that in R-8.430-A Definitions, “Triggering Event” does not address leases of more than one year that can automatically convert to a month-to-month agreement or Three Strikes non-renewal of lease under ORS 90.427(7). The commenter suggests that both of these items should be added to the City’s definition.

Response: In response to this comment, the types of triggering events that require a landlord to provide the City with notice of relocation assistance have been moved to R-8.430-H, Relocation Assistance – Payment Reporting, and the rule has been clarified to provide that relocation assistance payments must be reported to the City when a landlord declines to renew or replace an expiring rental agreement “**with a specified ending date that falls within the first year of a tenant’s occupancy of the dwelling unit.**” No other changes are being made to the proposed amendments as a result of this comment.

10. One commenter suggested that the City add a statement to R-430-D.1 to clarify the requirement that the tenant must acknowledge receipt of documentation of the condition of the unit at move-in “in writing”.

Response: EC 8.425 (11)(a) already provides a requirement that the landlord must receive written confirmation from the tenant that the tenant has received and reviewed the move-in documentation; therefore, no changes are being made to the proposed amendments as a result of this comment.

11. One commenter suggested that in section R-8.430-F.6, the City should clarify what evidence the landlord is required to provide to the tenant of the past violations. The commenter also suggested the landlord could screen the applicant and then deny the applicant due to poor rental history.

Response: In response to this comment, the proposed amendments have been updated to clarify that a landlord can refuse to process an application only if the “application was submitted by an applicant who has violated a rental agreement with the **same** landlord **reviewing the application** three or more times during the 12-month period preceding the date of the application...”. The proposed amendments have also been updated to clarify that “... the landlord must notify the applicant in writing within 48 hours that their application will not be processed and provide the applicant with **copies of written** documentation of the violations **that were previously provided to the tenant.**” No other changes are being made to the proposed amendments as a result of this comment.

12. One commenter said in section R-8.430-G., the City is allowing landlords to serve legal notices in a manner that conflicts with state law. The proposed rule allows for service by email, which can mislead a

well-meaning property owner into serving a termination or rent increase notice in a manner only allowed under very specific circumstances, and the rule does not include the right to post-and-mail notices. The commenter suggested that the rule be amended to say any legal notices served under the code must be served in accordance with ORS 90.150, 90.155 and 90.160, which would meet the requirements of the code as well as state law.

Response: The notice requirements in the City Code and proposed amendments relate specifically to notices required by the City – they do not control notices required by other regulatory entities. The commenter’s suggestion that the rule amendments simply incorporate statutory notice requirements is inconsistent with City Code requirements; therefore, no changes are being made to the proposed amendments as a result of this comment.

13. One commenter suggested in section R-8.430-G.2(b), 3(d), and 4(d) that the rule should default to the method by which monies must be returned to tenants in general under state law: first class mail, personal delivery, or if allowed by written agreement, by electronic means. The commenter noted that refund of monies by electronic means is only allowed under very specific circumstances and is concerned landlords may be misled that City Code supersedes state law.

Response: The relocation assistance payment requirements in the City Code and proposed rule amendments relate specifically to relocation assistance required by the City – they do not control payments or refunds of monies required by other regulatory entities. The proposed amendments have been updated to require the relocation assistance be paid directly to a tenant(s) listed on the rental agreement and allow three payment options: (1) A cashier’s check delivered by first-class mail or in person; (2) A traceable electronic payment method such as a cash app, or an electronic bank transfer if allowed under the written rental agreement; (3) A cash payment with a receipt.

No other changes are being made to the proposed amendments as a result of this comment.

14. One commenter proposed adding the words "or exceeding" to the phrase concerning rent increase notices for relocation assistance. The commenter is concerned that the current wording does not adequately address the exemption in ORS 90.323 for buildings constructed in the last 15 years from the maximum rent increase cap.

Response: The list of events that trigger relocation assistance were moved to section R-8.430-H Relocation Assistance – Payment Reporting and the bold language was added to "(12)(c) issuance of a rent increase notice for a rent increase equal to **or exceeding** the maximum annual rent increase percentage as set by the State of Oregon pursuant to ORS 90.324".

15. One commenter expressed concern that requiring tenants to specify the delivery method of their termination notice can become a procedural hurdle for tenants, potentially invalidating the tenant’s notice due to a technical oversight. The commenter stated the delivery method is usually apparent from the notice itself, making the requirement redundant and potentially problematic.

Response: In response to this comment, the proposed amendments have been modified to remove the language from R-8.430-G.4 (c) that requires the tenant to include the delivery method in the tenant’s written notice of termination.

16. One commenter requested that Termination of Tenancy/Eviction Reporting be expanded to include evictions in shared housing situations, particularly those resulting from personal protective orders. The commenter believes that this addition is important for a comprehensive understanding of eviction dynamics in various living arrangements and for ensuring protections are inclusive of all rental scenarios.

Response: EC 8.425(18) requires landlords to report whenever a tenant moves out as a result of a written termination notice or legal action taken by the landlord to remove a tenant. The code does not exclude shared housing situations but does define “Landlord” as “The owner, lessor, or sublessor of the rental housing. “Landlord” includes a person who is authorized by the owner, lessor, or sublessor to manage the rental housing or to enter into a rental agreement. No changes are being made to the proposed amendments as a result of this comment.

17. One commenter asked for clarification on the requirements in section R-8.430-B.2(c). The commenter would like to know if a landlord who rents rooms in their home needs to update the number of rooms they are renting if that number changes from their original registration.

Response: The proposed amendments do not make any edits or changes to R-8.430-B. No changes are being made to the proposed amendments as a result of this comment.

18. One commenter asked for clarification of section R-8.430-B.3. The commenter would like to know how long a unit has to be “unavailable” before triggering the notification to the City about the status change of a rental unit.

Response: The proposed amendments do not make any edits or changes to R-8.430-B. No changes are being made to the proposed amendments as a result of this comment.