

1. Agenda Housing Committee Meeting October 11, 2018

Documents:

[00 AGENDA HC MEETING 10.11.2018.PDF](#)

2. Draft Minutes Housing Committee Meeting September 26, 2018

Documents:

[01 DRAFT MINUTES HOUSING COMMITTEE 09.26.18.PDF](#)

3. Presentation, Overview And Integrated Report From Permitting And Inspections And Fire Department Re: Short Term And Long Term Safety Inspections, And Program Budgets

Documents:

[02 FIRE DEPARTMENT HOUSING COMMITTEE UPDATE.PDF](#)  
[02.1 OWNER OCCUPIED MEMO 10.5.18.PDF](#)  
[02.02 SHORT TERM RENTALS, WARNING LETTERS AND NOTICE OF VIOLATION LETTERS.PDF](#)

4. Review, Discussion And Possible Recommendation Regarding Proposed Policy Changes To Chapter 6, Article VI, Residential Rental Unit Registration Requirements, As It Applies To Short Term Rental Units

Documents:

[03.1 COVER MEMO PROPOSED AMENDMENTS TO STR ORDINANCE.PDF](#)  
[03.2 MATRIX OF PROPOSED AMENDMENTS TO STR ORDINANCE.PDF](#)  
[03.3 STR AMENDMENT MAYOR-COOK 10-3-18.PDF](#)  
[03.4 COOK AMENDMENTS TO STR SEC 6-151 10-3-18.PDF](#)  
[03.5 2018-10-05 RAY AMENDMENTS.PDF](#)  
[03.6 STAFF STR AMENDMENTS \(1\).PDF](#)

5. 2018 Housing Committee Workplan

Documents:

[04 2018 HC WORKPLAN 10.11.2018.PDF](#)



Planning & Urban Development Department

## HOUSING COMMITTEE

**DATE:** Thursday October 11, 2018  
**TIME:** 5:30 p.m. – 9:00 p.m.  
**LOCATION:** City Hall, Council Chambers

### AGENDA

1. Review and accept Minutes of previous meeting held on September 26, 2018
2. Presentation, Overview and Integrated Report from Permitting and Inspections and Fire Department re: Short term and Long-term Safety Inspections, and Program Budgets (Public Comment)
3. Review, Discussion and Possible Recommendation regarding Proposed Policy Changes to Chapter 6, Article VI, Residential Rental Unit Registration Requirements, as it applies to Short-term Rental Units. *This is an actionable item and public comment will be taken.*
4. Committee Discussion re: 2018 Work Plan
  - A. 2018 Interim Housing Report key updates

**Councilor Jill C. Duson, Chair**

### Next Meeting Date:

**Wednesday, October 24, 2018 Room 209, City Hall**

## **Housing Committee Minutes of September 26, 2018 Meeting**

**NOTE: The Housing Committee meetings are now live-streamed, which can be viewed at this link: [http://townhallstreams.com/stream.php?location\\_id=42&id=16398](http://townhallstreams.com/stream.php?location_id=42&id=16398) These minutes provide a record of those in attendance, general discussions taking place, and motions made.**

A meeting of the Portland City Council's Housing Committee (HC) was held on Wednesday, September 26, 2018 at 5:30 P.M. in room 209 at Portland's City Hall. Councilors present at the meeting included Committee members Councilor Kimberly Cook, Councilor Pious Ali, and Councilor Jill Duson, Chair of the Committee. City Council members present were Mayor Ethan Strimling. City staff present included Jeff Levine, Planning and Urban Director, Mary Davis Housing and Community Development, Victoria Volent Housing Programs Manager, Michael Russell Permitting and Inspections Director, Jonathan Rioux Inspections Director, Samantha Chapin Principal Administrative Officer, Jessica Hanscombe Licensing and Registration Coordinator, Fire Chief Keith Gautreau, Captain John Brennen of the Fire Department, Anne Torregrossa Corporation Counsel, and Michael Sauschuck Assistant City Manager.

### **Item 1: Review and accept Minutes of previous meetings held on September 6, 2018**

Motion by Councilor Ali to accept the minutes. Motion by Councilor Cook to amend the minutes to add the site 1 M.R.S. § 405(E) to item 2 of the September 6, 2018 minutes. Councilor Ali accepted the amendment. Amended motion was seconded by Councilor Cook and minutes approved 3-0.

### **Item 2: Review and Discussion of Permitting and Inspections' response to questions from the July 31 meeting regarding rental housing safety and inspections program, and short and long term rental registration program**

Michael Russell, Director of Permitting and Inspections provided an overview of the documents and materials submitted for the Housing Committee's review. He started with an explanation of the *Housing Safety Division FY 19 Budget, Current Status, and FY 18 Comparison* spreadsheet. Then he discussed the items; Answers for Housing Committee; Housing Safety Talking Points; and Appendices. The Appendices included; Fire Alarm Apartment Safety Tips; Secondary Means of Escape and Rescue Openings; Pre-Inspections Checklist; and a Rental Registration Application. Also in the Appendices were tables and charts regarding short-term rental unit numbers; budget expenditures; housing safety expenditures; and a department flow chart. Going forward additional information will be collected to assist with evaluation reporting. Collecting additional data will also assist with defining the term "unit".

Councilor Duson asked the Committee if they had clarifying questions for Mike Russell regarding the document *Answers for Housing Committee*.

Councilor Cook asked if the type of audit requested in the Q and A section was a program audit rather than a financial audit. Councilor Duson responded she had asked for both a financial and program audit. Councilor Cook's next question were described as "how many" questions (e.g. how many warnings were issued; how many confirmed non-compliances; how many notice of violation letters were issued). Mike Russell indicated he would provide a spreadsheet detailing the number of warning letters and notice of violation letters generated by Host Compliance. A general discussion of how warnings, violations, and fines are processed ensued. Michael Russell noted that fines have not been collected as violations have been cured during the time-period allowed for corrections. Mr. Russell further explained how the correction's time-period works. Council Cook inquired into how many complaints have been filed, how many are repeat complaints, and how do residents know where to submit a complaint. Mr. Russell noted he can obtain the number of complaints for the next meeting, and explained the complaint process. Councilor Ali asked if the Housing Safety Inspectors inspect both long-term and short-term rentals (answer is yes) and if the number of staff members is adequate. Mr. Russell noted that staff count is adequate for now as determined by the number of units inspected in a set period. Councilor Duson asked if any of the short-term rentals were issued disorderly housing notices. Mr. Russell replied no. Michael Sauschuck explained how the nuisance complaint process works. Councilor Cook would like to know how Host Compliance determines the address of a short-term rental. Mr. Russell explained the process. The Committee held a general discussion of the definition of the term "owner-occupied unit", and the wording of the Rental Affidavit. Permitting and Inspections has amended the rental affidavit to incorporate a supplemental form to further identify registered unit listed under an LLC name. The Committee would like to see a copy of the new Rental Unit Registration Application. Councilor Duson requested Permitting and Inspections return with answers to the questions asked.

Councilor Ali would like the landlord tenant information on the city's website to be in additional languages. Mr. Russell noted that Permitting and Inspections will be revisiting and updating their website pages.

Councilor Cook would prefer clarification that the data referenced in the handouts are neither non-owner-occupied units nor owner-occupied units, but rather are units in an owner-occupied building, or units in a nonowner-occupied building. Additionally, based on city-collected data, Councilor Cook would like the handouts amended to reflect distinctions.

**Item 3: Review and Discussion of Proposed Policy Changes to Chapter 6, Article VI, Residential Rental Unit Registration Requirement, as it applies to short-term rental units.**

Councilor Duson introduced the item and expectations for the October 11 meeting of the Housing Committee. To assist with that discussion, Councilor Duson requested a matrix outlining amendments to the Residential Unit Registration Requirement Ordinance. Councilor Cook presented her proposed amendments. Councilor Duson noted the Rental Registration should include a questions asking if short-term rentals are permitted by the condominium association. There was a discussion on whether or not short term rentals are removing long term rentals from the housing market. Mayor Strimling supports an outside study (i.e. by GPCOG) to investigate this question. Councilor Duson would like an analysis of the impact of limits on city-blocks. Mike Sauschuck indicated that a GIS map is currently being prepared. The Committee discussed density and short-term rentals.

Mayor Strimling will not be presenting his former proposal to increase the STR fee schedule. However, Councilor Duson is concerned the Housing Committee must present a recommendation to the Council. Anne Torregrossa suggested the easiest method to take care of this is for the Mayor to withdraw his proposal.

The Committee requested staff to book mark the proposed short-term rental amendments in the September 26 agenda (including Councilor Ray's proposals), and post the amended material to the city web page for public distribution.

Councilor Duson requested Anne Torregrossa to prepare a memo (for the October 11 meeting) regarding the proposed amendments.

Councilor Duson opened the meeting to the Public for comment:

George Carhart of LaFayette St- Would like to see a separate column for single unit owner-occupied rooms, and a separate column for renting a room in a condominium. Would support changes in the application, and changes in the fee schedule. Thinks there is a problem with too many whole housing rentals. Limiting STR to a block needs further definition of what is a block. May be incredibly difficult to define and determine. Please do not use utility bills to determine ownership.

Karen Snyder- Waterville Street- Agrees with the statement that residential zones are allowing commercial activity by allowing STR. Feels her concerns are not considered in-line with the concerns of the current non-owner occupied housing owners. Wants to continue registering all STR- even those renting for two weeks or less. Should add a revision date to the form. Would like to know the recourse for complaints. Does not believe non-owner occupied STR are preserving neighborhoods.

Councilor Duson ended the Public Comment period. The Committee will consider discussion of this item at their October 11 meeting.

**Item 4: Communication Item: FY18 HUD Consolidated Annual Performance Report**

The Housing Committee did not have comments or questions.

**Item 4: Committee Discussion re: 2018 Work Plan**

The Committee would like a table of contents presented at the October 11 meeting for the key updates to the 2018 Interim Housing Report. The interim report should include a review of city-owned property previously presented for possible housing development.

On a motion made by Council Duson and seconded by Councilor Cook (approved 3-0) the meeting was adjourned at 9:57 pm.

Respectfully submitted,

Victoria Volent



FIRE DEPARTMENT  
Fire Chief, Keith Gautreau

## MEMORANDUM

**To:** Housing Committee, Chair Councilor Duson  
**From:** Keith Gautreau, Fire Chief  
**Date:** October 4, 2018  
**Re:** Update on Fire Department Inspection Program

The following information and data is a quick snapshot of the Fire Department's Inspection Program for the last three years. We continue to collaborate with the Housing Safety Office working together on proactive inspections, scheduling, on-going training, education, re-inspections and answering complaints. We have been focusing on four major themes; Life Safety, Consistency, Being Reasonable and Communication.

