

MINUTES
Eugene City Council
Work Session
Eugene, Oregon 97401

June 26, 2023
5:30 p.m.

Councilors Present: Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Lyndsie Leech, and Randy Groves

Mayor Vinis opened the June 26, 2023, work session of the Eugene City Council in a hybrid format at 101 W 10th Avenue, Eugene OR 97401.

1. WORK SESSION: Renters Protections Phase II

City Manager, Sarah Medary introduced Amy Cameron, Rental Housing Navigator, Will Dowdy, Community Development Director, Amanda Noble Flannery, Housing and Homelessness Section Manager, and Genevieve Middleton, Affordable Housing Policy and Planning Manager who presented on a draft ordinance for Renters Protections Phase II.

MOTION AND VOTE: Councilor Groves, seconded by Councilor Keating moved to direct the City Manager to revise the draft Ordinance with the items in the technical and procedural package in Attachment C.

VOTE: 8:0 PASSED

MAIN MOTION: Councilor Groves, seconded by Councilor Keating, moved to direct the City Manager to revise the draft Ordinance to remove the following relocation assistance triggers 3 and 5.

Councilor Discussion:

- Councilor Semple – stated she is not in favor of removing trigger 3.
- Councilor Zelenka – asked if relocation assistance would be triggered if the landlord evicted the tenant to demolish the unit without prior notice of demolition; asked how trigger 3(a) works in relation to exemption 11; asked how the City determines if a unit is unsafe to live in; asked if a kitchen renovation would trigger relocation assistance.
- Councilor Keating – asked if a tenant has recourse besides the court system if a landlord determines the unit is not livable; stated his support for retaining triggers 3 and 5; stated support for following state guidelines.
- Councilor Clark – expressed concern that people may take advantage of the system.

MOTION TO AMEND: Councilor Clark, seconded by Councilor Groves, moved to amend the motion to include trigger 4.

Councilor Discussion:

- Councilor Clark – expressed concern that tenants may be incentivized to not give notice of their intent to leave at the end of a fixed term lease of less than a year, which

would force landlords to give the tenant notice of intent not to renew the lease, and trigger relocation assistance.

- Councilor Keating – asked for clarification that the motion to amend will remove triggers 3, 4, and 5.
- Councilor Yeh – noted that college students do not typically need a rental during summer break; believes it is in the student tenant’s interest to give their landlord notice; stated that it is a potential issue that should be monitored.
- Councilor Zelenka – noted that these triggers are only applicable during the first year.
- Councilor Clark – noted concern that students in fixed term leases of less than a year may qualify for relocation assistance; stated that landlords have an obligation to notify the student tenant that they are not renewing the student’s lease but that students do not have an obligation to notify the landlord; stated that the student tenant may be incentivized not to communicate with their landlord about renewing or ending the lease.
- Councilor Keating – stated that while it is possible that student tenants may take advantage of the system, it is unlikely due to the clear intentions of a fixed term lease; asked how a lease is triggered to renew; stated removing trigger 4 may negatively affect tenants who are not students; stated that he would be voting against the removing trigger 4.
- Councilor Zelenka – asked if state law applies to a tenancy of over a year, regardless of lease term length; asked if the ordinance could require the tenant to notify the landlord of their intent to renew to qualify for relocation assistance.
- Councilor Groves – stated that Council will need to plan on reviewing the effects of the ordinance; spoke in favor of creating a system that is fair for both landlords and tenants.
- Councilor Semple – stated that including trigger 4 is not fair to landlords.
- Councilor Clark – stated that the ordinance needs more work to prevent people from taking advantage of the system.

VOTE ON MOTION TO AMEND: 4:5 FAILED (opposed by Councilors Zelenka, Keating, Yeh, and Leech, with Mayor Vinis' vote against breaking the tie)

Councilor Discussion:

- Councilor Semple – stated she is against removing relocation trigger 3 from the draft ordinance.
- Councilor Yeh – stated her opposition to removing relocation trigger 3.
- Councilor Leech – stated her opposition to removing relocation trigger 3; stated that a landlord has a responsibility to their tenants.
- Councilor Zelenka – noted trigger 3(a) is not triggered if the landlord had acquired the permit to demolish before signing the lease and disclosed it to the tenant; stated that trigger 3(c) and exemption 7 seem contradictory; asked when a landlord needs to notify a tenant that they intend to sell the unit to qualify for exemption 12.
- Councilor Groves – stated that it can be hard for landlords to predict when they may need to terminate a lease to allow an immediate family member to occupy the unit.
- Councilor Leech – believes a landlord should pay relocation assistance to place immediate family in their rental unit.

- Councilor Zelenka – asked what constitutes a substantial change of the lease.

VOTE ON MAIN MOTION: 2:6 FAILED (opposed by Councilors Semple, Keating, Zelenka, Yeh, Clark, and Leech)

MOTION: Councilor Semple moved to keep all of the triggers, 1, 2, 3, and 5, and do not include 4. Motion not seconded.

Councilor Discussion:

- Councilor Keating – clarified that if the current suggested triggers are not amended by Council, the draft ordinance will default to keep as drafted.

