

ORDINANCE No. 188501

*Revise Transient Lodgings Tax Code to provide Administrative subpoena authority to the Director of the Revenue Division to ensure compliance with short-term rental laws and regulations (Ordinance; amend Code Sections 6.04.040 and 6.04.130)

The City of Portland ordains:

Section 1. The Council finds:

1. On May 24, 2017 in Resolution 37287 the City Council directed the Revenue Division and the City Attorney's Office to draft amendments to Portland City Code to provide the Director of the Revenue Division administrative subpoena authority necessary to ensure all short-term rentals in the City of Portland are in compliance with applicable laws and regulations.
2. The City of Portland has authority to legislate and provide administrative tools to protect the public health, safety and welfare within the incorporated boundaries of the City of Portland, including the authority to make and enforce all necessary or appropriate local, police and safety laws.
3. The power of inquiry – including subpoena power – is an essential aspect of the administration and enforcement of Portland City Code and is utilized in a number of different enforcement contexts.
4. The Portland City Charter provides separate, specific authority to issue subpoenas to compel the attendance of persons or the production of books, documents or other records.
5. Administrative subpoenas are necessary to aid in the enforcement of short-term rental regulations by providing contact information necessary to enforce provisions of Title 33 and Chapter 6.04 from Hosts of short-term rentals.

NOW THEREFORE, the Council directs:


- a. City Code Chapter 6.04 is amended as set forth in Exhibit A attached to this Ordinance.

Section 2. The Council declares that an emergency exists because the public interest would be harmed by delay in providing an essential administrative tool for the Revenue Division's administration of the short-term rental program; therefore, this Ordinance shall be in full force and effect from and after its passage by Council.

Passed by the Council: JUL 05 2017

Commissioner Nick Fish
Prepared by: K.McGair
Date Prepared: June 26, 2017

Mary Hull Caballero
Auditor of the City of Portland

By 
Deputy

768

Agenda No. 188501
ORDINANCE NO.

Title

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INTRODUCED BY
Commissioner/Auditor:
wheeler/Fish

COMMISSIONER APPROVAL

Mayor—Finance & Administration - Wheeler *ke*

Position 1/Utilities - Fritz

Position 2/Works - Fish *Fish*

Position 3/Affairs - Saltzman

Position 4/Safety - Eudaly

BUREAU APPROVAL

Bureau: OMF – Revenue Division
Bureau Head: Thomas Lannom
Kenneth L. Rust

Prepared by: Ken McGair
Date Prepared: June 27, 2017

Impact Statement
Completed Amends Budget

Portland Policy Document
If "Yes" requires City Policy paragraph stated in document.
Yes No

City Auditor Office Approval: *Tom*

City Attorney Approval: *KAM*

Council Meeting Date: July 5, 2017

CLERK USE: DATE FILED JUN 27 2017

Mary Hull Caballero
Auditor of the City of Portland

By: *[Signature]*
Deputy

ACTION TAKEN:

AGENDA

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: **15 minutes**
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly <input checked="" type="checkbox"/>	
Wheeler	Wheeler <input type="checkbox"/>	