### Recap and History

#### New Inspection Program / Process since May 2015

- March 2015 NFPA (National Fire Protection Assoc.) Training
- Training on our software and how to maximize its potential
- New Enforcement Procedures in place (Summons & Consent Agreements)
- Court appearances / pursuing legal action for extreme cases
- Focus was on Residential Housing
- Focus was on Quality not Quantity (take time and follow through)
- Recurring Department wide training twice in 2016 & 2017
- Started Joint Inspections with HSO November 2018
- Switched over to new Envergov (Tyler) software April 2018

**Fire Prevention Activities:** Includes Residential Apartments (> 3 units), Schools, Fire Permits, Complaints, Hazmat and Public Education

Year	Jan - Mar	April - June	July - Sept	Oct - Dec	Total
2016	519	966	790	788	<b>3063</b>
2017	483	930	802	759	<b>2974</b>
2018	651	181	203	0	<b>1035*</b>

\* In November 2017, we started doing joint inspections with the Housing Safety Office while receiving extensive training with the Energov software. (Tyler)



FIRE DEPARTMENT  
Fire Chief, Keith Gautreau

Percentage of follow up Inspections

Year	Total	Reinspection	%	Public Education
2016	3063	284	9%	138
2017	2974	552	19%	122
2018	1035	205	20%	33

**Note:** 33 Public Education for 2018 (Vacant Captain's position)

**Energov Time Period Joint Inspections**

April 1, 2018 - September 21, 2018

Fire Company	Total
Engine 1	23
Engine 5	25
Engine 6	15
Engine 9	14
Engine 11	16
Ladder 1	38
Ladder 3	46
Ladder 4	15
Ladder 6	20
Rescue 1	2
Peaks Island	
Marine Division	2
<b>Fire Prevention Bureau</b>	
Car 4	2
Car 40	1
Car 41	84
Car 48	30
<b>TOTAL</b>	<b>333</b>



FIRE DEPARTMENT  
Fire Chief, Keith Gautreau

## Fire Prevention Bureau & Community Outreach Branch

### Items Commonly Examined During Inspections

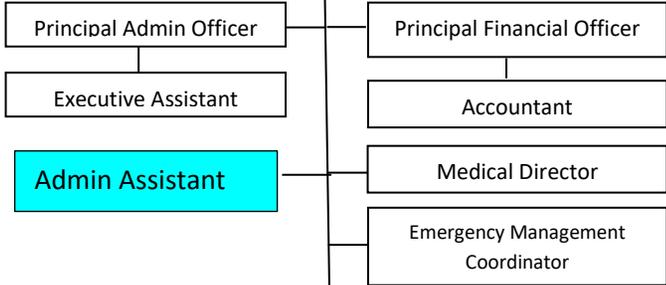
The fire inspector will conduct a thorough inspection to ensure satisfactory life safety conditions on your property. The conditions to be reviewed include, but are not limited to :

- Condition of exits including stairwells and fire escapes
- Interior finish – type and condition of walls and ceilings
- Condition of basement
- Operation of exit doors
- Rating and operation of fire doors - self closing and latching
- Emergency lighting
- Exit signs
- Smoke alarms and CO alarms
- Components of fire-resistive construction
- Grills on balconies
- Proper addressing of the building
- Proper addressing of the units
- Building exit discharge areas
- Fire alarm inspection sticker
- Smoke detectors/heat detectors
- Records for fire alarm and fire protection systems

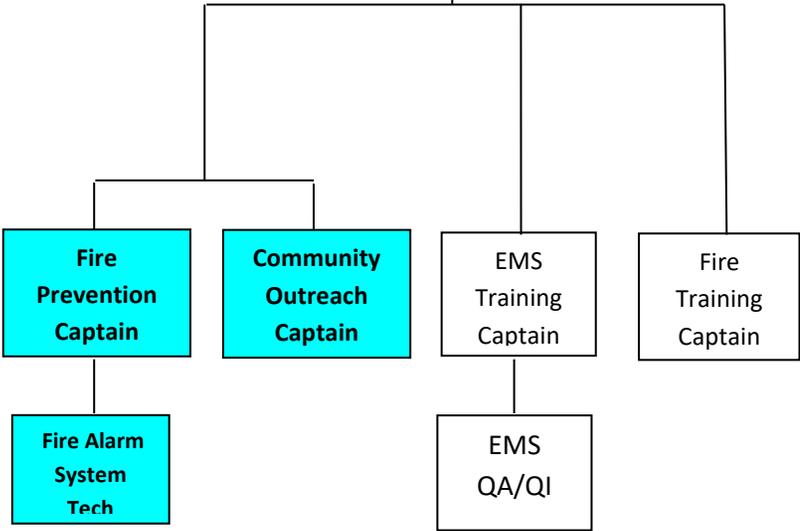
- Chain Of Command**
- Chief
  - Assistant Chief
  - Division Chief
  - Deputy Chief
  - Captain
  - Lieutenant
  - Firefighter



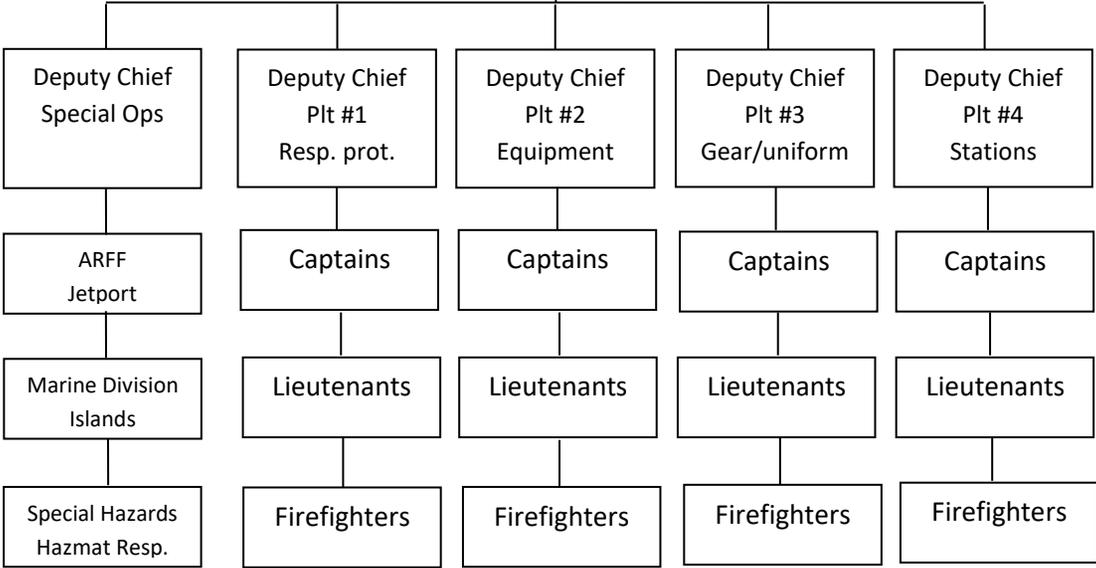
**Fire Chief**



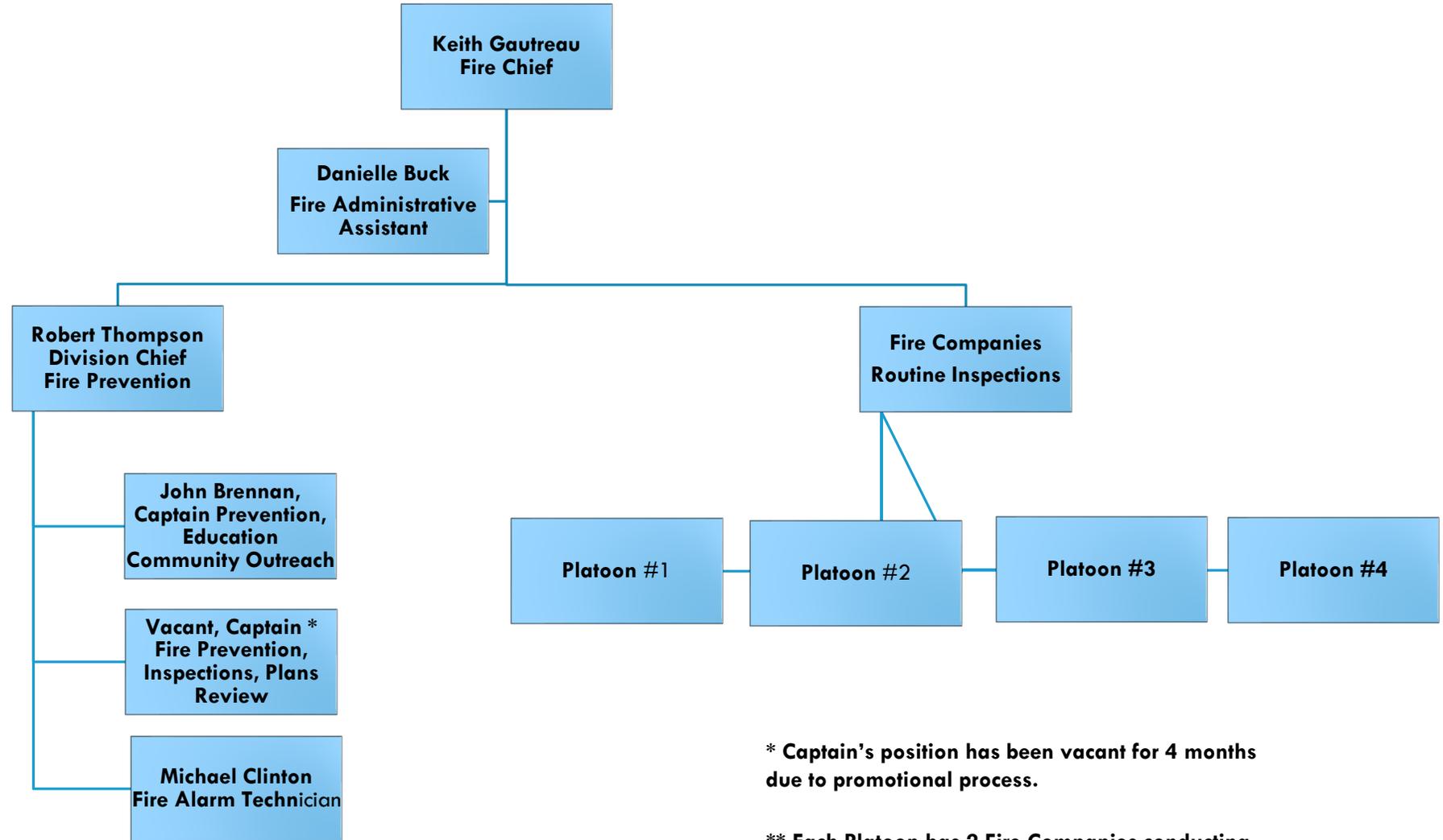
**Division Chief**



**Assistant Chief Operations**



# FIRE PREVENTION ORGANIZATION CHART



\* Captain's position has been vacant for 4 months due to promotional process.

\*\* Each Platoon has 2 Fire Companies conducting inspections per day. (M-F)



Permitting and Inspections Department  
Michael A. Russell, MS, Director

TO: Jill Duson, Chair  
Members of the Portland Housing Committee

FROM: Jessica Hanscombe, Licensing and Registration Coordinator

SUBJECT: Short Term Rental Owner Occupied Units

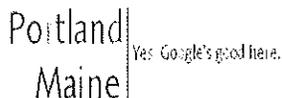
DATE: October 5, 2018

The Committee requested clarification about the number of Owner Occupied Short Term Rentals that were truly occupied by the owner, rather than simply having the owner live in the building. In reviewing those applications, I was able to determine which category for most of the units registered. Those that I was unable to determine from the registration, I sent an email requesting that information. There are still some that have not replied to my request for clarification, which I list in the Unknown category. Also, I did have a few changes of ownership or individuals that were not renewing. Those registrations have been revoked and are not included in these numbers.

<b>Number of Owner Occupied Primary Units</b>	<b>Number of Non Owner Occupied Units</b>	<b>Unknown</b>	<b>Total Number of Units</b>
282	125	30	437

Currently, the City has 165 Non Owner Occupied Mainland Units registered for 2018. This is 135 units below the cap of 300. If we add the Non Owner Occupied Units in an Owner Occupied Building (125) and the Unknown (30) to the current cap total, then the updated total is 320 with 20 units being over the cap.

