

Administrative Rules for Title 29
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I. Purpose and Scope

The purpose of these Administrative Rules is to provide guidance on implementing Title 29 of the Portland City Code (PCC), which governs Property Maintenance Regulations related to minimum property maintenance regulations within the City of Portland. These Administrative Rules are intended to provide protocols for the effective treatment and remediation of hazards caused by moisture, mold and lead-based paint, to provide recommendations for integrated pest management, and to provide protocols for the Enhanced Rental Inspection and Chapter 13 Fire Safety Inspection Programs as a matter of public health and safety. These Administrative Rules also clarify terms and definitions and provide a process framework with requirements related to measures in Title 29. These Administrative Rules may be amended with the approval of the Director from time to time, should new methods, standards or Federal or State guidelines or requirements be promulgated in the future.

II. Definitions

General: The definitions in these Administrative Rules expand on and provide clarity for terms that may be found in PCC Sections 29.10.020, 29.30.120, 29.30.130, 29.30.250(A), 29.30.260, 29.50.020 and these Administrative Rules.

- 2.1. Aggregate Area: (for the purpose of PCC 29.30.120) The sum of all mold or mildew coverage identified and measured in various locations, within the interior of a building envelope.

- 2.2. Certified Mold Inspector (for sampling/testing): Any Person or Company for hire, who performs work necessary to collect data for the identification of the types of and concentration of mold or mold spores present in a house or building through approved testing methods, such as air monitoring and field sampling. A Certified Mold Inspector must possess an “active” State of Oregon or nationally recognized Third-Party Certification for mold sampling, or testing as approved by the Director. Currently ACAC, NORMI, NAERMC, NAMM and MICRO or Certified Industrial Hygienist (CIH) from American Board of Industrial Hygiene are recognized and approved Third-Party certifying entities.
- 2.3. Certified Mold Remediation Contractor: Any Person or Company, who performs and directs work necessary to remediate mold hazards through either repair, cleaning, or treatment including the protection of occupant health. A Certified Mold Remediation Contractor must possess an “active” State of Oregon or nationally recognized Third-Party Certification for mold remediation and/or treatment as approved by the Director. Currently ACAC, IICRC, NORMI, NAERMC, NAMM and MICRO Certified Industrial Hygienist (CIH) from American Board of Industrial Hygiene are recognized and approved Third-Party certifying entities.
- 2.4. Dampness: The state or condition of being slightly wet. Refers to moist or humid air and/or slightly moist or wet materials.
- 2.5. De Minimis Level: (for the purpose of PCC 29.30.120) Any visible mold or mildew whereby the total, localized, measurable area identified is < 1 sf AND there is no apparent, detectible damage to the substrate. (*Example. a thin line growth of mold or mildew on caulk joints in and around the seams of a bathtub or shower.*)
- 2.6. Demonstrable: (for the purpose of PCC 29.30.120) that which is visibly evident or capable of being scientifically explained and demonstrated through reliable approved testing methods, such as mold spore testing or sampling. Interior spore levels found to be higher in concentration than comparative exterior samples taken at the same time and processed through analysis by an accredited lab, will be considered demonstrable evidence when those findings along with the lab results are presented in a report prepared by a Certified Mold Inspector.
- 2.7. Deteriorated or Damaged: (for the purpose of PCC 29.30.120) the state at which an item has changed and become worse, been made inferior or having lost the integrity or ability to perform the function an item was intended or designed to perform or any negative reduction of an item from its initial state.
- 2.8. Fungus: Any of a group of spore-producing organisms, which feed on organic matter in the Fungi Kingdom, including molds, mildews, decay, yeasts, mushrooms, and toadstools.

