



City of Portland

Bureau of Development Services

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INTERIM 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 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. PCC Subsection 3.30.045.C provides that the BDS Director may adopt an interim rule without prior notice upon finding that a failure to act promptly will result in prejudice to the public interest. The BDS Director finds that a failure to act promptly will result in prejudice to the public interest because action is needed to comply with a Memorandum of Understanding between the City of Portland and Airbnb, Inc. (August 30, 2019), specifically 1.12 of the Terms and Conditions of said agreement.
3. PCC Subsection 3.30.045.C provides that an interim rule will be effective for a period of not longer than 180 days, and that notice of the interim rule be posted on the BDS website and sent to the Office of Community and Civic Life within 20 days of adoption. The BDS Director will comply with these requirements.

CONCLUSION

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

ADOPTED: *[Rebecca Esau]* November 22, 2019
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.