CC: Michael Russell, Director of Permitting and Inspections  
Anne Torregrossa, Associate Corporation Counsel  
Michael Sauschuck, Assistant City Manager



Victoria Volent &lt;vvolent@portlandmaine.gov&gt;

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**HC Answers**

1 message

**Michael Russell** <mar@portlandmaine.gov>

Fri, Oct 5, 2018 at 2:18 PM

To: Mary Davis &lt;mpd@portlandmaine.gov&gt;, Victoria Volent &lt;vvolent@portlandmaine.gov&gt;

Cc: Jeff Levine &lt;jlevine@portlandmaine.gov&gt;, Michael Sauschuck &lt;mjs@portlandmaine.gov&gt;, Jonathan Rioux &lt;jrioux@portlandmaine.gov&gt;, Samantha Chapin &lt;slchapin@portlandmaine.gov&gt;

In looking at my notes, I had two questions for f/u, one from Cook and Ali.

1) The number of warning letters to date = 387. The number of notices of violation to date = 142.

This means 63% have registered with just the warning letter as a prompt. The remainder needed the NOV. None had to progress further.

2) The NFPA offers the greatest number of translated fire safety materials in Spanish. They also offer a few in other languages (Somali, German, French, Hmong and Haitian Creole). We're getting translation estimates.

<https://www.nfpa.org/Public-Education/Resources/Safety-tip-sheets/Safety-tip-sheets-in-other-languages>

Mike

Michael A. Russell, MS  
Director  
Permitting and Inspections Department  
389 Congress St.  
Portland, ME 04101  
(207) 756-8008 Phone  
(207) 874-8716 Fax



Mary Davis

Division Director, Housing & Community Development Division

**TO:** Councilor Duson, Chair  
Members of the Housing and Community Development Committee

**FROM:** City Staff

**DATE:** October 5, 2018

**SUBJECT:** Proposed Policy Changes to Chapter 6, Article VI, Residential Rental Registration Requirements, as it applies to Short Term Rental Units

The attached documents are presented for the Committee's review, discussion and possible recommendation regarding *Proposed Policy Changes to Chapter 6, Article VI, Residential Rental Unit Registration Requirements, as it applies to Short-term Rental Units*.

- (1) Matrix of Proposed Amendments to STR Ordinance
- (2) Proposed Amendments presented by Mayor Strimling and Councilor Cook
- (3) Proposed Amendments presented by Councilor Cook
- (4) Proposed Amendments presented by Council Ray
- (5) Proposed Amendments presented by City Staff

PROPOSED AMENDMENTS TO SHORT TERM RENTAL ORDINANCE

Chapter 6. Article VI. Residential Rental Unit Registration Requirements

SECTION	MAYOR/COOK AMENDMENT	REASON	COOK AMENDMENT	REASON	RAY AMENDMENT	REASON	STAFF AMENDMENT	REASON
<b>6-150 Purpose</b>	Adds language to the purpose section regarding removal of long-term units; short-term rental units being lodging, and causing disruptions; ensuring that housing units remain available; and ensuring that residential areas are not unduly disrupted.						Adds language to the purpose section consistent with the Mayor/Cook Amendment, with the exception of the characterization of short term rentals as lodging.	The Mayor/Cook Amendment captures City concerns with respect to the housing marking and disruption of neighborhoods. The characterization of short term rentals as lodging is inconsistent with Ch. 14.
<b>6-150.1 Definitions</b>	Clarifies that definition of Owner-Occupied does not include accessory apartments.						Retains intent of Mayor/Cook Amendment with respect to accessory apartments, with minor changes for clarity.	Accessory apartments are currently understood to be separate dwelling units, but additional clarification is appropriate.
<b>6-150.1 Definitions</b>					Adds definition for "Short Term Property Manager"	To limit the number of properties that can be managed by one individual/entity in Section 6-153.(d) below		
<b>6-151(a)(3) Registration of Ownership</b>			Add language clarifying that new owners and tenants are considered new applicants.					
<b>6-151(c)(2)(a) 6-151(c)(2)(b) Registration of Ownership</b>			Adds requirement that owner or tenant produce two forms of documentation to verify primary residence in order to register owner-occupied or tenant-occupied unit.				Adds requirements for primary residence verification similar to Cook Amendment, but requires only one form of verification and allows staff to use discretion in accepting alternative documentation.	One form of verification is sufficient to accomplish the goals of verification. Allowing alternative forms of verification is important, particularly for individuals who may not have the specific documentation required.
<b>6-151(c)(4) [NEW] Registration of Ownership</b>			Requires that an applicant in a residence with a condo or homeowner's association produce an affidavit attesting that the short term use is allowed.					

<p><b>6-151(c)(5)(a)</b> [NEW] <b>Registration of Ownership</b></p>			<p>Requires applicants renewing their applications disclose the number of nights that the unit was rented on a STR basis in the previous year.</p>					
<p><b>6-151(c)(5)(b)</b> [NEW] <b>Registration of Ownership</b></p>			<p>Requires applicants renewing their applications show proof that State of Maine lodging taxes were paid.</p>					
<p><b>6-151(f)</b> [NEW] <b>Registration of Ownership</b></p>			<p>Require that short term rental information be made available online</p>					
<p><b>6-152(c)</b> <b>Registration Fees</b></p>	<p>Deletes language around how to calculate fees for those who register both owner-occupied and non-owner occupied.</p>				<p>Clarifies language around how to calculate fees for those who register both owner-occupied and non-owner occupied.</p>		<p>Adds clarifying language consistent with the Ray amendment regarding calculating fees.</p>	<p>Adds simplicity and clarity.</p>
							<p>Adds language that owners and tenants may rent multiple units (bedrooms, separate spaces, etc.) in their primary residence.</p>	<p>Allows owners and tenants to rent out multiple spaces in their primary residence.</p>
	<p>Eliminates language around single family homes and owner occupied multi-family buildings. Removes distinction for Island rentals, such that all non-owner occupied units are subject to the same fees.</p>				<p>Eliminates language around single family homes/owner-occupied multi-family buildings</p>	<p>To simplify language and allow for a simplification of the fee structure</p>	<p>Deletes staggered fee structure for owner-occupied units and Island units. Clarifies that fees for fourth and fifth non-owner occupied units are available only for grandfathered units.</p>	<p>Simplifies the fee structure for owner-occupied, tenant-occupied and island units. Reflects staff suggestion that no individual be allowed to register more than 3 units, unless otherwise grandfathered.</p>

<b>6-153 (b) Limitations</b>					Keeps the cap at 300	To ensure that the number of non-owner occupied STRs in the City remains below 1% of our overall number of housing units, thereby reducing their impact on the housing market		
					Adds language specifying that non-owner occupied units in owner-occupied buildings shall be regulated as non-owner occupied units	To ensure that we are meeting the original intent of the 300 unit cap, as expressed above.	Adds language consistent with Ray amendment to clarify treatment of non-owner occupied units in an owner-occupied building.	Brings non-owner occupied units in owner-occupied buildings within 300 cap.
<b>6-153(c) Limitations</b>	As of 12/1/18 individuals may only register one Island STR. As of 12/1/18 individuals may only register owner-occupied or tenant-occupied units. "Grandfathers" registered island and non-owner occupied units if they renew and continue to comply with requirements.							
							Reduces the number of units an individual may register from five to three. Grandfathers registrants who have four or five registrations as of 12/1/18 with respect to those units.	Staff recommends this as a way to reduce the number of units that an individual can register.
<b>6-153 (d) [NEW - RAY] Limitations</b>					Adds language limiting the number of STRs that may be managed by a single individual or entity.	To discourage large property management companies from moving into the STR management business and marketing their services to owners who may not otherwise consider converting from LTR to STR		

<p><b>6-153(e)</b> [MAYOR/COOK] <b>6-153(f)</b> [RAY] <b>Limitations</b></p>					<p>Adds “mainland”</p>	<p>To ensure Island rentals are not affected by the chart change</p>	<p>Consistent with Ray amendment.</p>	<p>The islands have historical use of STRs, and staff does not recommend further restrictions.</p>
	<p>Eliminates owner-occupied column in chart limiting number of STRs per building.</p>				<p>Eliminates tiered approach to number of units allowed in multi-unit buildings, bringing number allowed in owner-occupied units in alignment with number allowed in non-owner occupied units</p>	<p>To ensure that the number of STR units in a building remains proportional to the number of LTR units in the building, and to ensure that no building can ever be completely composed of STR units</p>	<p>Eliminates owner-occupied column consistent with Mayor/Cook and Ray amendments, BUT title change applies limits only to non-owner occupied units. ALSO reduces the number of STR units in a 6+ unit building to reflect reduction in number of units an individual can register.</p>	<p>This changes the limitations so that they only apply to non-owner occupied units. This allows a tenant or owner to STR multiple spaces in their primary residence, subject to the three-unit overall cap.</p>
	<p>Removes exception for owner-occupied and tenant-occupied units in counter per-building limit.</p>				<p>Also adds language clarifying that tenant occupied and owner occupied STR units DO count toward the number of STR units in a building</p>	<p>Again, to make sure that no multi-unit can ever be comprised of solely STR units and that the number of STRs remain proportional to the number of LTRs in a multi-unit.</p>	<p>Removes language consistent with Mayor/Cook amendment.</p>	<p>While staff recommends removing this language, the title change in the chart makes it so that the limits only apply to non-owner occupied units.</p>
<p><b>6-153 (f)</b> [NEW] [MAYOR/COOK] <b>Limitations</b></p>	<p>Requires that Building Authority hold hearing before renewing where more than two complaints or disturbances are filed in one year.</p>							

<b>6-154 Allocations of Short Term Rentals</b>					Eliminates language about lottery	To ensure that if/when space becomes available under the cap, the waitlist is used to allow the "next person in line" the opportunity to take that space	Clarifies that lottery is only to be used with respect to the waitlist.	Gives the City Manager discretion in how to allocate registrations off the waitlist.
					Added auto-renewal language	To allow for auto-renewal of units.	Consistent with Ray amendment.	
	Allocates 300 cap first to renewal applications, and then to new applications if cap is not reached.				Added language to clarify what will happen if counting non-owner occupied STRS in owner-occupied buildings toward the cap causes us to exceed the cap	To respect STR operators who legitimately registered their units in 2017 while also keeping our cap at 300, even if we have to get back to it through attrition	Consistent with Ray amendment.  **Staff will request that this deadline be postponed until February 1, 2019 to allow for this year's registrations.	
	ALTERNATIVE: Delete language regarding cap if only allowing owner-occupied and tenant-occupied.							
<b>6-155(e) Violations</b>	Specifies that failure to acquire or display registration number is a violation.						Consistent with Mayor/Cook Amendment.	
<b>6-156(c) Enforcement</b>	Increases period of disqualification for a disorderly house from 12 months to 36 months.							
<b>6-156(e) Enforcement</b>	Provides that violations of Article are grounds to deny an application.						Consistent with Mayor/Cook Amendment.	

PROPOSED AMENDMENTS SPONSORED BY  
MAYOR STRIMLING AND COUNCILOR COOK

ARTICLE VI. RESIDENTIAL RENTAL UNIT REGISTRATION REQUIREMENTS

Sec. 6-150. Purpose.

The proliferation of real estate proprietorships, partnerships, and trusts having undisclosed, anonymous or otherwise unidentifiable principals, owning large numbers of residential long term rental properties, sometimes managed through unresponsive property management companies, has impeded the proper enforcement of this chapter, chapter 12 and other ordinances of the city. Non-owner occupied short term rental units remove housing units from the long term rental market and may contribute to the increase in the cost of rental housing in the City. Short term rental units offer lodging, rather than residential use, and as such have caused disruptions in certain circumstances.

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This article is intended to require the disclosure of the ownership of such property, to regulate the renting of property within the City, ~~and~~ to make owners and persons responsible for the maintenance of property more accessible and accountable with respect to the premises, to ensure that housing units remain available for rent to those who reside or seek to reside within the City, to ensure that residential areas are not unduly impacted by the operation of short term rentals, and to ensure that owners and tenants comply with chapters 6 and 10 of the City Code.

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(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015; Ord. 179-16/17, 3-27-2017)

Sec. 6-150.1. Definitions.