MOTION (*with friendly amendment*): Councilor Groves, seconded by Councilor Keating, moved to direct the City Manager to revise the draft ordinance to require location assistance when rent is increased by 7 percent plus inflation, or 10 percent, whichever is less in a 12-month period.

Councilor Discussion:

- Councilor Zelenka – offered a friendly amendment, seconded by Councilor Evans, updating the increase to 7 percent plus inflation, or 10 percent, whichever is less, to make the motion consistent with a recent state law.
- Councilor Keating – stated that he would prefer if the limit was 5 percent but noted the value in aligning the ordinance with state law.
- Councilor Semple – stated that the limit should be 5 percent.
- Councilor Zelenka – asked how capping the increase at 5 percent would interact with the state law set at 7 percent plus inflation.
- Councilor Evans – clarified that the motion is for 7 percent plus inflation with a cap at 10 percent.
- Councilor Leech – asked if landlords are able to raise rent above 10 percent.
- Mayor Vinis – asked if the intent is to set the limit up to 10 percent or 10 percent and over.
- Councilor Zelenka – asked if a landlord could avoid paying relocation assistance by raising the rent to just under the limit.
- Councilor Yeh – stated that she is in support of setting the cap up to 10 percent.

MOTION WITHDRAWN: Councilor Groves withdrew his motion. Councilor Keating accepted the withdrawal.

MOTION AND VOTE: Councilor Groves, seconded by Councilor Keating, moved to direct the City Manager to revise the draft Ordinance to require relocation assistance when rent is increased by the maximum annual percentage allowed under ORS 90.323(2).

VOTE: 7:1 PASSED (opposed by Councilor Clark)

MAIN MOTION: Councilor Groves, seconded by Councilor Keating, moved to direct the City Manager to revise the draft Ordinance to set the relocation assistance payment amount at 2 months' current rent.

MOTION TO SUBSTITUTE: Councilor Keating, seconded by Councilor Semple, moved to substitute 3 months' rent.

Councilor Discussion:

- Councilor Groves – stated that relocation assistance of 2 months' rent is fair because landlords require 2 months' deposit.
- Councilor Zelenka – stated that requiring 3 months' rent seems punitive to landlords.
- Councilor Yeh – stated that requiring 3 months' rent is more equitable.
- Councilor Keating – stated that a tenant has expenses equivalent to at least 3 months' rent when moving to a new home; stated that requiring landlords to provide 3 months' of rent for relocation assistance is a strong disincentive for landlords to engage in no cause evictions and provides some security to tenants; asked if 3 months' rent for relocation assistance is used in other communities; asked how often relocation assistance is paid in other communities; asked if determining fair market rent or determining rent actually paid is more time consuming for staff.
- Councilor Clark – asked how to take into account refundable tenant deposits; stated that he is in favor of 2 months' rent as relocation assistance.

VOTE ON MOTION TO SUBSTITUTE: FAILED 4:5 (opposed by Councilors Zelenka, Clark, Evans, and Groves, with Mayor Vinis' vote against breaking the tie)

VOTE ON MAIN MOTION: PASSED 6:2 (opposed by Councilors Clark and Semple)

Councilor Discussion:

- Mayor Vinis – asked Councilors to speak to which exemptions they would like removed.
- Councilor Semple – stated she would like to remove exemptions 2, 3, 4, 5, 6, and 7.
- Councilor Zelenka – stated he would like to remove exemption 7 to be consistent with including trigger 3.
- Councilor Groves – stated he is in favor of all 12 exemptions.
- Councilor Yeh – stated she would like to remove exemptions 1, 2, 3, 4, 5, 6, and 7.
- Councilor Clark – stated he is in favor of all 12 exemptions.
- Councilor Leech – stated she would like to remove exemption 7; asked how 5 and 6 are structured in terms of the lease; noted she is in favor of including 2, 3, and 4 to promote middle housing and in lieu of the small landlord compensation fund.
- Councilor Evans – stated he would like to remove exemption 7.
- Councilor Keating – stated he would like to remove exemptions 5, 6, and 7.
- Councilor Yeh – clarified that she is in favor of keeping exemption 1.

MOTION: Councilor Groves, seconded by Councilor Keating, moved to direct the City Manager to amend the draft Ordinance to exempt Affordable Housing from all relocation assistance requirements.

Councilor Discussion:

- Councilor Zelenka – asked if this was essentially removing exemption 8.
- Councilor Keating – asked if a no vote would be a vote to keep the ordinance as drafted; stated that he is not in favor.
- Mayor Vinis – noted that federal and state laws already exist to protect tenants in affordable housing.
- Councilor Keating – asked if current affordable housing protections are working.
- Councilor Clark – asked if providing additional protections to tenants in affordable housing would disincentivize the creation of additional affordable housing; asked if substantial cases of non-renewal would cause affordable housing providers to have a greater financial burden and increase the financial difficulty of operating affordable housing.
- Councilor Keating – asked about the difference between keeping as drafted or voting in favor of the motion; stated he is in favor of keeping as drafted.

VOTE: 7:1 PASSED (opposed by Councilor Keating)

The meeting was adjourned at 7:08 p.m.

Respectfully submitted,



Katie LaSala
City Recorder

(Recorded by Cherish Bradshaw)

Link to the webcast of this City Council meeting [here](#).