ENB 13.03 TRANSIENT LODGING FACILITIES

A. Purpose and Scope

The purpose of these Administrative Rules is to provide guidance on implementing Chapter 24.31 of the Portland City Code (PCC), which governs transient lodging facilities within the City of Portland. In addition to the building code requirements in the Oregon Residential Specialty Code (ORSC), the Rules include minimum fire and life safety standards for transient lodging facilities three stories or less above grade with a maximum of two dwelling units. All other transient lodging facilities must comply with the requirements of the Oregon Structural Specialty Code (OSSC).

B. Definitions

1. **Transient** means occupancy of a dwelling unit or sleeping unit for fewer than 30 consecutive days. Transient dwelling and sleeping units are sometimes referred to as short-term rentals or vacation rentals.
2. **Transient lodging** means:
    a. Hotel, motel, and inn dwelling units that are used for temporary (fewer than 30 consecutive days) overnight human occupancy; and
    b. Houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units, that are used for temporary (fewer than 30 consecutive days) human occupancy.
3. **Transient lodging facility** means a building used in part or in whole for transient lodging.

C. Applicability

These Rules apply to transient lodging facilities that meet the following criteria:

1. The building is either a townhouse with only one dwelling unit or a detached one- or two-family dwelling. Transient lodging in structures with three or more dwelling units and townhouses with more than one dwelling unit will be regulated under the OSSC.
2. The building is three stories or less above grade. Structures with four or more stories above grade will be regulated under the OSSC.
3. The building is not a detached owner-occupied lodging house as defined in and allowed to be regulated under the ORSC. Structures that meet this criteria may comply with the fire and life safety standards of the ORSC without the additional measures in these Rules.

4. The building is not an accessory short-term rental (ASTR), as defined in and regulated under Portland City Code Chapter 33.207, located in the same structure where the permanent resident resides. The limitations of no more than five guest rooms and residency requirement in the same structure meet the intent of the owner-occupied lodging house as allowed to be regulated under the ORSC.

D. Standards

1. An NFPA 13D fire sprinkler system must be installed throughout the building for new construction, conversions, and additions to transient lodging facilities with five or fewer sleeping rooms per dwelling unit. An NFPA 13R fire sprinkler system must be installed throughout the building for new construction, conversions, and additions to transient lodging facilities with six or more sleeping rooms in any dwelling unit.

    a. Exception 1: A detached one-family dwelling may be converted to a transient lodging facility without installing a fire sprinkler system where all the following conditions are met:

        1. The fire separation distance is at least 10 feet on all sides.
        2. The common path of egress travel distance does not exceed 75 feet.
        3. There are a minimum of two exits from the structure.
        4. The interior floor area of the structure is less than 2000 square feet. The floor area of an attached garage and any unconditioned basement space used solely for storage may be excluded.

    b. Exception 2: A detached one-family dwelling may be converted to a transient lodging facility without installing a fire sprinkler system where all the following conditions are met:

        1. The fire separation distance is at least five feet on all sides.
        2. The structure is a single story above grade. A basement level is also allowed.
        3. The maximum exit access travel distance does not exceed 75 feet.
        4. There are a minimum of two exits from the structure.
        5. The interior floor area of the structure is less than 2000 square feet. The floor area of an attached garage and any unconditioned basement space used solely for storage may be excluded.

    c. Exception 3: A two-family dwelling may be converted to a transient lodging facility without installing a fire sprinkler system where all the following conditions are met:

        1. The fire separation distance is at least five feet on all sides.

2. The structure is a single story above grade. A basement level is also allowed.
3. The maximum exit access travel distance does not exceed 75 feet.
4. Each dwelling unit has an exterior egress door.
5. The interior floor area of each dwelling unit is less than 2000 square feet. The floor area of an attached garage and any unconditioned basement space used solely for storage may be excluded.
6. The two dwelling units are separated by a two-hour fire-resistance-rated fire barrier that extends from the foundation, continuous through concealed spaces to the roof sheathing.

2. Transient lodging facilities may not use the reduced standards in BCG 96-12 Habitable Spaces or BCG 00-10 Accessory Dwelling Units for alterations or additions. All occupiable spaces, including structures with previously permitted converted space using the reduced standards in BCG 96-12 or BCG 00-10, must make the following improvements:
    a. Occupiable spaces must have a ceiling height, including projections such as beams and mechanical ducts, of not less than 80 inches.
    b. Required fire-rated separations must be not less than a one-hour fire-resistance rating where tested in accordance with ASTM E119, UL 263 or other analytical methods approved by the Building Official.
    c. Previously permitted habitable spaces will not be required to further upgrade existing elements of the building's thermal envelope, existing sound separation measures, or existing stairs with at least 76 inches clear headroom.
3. Each sleeping room shall have at least one operable emergency escape and rescue opening. Where an existing window is used for emergency egress, the size and sill height of the window must meet the building code requirements for a sleeping room at the time it was created or converted under benefit of a building permit. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court having a minimum width of 36 inches that opens to a public way.
4. Egress doors shall be readily openable from inside the dwelling without the use of a key or special knowledge or effort. There shall be a landing or floor on each side of each exterior door. The width of each landing shall be not less than the door served. Landings shall have a dimension of not less than 30 inches measured in the direction of travel.
5. Exterior walls are required to be one-hour fire-resistance rated, tested with exposure from both sides, and up to 25 percent of the wall area of each story may be unprotected openings, except under the following conditions:

a. Exterior walls with five feet or more fire separation distance (FSD) are allowed to be unrated with unlimited unprotected openings.

b. Where the building is protected throughout with an NFPA 13D fire sprinkler system and an existing exterior wall has three feet or more FSD, existing unprotected openings in the wall and existing interior and exterior finishes of the wall in areas previously permitted as habitable space may remain.

c. New exterior walls with less than three feet FSD must be one-hour fire-resistance rated, tested with exposure to fire from both sides and no openings are allowed.

d. Where the building is protected throughout with an NFPA 13D fire sprinkler system and an existing exterior wall has 24 inches or more FSD, the existing unprotected openings in that wall are allowed to remain for up to 25 percent of the wall area of the story in which they are located. Existing interior and exterior finishes of the wall in areas previously permitted as habitable space may remain.

e. Where the building is protected throughout with an NFPA 13D fire sprinkler system and an existing exterior wall has less than 24 inches FSD, one additional layer of 5/8 inch Type X gypsum board may be added to the interior side of finished exterior walls instead of upgrading to a one-hour fire-resistance rated wall tested from both sides. No openings are allowed.

6. Combustible eaves and other projections with less than five feet FSD must be one-hour fire-resistance-rated, heavy timber construction, or fire-retardant treated wood. Projections, including eaves, are not permitted less than two feet from the line used to determine FSD, which is typically the property line.

    a. Exception: Existing eaves with at least six inches FSD may remain provided they are fire-resistance rated and an NFPA 13D fire sprinkler system is installed throughout the full structure.

7. Carbon monoxide detection must be installed in dwelling units in each bedroom or within 15 feet outside of each bedroom door.

8. Single- or multiple-station smoke alarms must be installed and maintained in the following locations:

    a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms; and

    b. In each room used for sleeping purposes; and

    c. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics.

PP&D Administrative Rule Information and History

Questions about this administrative rule may be directed to Portland Permitting & Development online or at PPD@portlandoregon.gov.

Pursuant to authority granted in Ordinance No. 192004, adopted by City Council December 11, 2024.

Adopted by the Deputy City Administrator, December 18, 2024 as interim rules, effective January 1, 2025 for a period no greater than 180 days.

Adopted by the Deputy City Administrator, June 11, 2025 as permanent rules.