The definitions in 6-106 apply to this Article. The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

*Island Short Term Rental* shall mean a short term rental located on one of the following islands in the City of Portland: Peaks Island, Great Diamond Island, Cushing Island, Little Diamond Island, House Island, and/or Cliff Island.

*Long Term Rental* shall mean the letting of a rental unit in whole or in part for thirty (30) days or more.

*Mainland Short Term Rental* shall mean a short term rental located within the limits of the City of Portland, but not on Peaks Island, Long Island, Great Diamond Island, Cushing Island, Little Diamond Island, House Island and/or Cliff Island.

*Multi-Unit* shall mean a single, detached building in common ownership interest containing more than one (1) residential or commercial unit, as determined by the Director of the Permitting and Inspections Department.

*Owner-Occupied* shall mean a rental unit owned and occupied by the registrant as his or her primary residence. Accessory dwelling units are not considered owner-occupied units for purposes of short term rental registration and regulation as defined in Chapter 14.

*Owner* shall mean each individual person or entity including, without limitation, all partners, officers, or trustees of any real estate trust; all members or managers of a limited liability company; and all officers and directors of a corporation; that is the record owner of a building or property.

*Primary Residence* shall mean the dwelling in which a person resides as his or her legal residence for more than one half of a year and registers as his or her address for tax and government identification purposes.

*Registrant* shall mean the owner of a rental unit, or a tenant, with permission from the owner, seeking to register a rental unit.

*Rental unit* is a portion of any residential structure that is rented or available for rent to any individual or individuals for any length of time. Any portion of a Single-Family Home, Condominium, or Apartment that is rented or available to be rented to an individual or individuals who are not the owner or owners shall be considered a *rental unit*. *Dwelling units* and *rooming units* as defined in §6-106 are, without limitation, *rental units*. A Single-Family Home, Condominium, or Apartment that is occupied by the owner or owners, and of which no portion is rented or available for rent, is not a *rental unit*.

*Short Term Rental* is the letting of a rental unit, in whole or in part, for less than thirty (30) days.

*Single Family Home* shall mean a detached residential dwelling or a single condominium unit containing one dwelling unit.

*Tenant-Occupied* shall mean a rental unit in which the registrant is not the record owner of the rental unit, but lawfully occupies the rental unit as his or her primary residence.  
(Ord. 179-16/17, 3-27-2017)

**Sec. 6-151. Registration required.**

*(a) Registration of Ownership.*

1. Rental units must be registered in accordance with this article by January 1st of each year. Registration must be renewed annually, on or before January 1st, including updating all changes in previously submitted registration information.
2. If a rental unit is rented as both a short term and long term rental, it must be separately registered for each type of rentals.
3. Each owner, manager, or person/entity otherwise responsible for the rental unit, such as a property manager, shall be obligated under this article. Any new owner, manager, or responsible person/entity must register within thirty (30) days of purchase of the rental unit or transfer of management or responsibility.
4. A rental unit shall not be considered registered until all information and fees are provided to the satisfaction of the City's Permitting and Inspections Department or its designee.
5. As a condition of registration, all owners must allow onsite inspections of their property including, without limitation, all rental units.

*(b) Information/Documentation Required.* Registration must be completed on forms supplied by the City's Permitting and Inspections Department or their designee and must provide, at a minimum, the following information:

1. The street address of the building;
2. The unit number of the rental unit;
3. The tax assessor's chart, block and lot of the property on which the building is located;
4. The owner of the property, including the owners' name, address, telephone number, and email address. If the owner is anything other than a natural person, the following information must also be included:

- a. Each individual person that has an ownership interest in any entity that is the record owner. This includes, without limitation, all partners, officers, or trustees of any real estate trusts; any members or managers of a limited liability company; and all officers and directors of a corporation; and
  - b. The residential street address, e-mail address and home phone number of at least one (1) such individual person;
5. The manager of the property or the person or persons responsible for its regular maintenance or repair, as well as a name, address, telephone number, and email address for that person or entity.
  6. The person designated as the agent of the owner or owners for the service of notices and civil process by the city, as well as their name, address, telephone number, and e-mail address. Service of notice and process upon the person so designated shall be deemed conclusive service upon the owner or owners.

(c) *Additional Information Required for Short Term Rentals.* A short term rental shall not be considered registered unless and until the registrant has submitted a complete application together with all information required by this article, paid the fee required by Sec. 6-152, and a registration number has been issued.

In addition to the information required in Section 6-151(b), a Short Term Rental registrant must provide at a minimum the following information and any other information requested by the City's Permitting and Inspections Department or their designee:

1. A short term rental application;
2. Whether the rental unit is owner-occupied, tenant-occupied, or non-owner occupied;
  - a. For Short Term Rental units that are owner-occupied, the registrant must provide a notarized primary residence affidavit, on forms provided by the City.
  - b. For Short Term Rental units that are tenant-

occupied, the registrant must provide a notarized primary residence affidavit, a notarized statement of permission by his/her landlord, both on forms supplied by the City.

3. The address and tax assessor's chart, block, and lot number of all other short term rentals in the City in which the registrant has an ownership interest;

*(d) Display of Short Term Rental Registration Number Required.*

Once registration is approved by the City, each short term rental shall be given a registration number, which must be displayed in the rental unit and in any and all advertisements for the rental unit.

(e) Upon request by the City, at any time, all registrants and/or agents of short term rental units must provide the City with their registration information, rental history, and upcoming reservation information. Failure of short term rental unit owners, tenants, and/or their representatives to adequately respond to inquiries by the City within a forty-eight (48) hour period shall be considered a violation under this ordinance.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. No. 246-97, 4-9-97; Ord. 298-14/15, 7-6-2015; Ord. 69-15/16, 10/5/2015; Ord. 179-16/17, 3-27-2017)

**Sec. 6-152. Registration Fees.**

(a) *Annual Registration Fee.* Upon initial registration and by January 1st of each year, registrants shall pay the City a registration fee for each rental unit, in the amounts set forth below. A rental unit shall not be considered registered unless and until this fee is paid in full.

(b) *Long Term Rental Registration Fee.* The registrant of a long term rental shall pay thirty five dollars (\$35.00) to the City by January 1st of each year.

(c) *Short Term Rental Registration Fee Structure.* The registrant of a short term rental shall pay the fee specified in the chart below. All fees will be cumulative and will increase based on the number of total units registered by the owner. ~~The fee total will accumulate first by counting any owner occupied or tenant occupied units short term rental units operating in a single family home or owner occupied multi family buildings and then fees will be attributed at the higher rate for any non owner occupied units located in non owner occupied buildings. If an owner registers units in both in the owner occupied and non owner~~

~~occupied buildings categories then the owner occupied fees will be considered the first unit under the fee structure starting with the 1<sup>st</sup> unit fee as described in the chart below regardless of the order in which the units are registered.~~

Owner Occupied <del>Single Family Home</del> or Tenant Occupied <u>Units</u>	\$100
<del>Multi Unit Owner Occupied Building</del> <del>Island Short Term Rentals</del>	<del>1<sup>st</sup> Unit - \$100</del> <del>2<sup>nd</sup> Unit - \$250</del> <del>3<sup>rd</sup> Unit - \$500</del> <del>4<sup>th</sup> Unit - \$1,000</del> <del>5<sup>th</sup> Unit - \$2,000</del>
<del>Multi Unit Non-Owner Occupied Building</del> <u>Units</u>	1 <sup>st</sup> Unit - \$200 2 <sup>nd</sup> Unit - \$500 3 <sup>rd</sup> Unit - \$1,000 4 <sup>th</sup> Unit - \$2,000 5 <sup>th</sup> Unit - \$4,000

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(d) *Registration and Renewal Fee Discounts.* The following discounts shall apply to the registration and renewal fees:

- (1) \$10 discount for each rental unit within a fully-sprinkled building as verified by a testing report, maintenance report or a maintenance contract, which shall be provided at the time of registration and upon each registration renewal;
- (2) \$7.50 discount for each rental unit within a building with a centrally-monitored fire alarm as verified by Fire Department logs or an alarm contract, which shall be provided at the time of registration and upon each registration renewal;
- (3) \$5.00 for a rental unit that has been subject to and has passed a Housing and Urban Development Housing Quality Standard (HQS) inspection within the preceding year as verified by the HQS inspection report, which shall be provided at the time of registration and upon each registration renewal;
- (4) \$10.00 for a rental unit that has been subject to and has passed a Housing and Urban Development Uniform



as the owner retains ownership of that unit and continues to comply with all other provisions of this article.

~~(e)~~ (d) No individual or entity may register a short term rental in any single family home unless it is owner-occupied; tenant-occupied with permission of the owner; or located on an Island.

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(e) The number of short term rental units that may be operated in a multi-unit building are as follows:

Total # of Units in a Building	# of Short Term Rental Units Allowed in a Building	
	Owner-Occupied	Non-Owner-Occupied
2	2	1
3	3	2
4	4	2
5	4	2
6-9	4	4
10+	4	5

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~~Owner-occupied units and tenant-occupied units, where the tenant is the registrant, shall not be counted towards these limits.~~

f. Where more than two [complaints/confirmed disturbances/police reports] are filed regarding the same Short term rental unit or multi-unit building, that unit or any unit in the multi-unit building may not be renewed until and unless the Building Authority holds a hearing and finds that the continued operation of the short term rental unit does not unduly disrupt the purpose of the zone in which it is located. [FOR DISCUSSION PURPOSES. TRYING TO ADDRESS WHERE THERE ARE RECURRENT DISTURBANCES]

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(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015; Ord. 179-16/17, 3-27-2017)

**Sec. 6-154. Allocation of Non-owner Occupied Short Term Rentals Units.**

~~The limitations on the allocation of 300 non-owner occupied mainland short term rental units identified in section 6-153(b) shall be allocated each year first to renewal applications which shall be filed by December 31st on a first come, first registered basis. If this limit is not reached after review and issuance of~~

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~~renewal registrations, then new applications for non-owner occupied units will be accepted on a first come, first registered basis. Once the total number of units identified in section 6-153(b) has been reached, a waitlist will be formed to help gauge market demand. The City Manager or his or her designee, may institute a lottery process at his or her discretion. [alternatively] delete this section if we choose to only allow owner-occupied & tenant-occupied STR units after December 1, 2018 under 6-153(c)~~

(Ord. 179-16/17, 3-27-2017)

#### Sec. 6-155. Violations.

Specific violations of this article, subject to the provisions of section 6-1, include, but are not limited to:

- (a) Any person, business entity, or other organization failing to timely register a rental unit, including providing all required information and paying the required registration fee;
- (b) Any person, business entity, or other organization providing false information with respect to registration. Notwithstanding the provisions of § 6-1, the penalty for such violation shall be \$1,000.00;
- (c) Any person, business entity, or other organization renting any rental unit that is not registered under this article, or to permitting the occupancy of such premises without registration;
- (d) Failure of short term rental unit owners, tenants, and/or their representatives to adequately respond to inquiries by the City pursuant to 6-152(e) within a forty-eight (48) hour period;
- (e) Any person, business entity or other organization failing to timely file the required registration, acquire and/or display the required Short Term Rental registration number, or failing to timely pay, in full, the registration fee or annual renewal fee, or failing to timely file any required update to the registration ~~shall~~ be in violation of this Article for which a fine of \$100.00 per day each day the violation continues shall be assessed;
- (f) Any person providing false information with respect to registration shall be in violation of this article for

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which a fine of \$1,000.00 shall be assessed;  
(Ord. 179-16/17, 3-27-2017)

**Sec. 6-156. Enforcement.**

(a) The building authority as defined in section 6-1 or his or her designee is authorized to institute or cause to be instituted by and through the office of the corporation counsel, in the name of the city, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this article.

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(b) No certificate of occupancy shall be issued for property that is subject to the registration requirements of this article, but is not registered in accordance with this article.

