

ADMINISTRATIVE ORDER NO. 53-25-02
of the
City Manager of the City of Eugene

**REGARDING THE OPPORTUNITY TO COMMENT ON A PROPOSAL FOR
TEMPORARY AMENDMENT OF REGULATIONS FOR ADMINISTRATION
AND ENFORCEMENT OF THE BUILDING, FIRE AND OTHER TECHNICAL
CODES ADMINISTRATIVE RULE R-8.005 ADOPTED BY ADMINISTRATIVE
ORDER NO. 53-23-03-F.**

The City Manager of the City of Eugene finds that:

A. Pursuant to the authority contained in Sections 2.019 and 8.005(1) of the Eugene Code, 1971 (EC), Regulations for Administration and Enforcement of the Building, Fire and Other Technical Codes Administrative Rule R-8.005 was adopted by Administrative Order No. 53-23-03-F on November 6, 2023.

B. Administrative Rule R-8.005 states that all construction or work for which a permit is required shall be subject to inspection by the Building Official. If inspections do not occur within the times set out in Rule R-8.005, permits eventually expire. No work may take place on a building or structure that is subject to an expired permit. R-8.005 allows the Building Official to approve the re-issuance of an expired permit under certain circumstances, if the applicant pays a reinstatement fee, which is currently set at an amount equal to half the total permit fee using the permit rates at the time of renewal.

C. During the COVID-19 pandemic, high construction material costs, financing costs, market uncertainty, supply-chain issues in critical industries, and the availability of contractors and subcontractors increased the risks and timelines associated with development and caused permit applicants to reanalyze and sometimes delay moving forward with their projects. Permit holders whose work was subject to inspection did not request inspections at the same frequency as they did prior to the pandemic, and as a result permits expired at a higher rate. Approximately 2-3 times as many permits expired each month after the start of the pandemic, relative to the period immediately prior to the pandemic. The City's Building & Permit Services Division has implemented measures to address the expiration of building permits that occurred during and following the pandemic and the rate at which permits expire has now decreased to pre-pandemic levels. However, there still exists a significant backlog of expired permits where the work authorized by those permits is substantially complete, and no changes to the original plans or specifications are required to complete the work. I find that it will benefit the public if the work authorized by those expired permits is completed in a safe, compliant, and timely manner.

D. The requirement for payment of a reinstatement fee may dissuade permit holders from completing the work authorized under expired permits. In addition, in the cases where the work is already substantially complete and completion of the work does not require any changes

to the plans and specifications already submitted and reviewed by City staff, there is less of a need to charge a reinstatement fee to cover the cost of additional staff work required to re-issue an expired permit. Consequently, on balance I find that it is in the public interest to waive reinstatement fees for permits that expired on or before March 1, 2024, where the work authorized under the original permit is substantially complete and the reissued permit would include no changes to the original plans and specifications for such work, in order to allow for an additional period during which the work authorized by those permits may be completed in a safe and compliant manner.

THEREFORE, based upon the above findings and pursuant to the authority in Sections 2.019 and 8.005(1) of the Eugene Code, 1971, I propose that Section R-8.005-B(3)(e)2 of Rule R-8.005 be temporarily amended as shown in legislative format below until August 31, 2025, and I order that a notice substantially conforming to the Notice attached as Exhibit A to this Order shall be:

1. Made available to any person who has requested such notice;
2. Made available to any business which possesses a license issued pursuant to this Rule;
3. Provided to the City Council and, to the extent required by state law, to the state and Lane County; and
4. Published in the Register Guard Newspaper for at least five days.

**PROPOSED TEMPORARY AMENDMENT TO ADMINISTRATIVE RULE R-8.005
REGULATIONS FOR ADMINISTRATION AND ENFORCEMENT OF THE
BUILDING, FIRE AND OTHER TECHNICAL CODES**

R-8.005-B PERMITS

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(3) Determination and Issuance of Permits

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(e) Expiration

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2. Permits.

.....

c. The Building Official may approve the re-issuance of an expired permit if:

- (1)** The applicant pays a reinstatement fee

(2) The reissued / new permit would include no changes to the original plans and specifications for such work; and

(3) The time between the permit's expiration and the application for re-issuance has not exceeded one year.

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e. Notwithstanding subsection (3)(e)2.c., the Building Official may approve the re-issuance of an expired permit without requiring payment of a reinstatement fee if the Building Official determines that:

(1) *The original permit expired on or before March 1, 2024;*

(2) *The work authorized under the original permit is substantially complete; and*

(3) *The reissued permit would include no changes to the original plans and specifications for such work.*

Notwithstanding any other provisions of this subsection (3), any permit reissued under the authority of this subsection shall automatically expire and become null and void if the owner or builder fails to call for an inspection pursuant to R-8.005-C(3) within 90 days of reissuance.

Dated and effective this 22nd day of January, 2025.

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mdw

DD
DD

MR
MR

Sarah Medary

Sarah Medary
City Manager

Exhibit A
to Administrative Order No. 53-25-02

**NOTICE OF OPPORTUNITY TO COMMENT ON TEMPORARY
AMENDMENT OF REGULATIONS FOR ADMINISTRATION AND
ENFORCEMENT OF THE BUILDING, FIRE AND OTHER TECHNICAL
CODES ADMINISTRATIVE RULE R-8.005 ADOPTED BY
ADMINISTRATIVE ORDER NO. 53-23-03-F.**

Pursuant to Sections 2.019 and 8.005(1) of the Eugene Code, 1971, the City Manager is proposing to amend Regulations for Administration and Enforcement of the Building, Fire and Other Technical Codes Administrative Rule R-8.005 by temporarily waiving re-issuance fees for some expired permits. The Rule amendments are necessary in order to address the backlog of expired permits related to the COVID-19 pandemic.

The proposed Rules may be reviewed at the Building & Permit Division of the Planning & Development Department, 99 West 10th Avenue, Eugene, Oregon, during normal business hours or on the City of Eugene's website at <https://www.eugene-or.gov/520/Administrative-Order>.

Comments on the proposed Rules should be submitted in writing to Mark Whitmill, 99 W. 10th Ave, Eugene, Oregon, 97401, or via e-mail to mwhitmill@eugene-or.gov. To be considered, written and e-mail comments must be received within 15 days of the first date of publication as indicated below. If the City Manager chooses to take action after considering the comments received, the proposed or modified rule will be adopted by administrative order.

Sarah Medary, City Manager

Dates of Publication: January 23, 24, 26, 27, 28, 2025.