- 2.9. Integrated Pest Management (IPM): (for the purpose of PCC 29.30.130) refers to a coordinated decision-making and action process that uses the most appropriate pest control methods and strategies in an environmentally and economically responsible and effective manner to manage pests that are harmful to human health, while paying careful attention to public safety and to reduce public and occupant exposure to toxic chemicals.
- 2.10. Major Level (mold violation): (for the purpose of PCC 29.30.120) Any visible or otherwise demonstrable growth of mold/mildew identified inside the building envelope, that is > 10sf in aggregate area, or any Minor level whereby the substrate is also deteriorated.
- 2.11. Minor Level (mold violation): (for the purpose of PCC 29.30.120) Any visible or otherwise demonstrable growth of mold/mildew identified inside the building envelope, that is ≥ 1 sf to ≤ 10 sf in aggregate area, that can be cleaned, AND the substrate is intact.
- 2.12. Mildew: A living or dead fungi or it's related products or parts, including spores and hyphae, which is typically smaller in area and easier to clean. (see *Fungus*; see *Mold*)
- 2.13. Mold: A living or dead fungi or it's related products or parts, including spores and hyphae. (see *Fungus*; see *Mildew*)
- 2.14. Mold Testing: (for the purpose of PCC 29.30.120) the sampling of spores present in the indoor air (controlled environment with the windows closed during testing) along with comparative sampling of the outdoor and including photographic evidence of the presence of mold, if present, by a Certified Mold Inspector.
- 2.15. Mold Violations: A symptom or result of a moisture issue within or around a building envelope such that a visible or otherwise demonstrable growth of mold is visible or detectable.
- 2.16. Occupant Protection Plan: A written plan, unique to the dwelling unit or structure, prepared by a Certified Mold Remediation Contractor or Certified Mold Inspector prior to the start of any remediation work, that describe the location and nature of the planned work and details the measures and procedures that will be taken to protect the occupant(s) from exposure to potential mold spores.
- 2.17. Personal Property: (for PCC 29.30.120) Items or property that can be moved from one location to another. Personal property typically includes but is not limited to: personal items, clothing, furniture, tools, equipment, free-standing appliances. Exception: a free-standing appliance, if provided by the Landlord for the use of the tenant, will not be considered personal property for the application of PCC 29.30.120.
- 2.18. Real Property: (for the purpose of PCC 29.30.120) Property consisting of land, buildings, crops, or other resources still attached to or within the land or improvements or fixtures permanently attached to the land or attached to the structure on it.

- 2.19. Remediation: (for the purpose of PCC 29.30.120) The repair, cleaning, treatment and management of mold and mildew hazards that includes the correction of existing moisture or dampness issues and contributing causes of mold and to remove existing mold or mildew hazards, and to prevent the reoccurrence of mold as much as practical.
- 2.20. Substrate: The supportive material that underlies and supports cosmetic finishes or coverings such as drywall, or subflooring.

III. Interior Dampness: Moisture and Mold Remediation Inspection Criteria

3.1 Violation Protocols; reference PCC 29.30.120:

3.1.1 De Minimus Level. Any visible mold/mildew whereby the total, localized, measurable area identified is <1 sf AND the substrate is not damaged, and the affected painted, stained or other interior surfaces are cleanable and do not require repainting. The city inspector will apply the following result actions:

- A. The affected area will be identified as a De Minimus Level; and
- B. No violation will be cited; and
- C. Educational material regarding mold/mildew hazards and safe cleaning methods will be provided to both occupants and property owners; and
- D. A recommendation to clean and monitor the affected area will be offered to the property owner.

3.1.2 Minor Level. Any demonstrable or visible mold/mildew on the interior side of the building envelope, including both conditioned and unconditioned spaces (such as attics, chases, wall and floor cavities and basements), whereby the total, localized, measurable area identified is ≥ 1 sf and ≤ 10 sf AND the substrate is not damaged, and the affected painted, stained or other interior surfaces are cleanable and do not require repainting. The city inspector will apply the following result actions:

- A. The affected area will be identified as a Minor level (mold/mildew violation); and
- B. Affected area will be cited as a violation; and
- C. Educational material regarding mold/mildew hazards and safe cleaning methods will be provided to both occupants and property owners; and
- D. The property owner will be required:

- a. To correct any identified sources of moisture or dampness contributing to the mold or mildew; (see section 3.2 below for who can perform work); and
- b. To clean and paint (if necessary) the affected area; and
- c. To agree to monitor the affected area; and
- d. To ensure the affected area is clean and visibly free of mold/mildew upon completion of work.

3.1.3 Major Level. Any demonstrable or visible mold/mildew on the interior side of the building envelope, including both conditioned and unconditioned spaces (such as attics, chases, wall and floor cavities and basements), whereby the total, localized, measurable area identified is >10sf, or any Minor level (mold violation) whereby the substrate is deteriorated or damaged, and the affected painted, stained or other interior surfaces are not cleanable and will require repair or replacement and repainting. The city inspector will apply the following result actions:

- A. The affected area will be identified as a Major level (mold/mildew violation); and
- B. Affected area will be cited as a violation; and
- C. The property owner will be required to:
 - a. Contract with a “moisture problem expert” or otherwise qualified professional or company with an expertise in building science related to moisture, dampness and mold, to determine the specific cause(s) of dampness and moisture in the unit that will require repair to prevent the return of mold; and
 - b. Correct any identified sources of moisture contributing to the growth of mold or mildew; and
 - c. Contract with a Certified Mold Contractor as defined (See section 3.2.3) to remediate all affected and identified areas of mold; and
 - d. Agree to monitor the affected area, post remediation.
- D. The Certified Mold Contractor must:
 - a. Prepare or have prepared, by another Certified Mold Inspector or Certified Industrial Hygienist (CIH) from American Board of Industrial Hygiene, an Occupant Protection Plan, if the dwelling unit is occupied (see section 3.2 for who can perform work). A copy of the Occupant Protection Plan must be provided to the PCD Inspector prior to the start of work, including a copy of the Contractor’s certification(s); and