(c) Any short term rental at a property that is designated by the City as a disorderly house and fails to remedy the disorderly house as required by section 6-202, shall, at the discretion of the City Manager or his or her designee, have its registration revoked and be ineligible for registration for a period of ~~twelve~~ ~~36~~ (~~12~~~~36~~) months. Any registration after revocation shall be considered a new registration and not a renewal. Upon the second designation of the short term rental property as a disorderly house, the City shall, at the discretion of the City Manager or his or her designee, prohibit the registered owner from operating the property as a short term rental or post the property against occupancy pursuant to section 6-201.

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(d) Fines may be attributed to Property Management firms found operating short term rental units in violation of this article. These fines may be in addition to fines levied against owners of property.

(e) Violations of the provisions of this article shall be grounds to deny an application or renewal application for a short-term rental registration.

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(Ord. 179-16/17, 3-27-2017; Ord. No. 29-17/18, 9-18-2017)

**Sec. 6-157. Revenue Allocation.**

Notwithstanding section 6-1(b), all revenue generated from short term rental registration fees and penalties shall be used to first fund short term rental related administrative costs. Any remaining revenue shall be deposited in the Housing Trust Fund, as defined in Section 14-489.  
(Ord. 179-16/17, 3-27-2017)

City of Portland  
Code of Ordinances  
Sec. 6-157

Buildings and Building Regulations  
Chapter 6  
Rev. 3-27-2017

- Sec. 6-158. Reserved.**
- Sec. 6-159. Reserved.**
- Sec. 6-160. Reserved.**
- Sec. 6-161. Reserved.**
- Sec. 6-162. Reserved.**
- Sec. 6-163. Reserved.**
- Sec. 6-164. Reserved.**

PROPOSED AMENDMENTS TO CHAPTER 6, ARTICLE VI, § 6-151  
SPONSORED BY COUNCILOR COOK

**Sec. 6-151. Registration required.**

(a) *Registration of Ownership.*

1. Rental units must be registered in accordance with this article by January 1st of each year. Registration must be renewed annually, on or before January 1st, including updating all changes in previously submitted registration information.
2. If a rental unit is rented as both a short term and long term rental, it must be separately registered for each type of rental.
3. Each owner, manager, ~~and/or~~ person/entity otherwise responsible for the rental unit, such as a property manager, shall be obligated under this article. Any new owner, manager, or responsible person/entity must apply to register within thirty (30) days of purchase of the rental unit or transfer of management or responsibility. New owners or tenants applying to register an existing short term rental unit are considered new applicants and shall be subject to all limitations and regulations in effect at the time of the application.
4. A rental unit shall not be considered registered until all information and fees are provided to the satisfaction of the City's Permitting and Inspections Department or its designee.
5. As a condition of registration, all owners must allow onsite inspections of their property including, without limitation, all rental units.

(b) *Information/Documentation Required.* Registration must be completed on forms supplied by the City's Permitting and Inspections Department or their designee and must provide, at a minimum, the following information:

1. The street address of the building;
2. The unit number of the rental unit;

3. The tax assessor's chart, block and lot of the property on which the building is located;
4. The owner of the property, including the owners' name, address, telephone number, and email address. If the owner is anything other than a natural person, the following information must also be included:
  - a. The name of ~~E~~each individual person that has an ownership interest in any entity that is the record owner. This includes, without limitation, all partners, officers, or trustees of any real estate trusts; any members or managers of a limited liability company; and all officers and directors of a corporation; and
  - b. The residential street address, e-mail address and home phone number of at least one (1) such individual person;
5. The manager of the property or the person or persons responsible for its regular maintenance or repair, as well as a name, address, telephone number, and email address for that person or entity.
6. The person designated as the agent of the owner or owners for the service of notices and civil process by the city, as well as their name, address, telephone number, and e-mail address. Service of notice and process upon the person so designated shall be deemed conclusive service upon the owner or owners.

(c) *Additional Information Required for Short Term Rentals.*

A short term rental shall not be considered registered unless and until the registrant has submitted a complete application together with all information required by this article, paid the fee required by Sec. 6-152, and a registration number has been issued.

In addition to the information required in Section 6-151(b), a Short Term Rental registrant must provide at a minimum the following information and any other information requested by the City's Permitting and Inspections Department or their designee:

1. A short term rental application;
2. Whether the rental unit is owner-occupied, tenant-occupied, or non-owner occupied;

a. For Short Term Rental units that are owner-occupied, the ~~owner-registrant~~ must provide a notarized primary residence affidavit, on forms provided by the City, and must also produce for review two of the following demonstrating residency at the owner-occupied unit:

- i. Valid driver's license or other state-issued identification;
- ii. Valid motor vehicle registration;
- iii. Current voter registration; or
- iv. Proof of homestead exemption.

b. For Short Term Rental units that are tenant-occupied, the ~~tenant-registrant~~ must provide a notarized primary residence affidavit, ~~and~~ a notarized statement of permission by his/her landlord, both on forms supplied by the City, and must also produce for review two of the following demonstrating residency at the tenant-occupied unit:

- i. Valid driver's license or other state-issued identification;
- ii. Valid motor vehicle registration;
- iii. Current voter registration; or
- iv. Recent utility bill.

3. The address and tax assessor's chart, block, and lot number of all other short term rentals in the City in which the registrant has an ownership interest;

4. For Short term rental units that are within a condominium or homeowner's association, a notarized affidavit attesting that use of the unit as a short term rental is allowed under the relevant documents.

5. If the application is for renewal, the following:

(a) The number of nights the unit was rented on a short-term basis in the previous reporting year. For purposes of reporting this information, November 1 through October 31 is the reporting period for a renewal of January 1, and

(b) Produce for review, proof that state lodging taxes were paid for the year prior to the renewal date.

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(d) *Display of Short Term Rental Registration Number Required.* Once registration is approved by the City, each short term rental shall be given a registration number, which much be displayed in the rental unit and in any and all advertisements for the rental unit.

(e) Upon request by the City, at any time, all registrants and/or agents of short term rental units must provide the City with their registration information, rental history, and upcoming reservation information. Failure of short term rental unit owners, tenants, and/or their representatives to adequately respond to inquiries by the City within a forty-eight (48) hour period shall be considered a violation under this ordinance.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. No. 246-97, 4-9-97; Ord. 298-14/15, 7-6-2015; Ord. 69-15/16, 10/5/2015; Ord. 179-16/17, 3-27-2017)

(f) The City shall make available on its website a way for the public to query by address whether there are any short term rental registrations, and if so how many there are at a given address. [this doesn't seem to fit here, but where?]

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**RAY AMENDMENT TO ORDER XXX-17/18**

**RE: SHORT TERM RENTAL ALLOCATION AND REGISTRATION  
REQUIREMENTS**

**ARTICLE VI. RESIDENTIAL RENTAL UNIT REGISTRATION REQUIREMENTS**

**Sec. 6-150. Purpose.**

The proliferation of real estate proprietorships, partnerships, and trusts having undisclosed, anonymous or otherwise unidentifiable principals, owning large numbers of residential rental properties, sometimes managed through unresponsive property management companies, has impeded the proper enforcement of this chapter, chapter 12 and other ordinances of the city. This article is intended to require the disclosure of the ownership of such property, to regulate the renting of property within the City, and to make owners and persons responsible for the maintenance of property more accessible and accountable with respect to the premises, and to ensure that owners and tenants comply with chapters 6 and 10 of the City Code.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015; Ord. 179-16/17, 3-27-2017)

**Sec. 6-150.1. Definitions.**

The definitions in 6-106 apply to this Article. The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

*Island Short Term Rental* shall mean a short term rental located on one of the following islands in the City of Portland: Peaks Island, Great Diamond Island, Cushing Island, Little Diamond Island, House Island, and/or Cliff Island.

*Long Term Rental* shall mean the letting of a rental unit in whole or in part for thirty (30) days or more.

*Mainland Short Term Rental* shall mean a short term rental located within the limits of the City of Portland, but not on Peaks Island, Long Island, Great Diamond Island, Cushing Island, Little Diamond Island, House Island and/or Cliff Island.

*Multi-Unit* shall mean a single, detached building in common ownership interest containing more than one (1) residential or commercial unit, as determined by the Director of the Permitting and Inspections Department.

*Owner-Occupied* shall mean a rental unit owned and occupied by the registrant as his or her primary residence.

*Owner* shall mean each individual person or entity including, without limitation, all partners, officers, or trustees of any real estate trust; all members or managers of a limited liability company; and all officers and directors of a corporation; that is the record owner of a building or property.

*Primary Residence* shall mean the dwelling in which a person resides as his or her legal residence for more than one half of a year and registers as his or her address for tax and government identification purposes.

*Registrant* shall mean the owner of a rental unit, or a tenant, with permission from the owner, seeking to register a rental unit.

*Rental unit* is a portion of any residential structure that is rented or available for rent to any individual or individuals for any length of time. Any portion of a Single-Family Home, Condominium, or Apartment that is rented or available to be rented to an individual or individuals who are not the owner or owners shall be considered a *rental unit*. *Dwelling units* and *rooming units* as defined in §6-106 are, without limitation, *rental units*. A Single-Family Home, Condominium, or Apartment that is occupied by the owner or owners, and of which no portion is rented or available for rent, is not a *rental unit*.

*Short Term Rental* is the letting of a rental unit, in whole or in part, for less than thirty (30) days.

*Short Term Rental Property Manager shall mean the manager of the Short Term Rental Unit or the person or persons responsible for its regular maintenance or repair.*

*Single Family Home* shall mean a detached residential dwelling or a single condominium unit containing one dwelling unit.

*Tenant-Occupied* shall mean a rental unit in which the registrant is not the record owner of the rental unit, but lawfully occupies the rental unit as his or her primary residence.  
(Ord. 179-16/17, 3-27-2017)

**Sec. 6-151. Registration required.**

(a) *Registration of Ownership.*

1. Rental units must be registered in accordance with this article by January 1st of each year. Registration must be renewed annually, on or before January 1st, including updating all changes in previously submitted registration information.
2. If a rental unit is rented as both a short term and long term rental, it must be separately registered for each type of rentals.
3. Each owner, manager, or person/entity otherwise responsible for the rental unit, such as a property manager, shall be obligated under this article. Any new owner, manager, or responsible person/entity must register within thirty (30) days of purchase of the rental unit or transfer of management or responsibility.
4. A rental unit shall not be considered registered until all information and fees are provided to the satisfaction of the City's Permitting and Inspections Department or its designee.
5. As a condition of registration, all owners must allow onsite inspections of their property including, without limitation, all rental units.

(b) *Information/Documentation Required.* Registration must be completed on forms supplied by the City's Permitting and Inspections Department or their designee and must provide, at a minimum, the following information:

1. The street address of the building;
2. The unit number of the rental unit;
3. The tax assessor's chart, block and lot of the property on which the building is located;
4. The owner of the property, including the owners' name, address, telephone number, and email address. If the owner is anything other than a natural person, the following information must also be included:
  - a. Each individual person that has an ownership interest in any entity that is the record owner. This includes, without limitation, all partners, officers, or trustees of any real estate trusts;

any members or managers of a limited liability company; and all officers and directors of a corporation; and

- b. The residential street address, e-mail address and home phone number of at least one (1) such individual person;
5. The manager of the property or the person or persons responsible for its regular maintenance or repair, as well as a name, address, telephone number, and email address for that person or entity.
  6. The person designated as the agent of the owner or owners for the service of notices and civil process by the city, as well as their name, address, telephone number, and e-mail address. Service of notice and process upon the person so designated shall be deemed conclusive service upon the owner or owners.

(c) *Additional Information Required for Short Term Rentals.* A short term rental shall not be considered registered unless and until the registrant has submitted a complete application together with all information required by this article, paid the fee required by Sec. 6-152, and a registration number has been issued.

