



City of Portland

Bureau of Development Services

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PERMANENT RULE

Accessory Short-Term Rental Permit Compliance

RELATING TO
Title 33 Planning and Zoning

FOR INFORMATION CONTACT
BDS Property Compliance (503-823-2633)

TOPIC Verifying Compliance with Permit Requirements for Type A Accessory Short-Term Rentals

AUTHORITY

Portland City Code (PCC) Section 3.30.045 delegates the authority to adopt and administer administrative rules appropriate to perform the duties of the Bureau of Development Services (BDS) set forth in PCC Section 3.30.010.

CITATION

PCC 3.30.010 Duties of the Bureau of Development Services.

The Bureau of Development Services shall be responsible for:

- B.** The application and enforcement of the provisions of Planning and Zoning Regulations, Title 33 as delegated by the Director of the Bureau of Planning and Sustainability.

PCC 3.30.040 Administration and Enforcement

In order to carry out the duties as set forth in Section 3.30.010, the Director of the Bureau of Development Services may:

- A.** Adopt administrative rules, policies, procedures and forms for enforcement of applicable Code provisions and laws.

PCC 33.207 Accessory Short Term Rentals

PCC 33.207.040.A A Type A accessory short-term rental requires a Type A accessory short-term rental permit consistent with Subsection 040.C

PCC 33.207.040.B.4 Bedroom Requirements. The Bureau of Development Services must verify that each bedroom to be rented to overnight guests:

- a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;
- b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and
- c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.

FINDINGS FOR ADOPTION

1. Portland City Code (PCC) Section 3.30.045 delegates the authority to adopt and administer administrative rules appropriate to perform the duties of the Bureau of Development Services (BDS) set forth in Section 3.30.010 and prescribes procedures for administrative rulemaking.
2. In accordance with PCC Subsection 3.30.045.C, the BDS Director adopted an interim rule on this subject on November 22, 2019. No changes to the interim rule are made with the adoption of this permanent rule.
3. BDS notified the Development Review Advisory Committee (DRAC) of the permanent rule at the February 18, 2021 and March 18, 2021 DRAC meeting.
4. In accordance with Section 3.30.045, BDS published a notice of public hearing in *The Oregonian* (February 26, March 1, and March 3) and in *The Daily Journal of Commerce* (February 26, 27, and 28, 2021). BDS also posted notice of the hearing and made the draft amendments to the administrative rule available on the BDS website. BDS notified the Office of Neighborhood Involvement on March 1, 2021. Per 3.30.045, no hearing was requested, so the hearing was not held. No written comments were received. The effective date is more than 30 days after the last date of the required notices.

CONCLUSION

As provided in Title 3.30.045.C, the Director of BDS hereby adopts the Permanent Administrative Rule.

ADOPTED: *[Rebecca Esau]* April 12, 2021
Rebecca Esau, Director

Interim Administrative Rule

Accessory Short-Term Rental Permit Compliance

I. Intent and Purpose

The intent and purpose of this rule is to describe how the Bureau of Development Services (BDS) verifies compliance with requirements of Portland City Code (PCC) 33.207.040.B.4, which states the minimum requirements for bedrooms rented to overnight guests as part of a Type A accessory short-term rental.

II. Definitions

A. Director: The Director of Bureau of Development Services (BDS).

B. Type A Accessory Short-Term Rental: Where an individual or family resides in a dwelling unit and rents no more than 2 bedrooms to overnight guests for fewer than 30 consecutive days.

III. Portland City Code Requirements

PCC 33.207.040.A.2 requires that Type A Accessory Short-Term Rentals require a permit. PCC 33.207.040.B.4 requires that each bedroom used for a Type A Accessory Short-Term Rental:

- a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;
- b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and
- c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.

IV. Verification of Compliance with Requirements

For each application for a Type A Accessory Short-Term Rental permit, BDS will verify that the requirements of PCC 33.207.040.B.4.a-c. are met.by:

A. Self-Certification. Prior to issuance of a Type A Accessory Short-Term Rental Permit, the applicant must sign a self-certification, attesting compliance with the requirements of PCC 33.207.040.B.4.a-c. The self-certification is required prior to permit issuance of the initial permit and the subsequent permits required every two years by PCC 33.207.040.C; and

B. Permit Inspections. Ten percent of all Type A Accessory Short-Term Rental Permit applications will be randomly selected for on-site inspections by BDS to verify compliance with the requirements of PCC 33.207.040.B.4.a-c, prior to permit issuance. No inspections are required for subsequent permits required every two years by PCC 33.207.040.C; and

C. Inspections Requested by the Public. Any member of the public may initiate an on-site inspection by reporting a potential violation of the requirements to BDS' Property Compliance Division.

V. Conditions of Approval of Type B Accessory Short-Term Rentals

This rule does not apply to nor supersede conditions of approval of Type B Accessory Short-Term Rentals approved through a conditional use review.

VI. Actions of the Director

Where the Director finds that a Type A Accessory-Short-Term Rental does not meet the requirements of PCC 33.207.040.B.4, the Director may require corrections to comply with the requirements, withhold the issuance of the permit, or initiate revocation of the permit according to the procedures set forth in PCC 3.30.040.