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**CITY OF PORTLAND  
IN THE CITY COUNCIL**

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**AMENDMENT TO THE PORTLAND CITY CODE CHAPTER 6  
RE: NON-OWNER-OCCUPIED SHORT TERM RENTAL UNITS  
IN MULTI-UNIT BUILDINGS**

**Sec. 6-153. Violations.**

(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 October 12, 2018, a mainland short term rental unit in an owner-occupied multi-unit, where the unit is not the primary residence of the owner, shall be counted as a non-owner occupied unit and subject to this limitation. Any such units that are registered as of October 11, 2018, may remain registered regardless of whether this limitation has been reached.

(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.

(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.

(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	5	2
6-9	5	4
10+	5	5

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

**BE IT FURTHER ORDAINED** that, notwithstanding the provisions of 1 M.R.S. § 302, this amendment shall apply retroactively to include any and all applications submitted on and after October 12, 2018 for the registration of non-owner-occupied short term rental units in owner-occupied buildings; and

**BE IT FURTHER ORDAINED**, that this amendment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to protect the availability of long-term housing in the City of Portland.

## MEMORANDUM

**TO:** Portland City Council; Mayor Strimling  
**CC:** Jon Jennings; Michael Sauschuck; Danielle West-Chuhta  
**DATE:** October 12, 2018  
**RE:** Change to Short Term Rental Ordinance

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During the time that the Housing Committee is working through changes to the short term rental ordinance, it was the Committee's desire that no non-owner occupied short term rental units – whether they were in an owner occupied building or otherwise – be registered above the 300 unit cap found in City Code § 6-153. The attached amendment may be introduced at the City Council meeting on October 15, 2018 in lieu of a moratorium on owner-occupied short term rentals.

The amendment would change the short term rental ordinance to make it clear that non-owner occupied units in an owner occupied building will be counted towards the 300 unit cap. Because the total of non-owner occupied units in both owner-occupied and non-owner occupied buildings is at or slightly above that 300 cap, no new non-owner occupied units could be registered unless and until registrations fell below that cap or the cap was raised.

The amendment also contains a retroactivity clause, making it effective October 12, 2018. This means that it will apply to any applications for non-owner occupied units submitted on or after that date. However, any non-owner occupied units registered as of October 11, 2018, will remain registered, regardless of whether the 300 unit cap has been exceeded.

This amendment achieves the Committee's goal of ensuring that no non-owner occupied units above the 300 cap are registered while they are considering changes to the ordinance. The Committee and Council could choose to revisit this language as part of their proposal on larger changes.