In addition to the information required in Section 6-151(b), a Short Term Rental registrant must provide at a minimum the following information and any other information requested by the City's Permitting and Inspections Department or their designee:

1. A short term rental application;
2. Whether the rental unit is owner-occupied, tenant-occupied, or non-owner occupied;
  - a. For Short Term Rental units that are owner-occupied, the registrant must provide a notarized primary residence affidavit, on forms provided by the City.
  - b. For Short Term Rental units that are tenant-occupied, the registrant must provide a notarized primary residence affidavit, a notarized statement of permission by his/her landlord, both on forms supplied by the City.

3. The address and tax assessor's chart, block, and lot number of all other short term rentals in the City in which the registrant has an ownership interest;

(d) *Display of Short Term Rental Registration Number Required.*

Once registration is approved by the City, each short term rental shall be given a registration number, which must be displayed in the rental unit and in any and all advertisements for the rental unit.

(e) Upon request by the City, at any time, all registrants and/or agents of short term rental units must provide the City with their registration information, rental history, and upcoming reservation information. Failure of short term rental unit owners, tenants, and/or their representatives to adequately respond to inquiries by the City within a forty-eight (48) hour period shall be considered a violation under this ordinance.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. No. 246-97, 4-9-97; Ord. 298-14/15, 7-6-2015; Ord. 69-15/16, 10/5/2015; Ord. 179-16/17, 3-27-2017)

**Sec. 6-152. Registration Fees.**

(a) *Annual Registration Fee.* Upon initial registration and by January 1st of each year, registrants shall pay the City a registration fee for each rental unit, in the amounts set forth below. A rental unit shall not be considered registered unless and until this fee is paid in full.

(b) *Long Term Rental Registration Fee.* The registrant of a long term rental shall pay thirty five dollars (\$35.00) to the City by January 1st of each year.

(c) *Short Term Rental Registration Fee Structure.* The registrant of a short term rental shall pay the fee specified in the chart below. All fees will be cumulative and will increase based on the number of total units registered by the owner. The fee total will accumulate first by counting any owner occupied or tenant occupied units ~~short term rental units operating in a single family home or owner occupied multi-family buildings~~ and then fees will be attributed at the higher rate for any non owner occupied units ~~units located in non owner occupied buildings~~. ~~If an owner registers units in both owner occupied and non owner occupied buildings then the owner occupied fees will be considered the first unit under the fee structure starting with the 1<sup>st</sup> unit fee as described in the chart below regardless of the order in which the units are registered.~~

<del>Owner Occupied Single Family Home or Tenant Occupied Units</del>	\$100
<del>Multi-Unit Owner Occupied Building</del> Island Short Term Rentals, <b>Owner-occupied units; Tenant-occupied units</b>	1 <sup>st</sup> Unit - \$100 2 <sup>nd</sup> Unit - \$250 3 <sup>rd</sup> Unit - \$500 4 <sup>th</sup> Unit - \$1,000 5 <sup>th</sup> Unit - \$2,000
<del>Multi-Unit Non-Owner Occupied Building</del> <u>Mainland Short Term Rental Units</u>	1 <sup>st</sup> Unit - \$200 2 <sup>nd</sup> Unit - \$500 3 <sup>rd</sup> Unit - \$1,000 4 <sup>th</sup> Unit - \$2,000 5 <sup>th</sup> Unit - \$4,000

~~(d)~~(e) *Registration and Renewal Fee Discounts.* The following discounts shall apply to the registration and renewal fees:

- (1) \$10 discount for each rental unit within a fully-sprinkled building as verified by a testing report, maintenance report or a maintenance contract, which shall be provided at the time of registration and upon each registration renewal;
- (2) \$7.50 discount for each rental unit within a building with a centrally-monitored fire alarm as verified by Fire Department logs or an alarm contract, which shall be provided at the time of registration and upon each registration renewal;
- (3) \$5.00 for a rental unit that has been subject to and has passed a Housing and Urban Development Housing Quality Standard (HQS) inspection within the preceding year as verified by the HQS inspection report, which shall be provided at the time of registration and upon each registration renewal;
- (4) \$10.00 for a rental unit that has been subject to and has passed a Housing and Urban Development Uniform Physical Condition Standard (UPCS) inspection within

the preceding year as verified by the UPCS inspection report, which shall be provided at the time of registration and upon each registration renewal;

- (5) \$2.50 for a rental unit that is subject to a signed lease which prohibits smoking by tenants as verified by a copy of the current lease, which shall be provided at the time of registration and upon each registration renewal. The existence of and enforcement of this provision may be verified through an inspections of each rental unit.

The total amount of discounts from the annual registration or renewal fee as described above shall not exceed \$20.00. ~~and t~~  
The minimum annual fee for registration or renewal of Long Term Rentals shall be \$15.00 per unit, and the minimum annual fee for registration or renewal of Short Term Rentals shall be \$80.00 per unit.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015; Ord. 179-16/17, 3-27-2017)

**Sec. 6-153. ~~Violations~~Limitations.**

(a) *Occupancy Limit.* Overnight short term rental guest occupancy in each rental unit will be limited to two (2) guests per bedroom plus no more than two (2) additional guests.

(b) *Limitation on Total Number of Short Term Rentals.* No more than 300 non-owner occupied mainland short term rental units shall be registered in any one calendar year.

As of December 1, 2018, Mainland Short Term Rental Units in Owner-Occupied Multi-units that are not the Primary Residence of the registrant shall be understood to be Non-Owner occupied units and regulated as such.

(c) Limitations on number of Short Term Rentals an Individual or Entity May Register. An individual or entity may only register up to five (5) short term rentals in the City, including the Islands, in any one (1) calendar year. For purposes of this section, short term rentals registered by an entity in which the registrant has an ownership interest shall be counted towards this limit.

(e)(d) Limitations on number of Short Term Rentals for which an Individual of Entity may be the Short Term Rental Property Manager. No individual or entity may be the Short Term Rental

Property Manager for more than five (5) mainland short term rental units in the City.

(e) No individual or entity may register a short term rental in any single family home unless it is owner-occupied; tenant-occupied with permission of the owner; or located on an Island.

(f) The number of mainland short term rental units that may be operated in a multi-unit building are as follows:

Total # of Units in Building	# of <del>Non-Owner Occupied</del> Short Term Rental Units Allowed in Building	
	<del>Owner Occupied</del>	<del>Non-Owner Occupied</del>
2	2	1
3	3	2
4	4	2
5	5	2
6-9	5	4
10+	5	5

~~Owner-occupied units and Tenant-occupied units, where the tenant is the registrant,~~ shall not be counted towards these limits.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015; Ord. 179-16/17, 3-27-2017)

**Sec. 6-154. Allocation of Short Term Rentals.**

~~The limitations on the allocation of Non-owner occupied mainland short term rental units identified in registrations, which are limited by section 6-153(b) shall be allocated each year on a first come, first registered basis. Once the total number of units identified in section 6-153(b) (the "Cap") has been reached, a waitlist will be formed to help gauge market demand. The City Manager or his or her designee, may institute a lottery process at his or her discretion.~~

(Ord. 179-16/17, 3-27-2017)

~~Valid non-owner occupied mainland registrations may be automatically renewed each year upon application and payment of the registration fee, so long as the renewal is complete by January 1 of that year. Failure to renew by January 1 shall result in the forfeiture of the automatic right to renew the registration of a unit, and re-registration shall be available only if the limitations in 6-153(b) have not been reached, or if the applicant is chosen off of the waitlist. If this automatic right to renew should this counting clarification causes the number of Non-Owner Occupied Mainland Short Term Rentals to exceed the Cap, no new Non-Owner Occupied Mainland Short Terms Rentals shall be registered~~

until the number of Non-Owner Occupied Mainland Rentals falls below the Cap.

**Sec. 6-155. Violations.**

Specific violations of this article, subject to the provisions of section 6-1, include, but are not limited to:

- (a) Any person, business entity, or other organization failing to timely register a rental unit, including providing all required information and paying the required registration fee;
- (b) Any person, business entity, or other organization providing false information with respect to registration. Notwithstanding the provisions of § 6-1, the penalty for such violation shall be \$1,000.00;
- (c) Any person, business entity, or other organization renting any rental unit that is not registered under this article, or to permitting the occupancy of such premises without registration;
- (d) Failure of short term rental unit owners, tenants, and/or their representatives to adequately respond to inquiries by the City pursuant to 6-152(e) within a forty-eight (48) hour period;
- (e) Any person business entity or other organization failing to timely file the required registration or failing to timely pay, in full, the registration fee or annual renewal fee, or failing to timely file any required update to the registration shall be in violation of this Article for which a fine of \$100.00 per day each day the violation continues shall be assessed;
- (f) Any person providing false information with respect to registration shall be in violation of this article for which a fine of \$1,000.00 shall be assessed;

(Ord. 179-16/17, 3-27-2017)

**Sec. 6-156. Enforcement.**

(a) The building authority as defined in section 6-1 or his or her designee is authorized to institute or cause to be instituted by and through the office of the corporation counsel, in the name

of the city, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this article.

(b) No certificate of occupancy shall be issued for property that is subject to the registration requirements of this article, but is not registered in accordance with this article.

(c) Any short term rental at a property that is designated by the City as a disorderly house and fails to remedy the disorderly house as required by section 6-202, shall, at the discretion of the City Manager or his or her designee, have its registration revoked and be ineligible for registration for a period of twelve (12) months. Any registration after revocation shall be considered a new registration and not a renewal. Upon the second designation of the short term rental property as a disorderly house, the City shall, at the discretion of the City Manager or his or her designee, prohibit the registered owner from operating the property as a short term rental or post the property against occupancy pursuant to section 6-201.

(d) Fines may be attributed to Property Management firms found operating short term rental units in violation of this article. These fines may be in addition to fines levied against owners of property.

(Ord. 179-16/17, 3-27-2017; Ord. No. 29-17/18, 9-18-2017)

**Sec. 6-157. Revenue Allocation.**

Notwithstanding section 6-1(b), all revenue generated from short term rental registration fees and penalties shall be used to first fund short term rental related administrative costs. Any remaining revenue shall be deposited in the Housing Trust Fund, as defined in Section 14-489.

(Ord. 179-16/17, 3-27-2017)

**Sec. 6-158. Reserved.**

**Sec. 6-159. Reserved.**

**Sec. 6-160. Reserved.**

**Sec. 6-161. Reserved.**

**Sec. 6-162. Reserved.**

**Sec. 6-163. Reserved.**

**Sec. 6-164. Reserved.**

**STAFF PROPOSED AMENDMENT TO CHAPTER 6, ARTICLE VI**

**ARTICLE VI. RESIDENTIAL RENTAL UNIT REGISTRATION REQUIREMENTS**

**Sec. 6-150. Purpose.**

The proliferation of real estate proprietorships, partnerships, and trusts having undisclosed, anonymous or otherwise unidentifiable principals, owning large numbers of residential long term rental properties, sometimes managed through unresponsive property management companies, has impeded the proper enforcement of this chapter, chapter 12 and other ordinances of the city. Non-owner occupied short term rental units remove housing units from the long term rental market and may contribute to the increase in the cost of rental housing in the City.

This article is intended to require the disclosure of the ownership of such property, and to regulate the renting of property within the City, and to make owners and persons responsible for the maintenance of property more accessible and accountable with respect to the premises, to ensure that housing units remain available for rent to those who reside or seek to reside within the City, to ensure that residential areas are not unduly impacted by the operation of short term rentals, and to ensure that owners and tenants comply with chapters 6 and 10 of the City Code.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015; Ord. 179-16/17, 3-27-2017)

**Sec. 6-150.1. Definitions.**

The definitions in 6-106 apply to this Article. The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

*Island Short Term Rental* shall mean a short term rental located on one of the following islands in the City of Portland: Peaks Island, Great Diamond Island, Cushing Island, Little Diamond Island, House Island, and/or Cliff Island.

*Long Term Rental* shall mean the letting of a rental unit in whole or in part for thirty (30) days or more.

*Mainland Short Term Rental* shall mean a short term rental located within the limits of the City of Portland, but not on Peaks Island, Long Island, Great Diamond Island, Cushing Island, Little Diamond Island, House Island and/or Cliff Island.

*Multi-Unit* shall mean a single, detached building in common

ownership interest containing more than one (1) residential or commercial unit, as determined by the Director of the Permitting and Inspections Department.

*Owner-Occupied* shall mean a rental unit owned and occupied by the registrant as his or her primary residence. Accessory dwelling units as defined in Chapter 14 of this Code, are not considered owner-occupied units for purposes of short term rental registration and regulation.

*Owner* shall mean each individual person or entity including, without limitation, all partners, officers, or trustees of any real estate trust; all members or managers of a limited liability company; and all officers and directors of a corporation; that is the record owner of a building or property.

*Primary Residence* shall mean the dwelling in which a person resides as his or her legal residence for more than one half of a year and registers as his or her address for tax and government identification purposes.

*Registrant* shall mean the owner of a rental unit, or a tenant, with permission from the owner, seeking to register a rental unit.

*Rental unit* is a portion of any residential structure that is rented or available for rent to any individual or individuals for any length of time. Any portion of a Single-Family Home, Condominium, or Apartment that is rented or available to be rented to an individual or individuals who are not the owner or owners shall be considered a *rental unit*. *Dwelling units* and *rooming units* as defined in §6-106 are, without limitation, *rental units*. A Single-Family Home, Condominium, or Apartment that is occupied by the owner or owners, and of which no portion is rented or available for rent, is not a *rental unit*.

*Short Term Rental* is the letting of a rental unit, in whole or in part, for less than thirty (30) days.

*Single Family Home* shall mean a detached residential dwelling or a single condominium unit containing one dwelling unit.

*Tenant-Occupied* shall mean a rental unit in which the registrant is not the record owner of the rental unit, but lawfully occupies the rental unit as his or her primary residence.

(Ord. 179-16/17, 3-27-2017)

**Sec. 6-151. Registration required.**

*(a) Registration of Ownership.*

1. Rental units must be registered in accordance with this article by January 1st of each year. Registration must be renewed annually, on or before January 1st, including updating all changes in previously submitted registration information.
2. If a rental unit is rented as both a short term and long term rental, it must be separately registered for each type of rental~~s~~.
3. Each owner, manager, or person/entity otherwise responsible for the rental unit, such as a property manager, shall be obligated under this article. Any new owner, manager, or responsible person/entity must register within thirty (30) days of purchase of the rental unit or transfer of management or responsibility.
4. A rental unit shall not be considered registered until all information and fees are provided to the satisfaction of the City's Permitting and Inspections Department or its designee.
5. As a condition of registration, all owners must allow onsite inspections of their property including, without limitation, all rental units.

*(b) Information/Documentation Required.* Registration must be completed on forms supplied by the City's Permitting and Inspections Department or their designee and must provide, at a minimum, the following information:

1. The street address of the building;
2. The unit number of the rental unit;
3. The tax assessor's chart, block and lot of the property on which the building is located;
4. The owner of the property, including the owners' name, address, telephone number, and email address. If the owner is anything other than a natural person, the following information must also be included:

- a. The name of ~~E~~each individual person that has an ownership interest in any entity that is the record owner. This includes, without limitation, all partners, officers, or trustees of any real estate trusts; any members or managers of a limited liability company; and all officers and directors of a corporation; and
  - b. The residential street address, e-mail address and home phone number of at least one (1) such individual person;
5. The manager of the property or the person or persons responsible for its regular maintenance or repair, as well as a name, address, telephone number, and email address for that person or entity.
  6. The person designated as the agent of the owner or owners for the service of notices and civil process by the city, as well as their name, address, telephone number, and e-mail address. Service of notice and process upon the person so designated shall be deemed conclusive service upon the owner or owners.

(c) *Additional Information Required for Short Term Rentals.* A short term rental shall not be considered registered unless and until the registrant has submitted a complete application together with all information required by this article, paid the fee required by Sec. 6-152, and a registration number has been issued.

In addition to the information required in Section 6-151(b), a Short Term Rental registrant must provide at a minimum the following information and any other information requested by the City's Permitting and Inspections Department or their designee:

1. A short term rental application;
2. Whether the rental unit is owner-occupied, tenant-occupied, or non-owner occupied;
  - a. For Short Term Rental units that are owner-occupied, the ~~registrant~~ owner must provide a notarized primary residence affidavit, on forms provided by the City. The owner must also produce for review one of the following demonstrating residency at the owner-occupied unit:

- i. Valid driver's license or other state-issued identification;
- ii. Valid motor vehicle registration;
- iii. Current voter registration;
- iv. Proof of homestead exemption; or
- i.v. Other documentation proving residence to the satisfaction of the City's Permitting and Inspections Department.

b. For Short Term Rental units that are tenant-occupied, the ~~registrant~~ tenant must provide a notarized primary residence affidavit, and a notarized statement of permission by his/her landlord, both on forms supplied by the City. The tenant must also produce for review one of the following demonstrating residency at the tenant-occupied unit:

- i. Valid driver's license or other state-issued identification;
- ii. Valid motor vehicle registration;
- iii. Current voter registration; or
- iv. Other documentation proving residence to the satisfaction of the City's Permitting and Inspections Department

3. The address and tax assessor's chart, block, and lot number of all other short term rentals in the City in which the registrant has an ownership interest. +

(d) *Display of Short Term Rental Registration Number Required.*  
Once registration is approved by the City, each short term rental shall be given a registration number, which much be displayed in the rental unit and in any and all advertisements for the rental unit.

(e) Upon request by the City, at any time, all registrants and/or agents of short term rental units must provide the City with their registration information, rental history, and upcoming reservation information. Failure of short term rental unit owners, tenants, and/or their representatives to adequately respond to inquiries by the City within a forty-eight (48) hour period shall be considered a violation under this ordinance.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. No. 246-97, 4-9-97; Ord.

298-14/15, 7-6-2015; Ord. 69-15/16, 10/5/2015; Ord. 179-16/17, 3-27-2017)

**Sec. 6-152. Registration Fees.**

(a) *Annual Registration Fee.* Upon initial registration and by January 1st of each year, registrants shall pay the City a registration fee for each rental unit, in the amounts set forth below. A rental unit shall not be considered registered unless and until this fee is paid in full.

(b) *Long Term Rental Registration Fee.* The registrant of a long term rental shall pay thirty five dollars (\$35.00) to the City by January 1st of each year.

(c) *Short Term Rental Registration Fee Structure.* The registrant of a short term rental shall pay the fee specified in the chart below. All fees will be cumulative and will increase based on the number of total units registered by the owner. The fee total will accumulate first by counting any owner occupied or tenant occupied units ~~short term rental units operating in a single family home or owner occupied multi-family buildings~~ and then fees will be attributed at the higher rate for any non owner occupied units ~~units located in non owner occupied buildings.~~ ~~If an owner registers units in both owner occupied and non owner occupied buildings then the owner occupied fees will be considered the first unit under the fee structure starting with the 1<sup>st</sup> unit fee as described in the chart below regardless of the order in which the units are registered.~~

Owners and tenants may register more than one short term rental unit (bedrooms, separate spaces, etc.) within their primary residence.

<del>Owner Occupied Single Family Home Units; or Tenant Occupied Units; Island Short Term Rental Units</del>	\$100 <u>each</u>
<del>Multi Unit Owner Occupied Building          Island Short Term Rentals</del>	<del>1<sup>st</sup> Unit - \$100          2<sup>nd</sup> Unit - \$250          3<sup>rd</sup> Unit - \$500          4<sup>th</sup> Unit - \$1,000          5<sup>th</sup> Unit - \$2,000</del>
<del>Multi Unit Non Owner Occupied Building          Non-Owner Occupied Mainland Short Term Rental Units</del>	1 <sup>st</sup> Unit - \$200 2 <sup>nd</sup> Unit - \$500 3 <sup>rd</sup> Unit - \$1,000 4 <sup>th</sup> Unit - \$2,000* 5 <sup>th</sup> Unit - \$4,000*

\* Available only for units that are lawfully registered as of December 1, 2018, and timely reregister each year.

(d) *Registration and Renewal Fee Discounts.* The following discounts shall apply to the registration and renewal fees:

- (1) \$10 discount for each rental unit within a fully-sprinkled building as verified by a testing report, maintenance report or a maintenance contract, which shall be provided at the time of registration and upon each registration renewal;
- (2) \$7.50 discount for each rental unit within a building with a centrally-monitored fire alarm as verified by Fire Department logs or an alarm contract, which shall be provided at the time of registration and upon each registration renewal;
- (3) \$5.00 for a rental unit that has been subject to and has passed a Housing and Urban Development Housing Quality Standard (HQS) inspection within the preceding year as verified by the HQS inspection report, which shall be provided at the time of registration and upon each registration renewal;
- (4) \$10.00 for a rental unit that has been subject to and

has passed a Housing and Urban Development Uniform Physical Condition Standard (UPCS) inspection within the preceding year as verified by the UPCS inspection report, which shall be provided at the time of registration and upon each registration renewal;

- (5) \$2.50 for a rental unit that is subject to a signed lease which prohibits smoking by tenants as verified by a copy of the current lease, which shall be provided at the time of registration and upon each registration renewal. The existence of and enforcement of this provision may be verified through an inspections of each rental unit.

The total amount of discounts from the annual registration or renewal fee as described above shall not exceed \$20.00, and the minimum annual fee for registration or renewal shall be \$15.00 per unit.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015; Ord. 179-16/17, 3-27-2017)

**Sec. 6-153. ~~Violations~~Limitations on Short Term Rental Units.**

(a) *Occupancy Limit.* Overnight short term rental guest occupancy in each rental unit will be limited to two (2) guests per bedroom plus no more than two (2) additional guests.

(b) *Limitation on Total Number of Short Term Rentals.* No more than 300 non-owner occupied mainland short term rental units shall be registered in any one calendar year.

As of December 1, 2018, Mainland Short Term Rental Units in Owner-Occupied Multi-units that are not the Primary Residence of the registrant shall be counted as Non-Owner occupied units and subject to this limitation.

(c) *Limitations on number of Short Term Rentals an Individual or Entity May Register.* After December 1, 2018, Aan individual or entity may only register up to threefive (35) short term rentals ~~units~~ in the City, including the Islands, in any one (1) calendar year. For purposes of this section, short term rental ~~units~~ registered by an entity in which the registrant has an ownership interest shall be counted towards this limit.

~~(e)~~(d) No individual or entity may register a short term

rental in any single family home unless it is owner-occupied; tenant-occupied with permission of the owner; or located on an Island.

~~(d)~~(e) The number of mainland short term rental units that may be operated in a multi-unit building are as follows:

Total # of <u>Dwelling</u> Units in <del>Building</del>	# of <u>Non Owner Occupied</u> Short Term Rental Units Allowed in Building	
	<del>Owner Occupied</del>	<del>Non-Owner Occupied</del>
2	<del>2</del>	1
<del>3-5</del>	3	2
<del>6+</del>		3
<del>4</del>	4	<del>2</del>
<del>5</del>	5	<del>2</del>
<del>6-9</del>	5	4
<del>10+</del>	5	5

~~Tenant-occupied units, where the tenant is the registrant, shall not be counted towards these limits.~~

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015; Ord. 179-16/17, 3-27-2017)

**Sec. 6-154. Allocation of Short Term Rentals.**

~~(a) The limitations on the allocation of Non-owner occupied mainland short term rental units identified in, which are limited by section 6-153(b), shall be allocated each year on a first come, first registered basis. Once the total number of units identified in section 6-153(b) has been reached, a waitlist will be formed ~~to help gauge market demand~~. The City Manager or his or her designee, may institute a lottery process to allocate available registrations off the waitlist at his or her discretion.~~

~~(b) Notwithstanding the limitations in section 6-153(b) and (c), valid registrations of short term rentals may be renewed each year upon application and payment of the registration fee, so long as the renewal is complete by January 1 of that year.~~

~~However, if the number of registered non-owner occupied mainland units exceeds the limitations in section 6-153(b), then no new non-owner occupied mainland units shall be registered until the number of units falls below that limitation. The City Manager or his or her designee may implement staggered application deadlines for renewal applications and new applications as necessary to implement this requirement.~~

Failure to renew by January 1 shall result in the forfeiture of the right to renew the registration, and any subsequent application shall be treated as a new application for registration.

(Ord. 179-16/17, 3-27-2017)

**Sec. 6-155. Violations.**

Specific violations of this article, subject to the provisions of section 6-1, include, but are not limited to:

- (a) Any person, business entity, or other organization failing to timely register a rental unit, including providing all required information and paying the required registration fee;
- (b) Any person, business entity, or other organization providing false information with respect to registration. Notwithstanding the provisions of § 6-1, the penalty for such violation shall be \$1,000.00;
- (c) Any person, business entity, or other organization renting any rental unit that is not registered under this article, or to permitting the occupancy of such premises without registration;
- (d) Failure of short term rental unit owners, tenants, and/or their representatives to adequately respond to inquiries by the City pursuant to 6-152(e) within a forty-eight (48) hour period;
- (e) Any person business entity or other organization failing to timely file the required registration, acquire and/or display the required Short Term Rental registration number, or failing to timely pay, in full, the registration fee or annual renewal fee, or failing to timely file any required update to the registration ~~shall be~~ is in violation of this Article for which a fine of \$100.00 per day each day the violation continues shall be assessed;
- (f) Any person providing false information with respect to registration shall be in violation of this article for

which a fine of \$1,000.00 shall be assessed;  
(Ord. 179-16/17, 3-27-2017)

**Sec. 6-156. Enforcement.**

(a) The building authority as defined in section 6-1 or his or her designee is authorized to institute or cause to be instituted by and through the office of the corporation counsel, in the name of the city, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this article.

(b) No certificate of occupancy shall be issued for property that is subject to the registration requirements of this article, but is not registered in accordance with this article.

(c) Any short term rental at a property that is designated by the City as a disorderly house and fails to remedy the disorderly house as required by section 6-202, shall, at the discretion of the City Manager or his or her designee, have its registration revoked and be ineligible for registration for a period of twelve (12) months. Any registration after revocation shall be considered a new registration and not a renewal. Upon the second designation of the short term rental property as a disorderly house, the City shall, at the discretion of the City Manager or his or her designee, prohibit the registered owner from operating the property as a short term rental or post the property against occupancy pursuant to section 6-201.

(d) Fines may be attributed to Property Management firms found operating short term rental units in violation of this article. These fines may be in addition to fines levied against owners of property.

(e) Violations of the provisions of this article shall be grounds to deny an application or renewal application for a short term rental registration.

(Ord. 179-16/17, 3-27-2017; Ord. No. 29-17/18, 9-18-2017)

**Sec. 6-157. Revenue Allocation.**

Notwithstanding section 6-1(b), all revenue generated from short term rental registration fees and penalties shall be used to first fund short term rental related administrative costs. Any remaining revenue shall be deposited in the Housing Trust Fund, as defined in Section 14-489.

(Ord. 179-16/17, 3-27-2017)

- Sec. 6-158. Reserved.**
- Sec. 6-159. Reserved.**
- Sec. 6-160. Reserved.**
- Sec. 6-161. Reserved.**
- Sec. 6-162. Reserved.**
- Sec. 6-163. Reserved.**
- Sec. 6-164. Reserved.**

**DRAFT**

**2018 Housing Committee Work Plan**

**October 5, 2018**

October 11, 2018

1. Presentation, Overview and Integrated Report from Permitting and Inspections and Fire Department re: Short-term and Long-term Safety Inspections, and Program Budgets (Public Comment)
2. (Action Item) Review, Discussion and Possible Recommendation regarding Proposed Policy Changes to Chapter 6, Article VI, Residential Rental Unit Registration Requirements, as it applies to short-term rental units. (Public Comment)
3. 2018 Work Plan Discussion

October 24, 2018

1. COTAPC Recommendations regarding the property at 200 Lambert Street
2. Discussion with the City Manager regarding city-owned properties at 99 Capisic Street and 91 Douglass Street
3. Presentation of Key Updates to the 2017 Housing Report
4. 2018 Work Plan Discussion

November 14, 2018

1. Portland Housing Authority presentation on the Rental Assistance Demonstration (RAD) program
2. Presentation and Discussion of Community Land Trust model
3. 2018 Work Plan Discussion

November 28, 2018

1. Review of 2018 Annual Committee Report
2. 2018 and 2019 Work Plan Discussion

December 26, 2018 – canceled

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**COMPLETED WORK**

January 24, 2018

1. Review 2017 Housing Policy Proposals.
2. Review 2017 Housing Committee Report; Goals, Work Plan, and Accomplishments.
3. Review Summary of Feedback of Housing Policy Proposals.
4. First Review of Developer Feedback on the Inclusionary Zoning Ordinance.
5. Update on 2018 Short Term Rental registration process.
6. 2018 Work Plan Discussion

February 12, 2018

1. Review Housing Policy Proposals
2. Review Public Feedback on Housing Policy Proposals
3. 2018 Work Plan Discussion

February 28, 2018

1. Housing Program Budget - Review and Recommendation to the City Council
2. Overview of the Housing and Community Development Division
3. Overview of the Housing Trust Fund
4. Communication Items: Community Land Trust Information; City-owned property information; Text Analysis of Housing Report Survey
5. 2018 Work Plan Discussion

March 28, 2018

1. 14-403
2. HomeStart

3. Affordable Housing Development HOME Fund Application - Review and Approval to Issue by the Committee
4. Franklin Reserve Massing Study/GPCOG overview of Brownfields Planning Grant
5. 2018 Work Plan Discussion – including a discussion of the Council’s goal setting session

April 25, 2018

1. Rental Market Survey results presentation
2. Review and Vote to Recommend to the City Council Amendments to Chapter 6 re: Disorderly House Ordinance.
3. Housing Trust Fund Annual Plan
4. Tax Acquired and City-Owned Property – Westbrook Street
5. 2018 Work Plan Discussion

Communication Items:

Portland Water District water efficiency and repair services program

Inclusionary Zoning Workflow Update

May 23, 2018

1. Review Funding Requests Received from the Affordable Housing Development HOME Fund Application
2. (Action Item) Review and Recommendation to the City Council of the 2018 Housing Trust Fund Annual Plan
3. Review of Amendments to Ordinance: Section 6-225 of the Tenant Housing Rights Ordinance. (Housing Advisory Board) (Pubic Comment)
4. Communication Item: HUD FY18/19 Funding Update
5. 2018 Work Plan Discussion

June 5, 2018

1. (Action Item) 5:30 pm to 6:30 pm - Joint meeting with the Economic Development Committee to Review and Recommend to the City Council Affordable Housing TIF Requests
2. (Action Item) Review and Recommendation to the City Council – Funding Requests Received from the Affordable Housing Development HOME Fund Application
3. (Action Item) Review and Recommendation to City Council of Amendments to Ordinance: Section 6-225 of the Tenant Housing Rights Ordinance. (Housing Advisory Board)
4. Hotel Linkage Fee Discussion
5. 2018 Work Plan Discussion

June 27, 2018

1. Presentation of City-Owned Property Map - housing development potential
2. (Action Item) Review and Recommendation to the City Council – HOME Affordable Housing Development Funding Requests Received from the Affordable Housing Development HOME Fund Application
3. (Action Item) Review and Recommendation to the Planning Board - Hotel Linkage Fee
4. 2018 Amended Housing Committee Schedule
5. Communication Item: FY19 HUD Annual Allocation Plan
6. Communication Item: Accessory Dwelling Units – site page review
7. 2018 Work Plan Discussion

July 31, 2018

1. Rental Housing Safety & Inspection Program - Implementation and Financial Report
2. Short Term Rental Registration Program – Implementation, Financial Report and possible Ordinance revisions
3. Initial Discussion of Order 225-17/18 Referring an Increase in Short Term Rental Registration Fees to the Housing Committee
4. (Action Item) Reconsideration of the Committee’s HOME Funding Recommendation
5. (Action Item) Review and Recommendation to the City Council Housing Trust Fund Allocation(s)
6. Public Comment Received since the last meeting: topics include allowing housing in “Franklin Reserve” and the City’s short term rental policy
7. Communication Item: Accessory Dwelling Units
8. Communication Item: Site Walk 622 Auburn Street
9. Communication Item: Map of City Owned Property
10. 2018 Work Plan Discussion

August 22, 2018 – canceled

September 6, 2018

1. Overview of Legal Framework for Municipal Fees, Land Use Controls, and Exactions
2. (Action Item) Review and Recommendation to the Housing Committee re: Order 225-17/18 Referring an Increase in Short Term Rental Registration Fees to the Housing Committee
3. Review and Discussion of possible changes to the Condominium Conversion Ordinance Section 14-565 to 14-571.
4. Review and discussion of a proposed ordinance addressing new hotel developments and affordable housing demand
5. Communication Item: Review of Map of City-Owned Property
6. Communication Item: Accessory Dwelling Units
7. 2018 Work Plan Discussion

September 26, 2018

1. Review and Discussion of Permitting and Inspections' response to questions from the July 31 meeting regarding rental housing safety and inspections program, and short and long term rental registration program
2. Review and Discussion of Proposed Policy Changes to Chapter 6, Article VI, Residential Rental Unit Registration Requirements, as it applies to short-term rental units.
3. Communication Item: FY18 HUD Consolidated Annual Performance Report
4. 2018 Work Plan Discussion

**Interim Update of Housing Data and Policy Implementation  
For 2018**

**Portland's Housing Market**

**a. Existing Conditions and Trends**

**Update 2018 Income Limits and FMR for Portland HUD Metro Area**

**Update on Rental Housing Costs from April 2018 Rental Housing Survey**

**Portland's Housing Initiatives**

**a. Housing Development**

**Update Subsidized Housing Development in Portland chart**

**b. Initiatives and Implementation Tools**

**Update Inclusionary Zoning Chart; discussion of issues/concerns, amendments to IZ ordinance (PB amendments and revision to pricing), new IZ marketing web page**

**Update on implementation of ADU amendments (chart)**

**Update on ReCode Portland (Peaks Island ADU update?)**

**Update on Rental Housing Advisory Committee**

**Map of City-Owned Property**

**Updated on Disorderly House Ordinance**

**Portland Water District Water Efficiency and Repair Services Program**

**Update on Short Term Rental Registration Program**

**Updated on Long Term Rental Registration and Inspection Program**

**Hotel Linkage Fee**

**Resources**

**a. Federal Resources**

**Update on HOME award and allocations**

**Update on CDBG award and allocations**

**Updated on Lead Hazard Control Grant**

**b. Local Resources**

**Update on Housing Trust Fund (Revenues and Expenditures)**

**Updated on Affordable Housing Tax Increment Financing**

**Attachments to be Included in Update**

**April 2018 Rental Market Survey**

**Permitting and Inspections Rental Registration and Inspections Report**

**Fire Department Rental Housing Inspection Report**

**GPCOG Hotel Linkage Fee Report**