- b. Repair or remove all damaged and affected substrates (see section 3.2 for who can perform work); and
- c. Remediate, treat, clean, and paint, as necessary, all identifiable mold/mildew laden surfaces and substrates in the affected area (see section 3.2 for who can perform work); and
- d. The affected area must be clean and visibly free of mold upon completion of work; and
- e. A written summary of the work performed by the Contractor must be provided to the inspector upon final inspection as a requirement for the violation to be deemed in compliance.

3.1.4. Additional Complaints: Should the Bureau of Development Services receive an additional, verified complaint for additional or a new presence of mold/mildew, at the same address and in the same unit, within 6 months of either a prior inspection or a closed case, whereby mold/mildew was previously identified as “minor”, any identifiable and visible mold/mildew growth on the subsequent complaint will then be confirmed and upon confirmation it will be designated as a Major level (mold/mildew violation); see 3.1.3.

3.2 Certifications Required based on Certain Mold Violation(s), PCC 29.30.120

3.2.1. A property owner may perform cleaning and painting related activities for mold/mildew affected areas identified as either De Minimus or Minor Level. No certifications required.

3.2.2. A contractor, manager, employee or maintenance staff may perform cleaning and painting related activities for mold/mildew affected areas identified as either De Minimus or Minor Level. No certifications required.

3.2.3. Major Level mold/mildew affected areas: All remediation work, including substrate repair or removal, clean-up and painting must be done by a contractor that possesses an “active” State of Oregon or nationally recognized, third-party Certification for mold/mildew remediation and/or treatment as approved by the Director.

3.2.4. The following certifications are recognized and approved third-party certifying entities: ACAC, IICRC, NAERMC, NAMM, NORMI and MICRO, or Certified Industrial Hygienist (CIH) from American Board of Industrial Hygiene.

3.3 Requirements for Bathroom Ventilation, (per PCC 29.30.120,C&D)

Where there is a visible or otherwise demonstrable growth of mold/mildew exceeding a total of one square foot (>1sf) in a dwelling unit, all bathrooms with bathing facilities must have a functioning mechanical ventilation system that is vented through to the exterior of

the building envelope and is capable of providing a minimum measured air flow rate of ≥ 30 cubic feet of air per minute (CFM).

Note: Having or installing operable windows in bathrooms with bathing facilities will not meet the requirements for ventilation where visible or otherwise demonstrable mold or mildew growth has been identified in excess of one squarefoot ($>1\text{sf}$).

3.3.1 Bathrooms With Existing Mechanical Ventilation: Existing mechanical ventilation systems Found not to be capable of providing a minimum, measured air flow rate of ≥ 30 CFM must either:

- A. Be repaired or retrofitted to meet the requirements of 3.3, including venting requirements; or
- B. Have the mechanical ventilation control switch replaced with a humidity or condensation sensing control switch or a programmable, timer-style control switch, that is capable of providing a minimum of 30 minutes of continuous operation to provide the same benefit as would be achieved through the operation of a 30 CFM or greater ventilation system during normal use; or
- C. Be replaced with a new mechanical ventilation system meeting the requirements of section 3.3.2(A)(B).

3.3.2 Bathrooms Without Existing Mechanical Ventilation: When no existing mechanical ventilation system is in place; for each Bathroom with bathing facilities, the owner must:

- A. Install a mechanical ventilation system per the requirements of the Oregon Residential Specialty Code (ORSC) for one and two-family dwellings or the Oregon Mechanical Specialty Code (OMSC) for Commercial Structures; and
- B. Meet the venting requirements of 3.3.

3.3.3 Alternative Option: When the installation, replacement or repair of a mechanical ventilation system is determined to be structurally difficult or cost prohibitive to install, the installation of a permanent dehumidifier in the dwelling may be approved as an alternative, by the Director or their designee, provided a written request to use this alternative along with the manufacturer's specifications for the model dehumidifier to be installed is submitted and approval is granted by the Director or their designee, PRIOR to the installation and provided the dehumidifier meets the following criteria:

- A. Must be rated to remove moisture at indoor temperatures below $<65^{\circ}$ Fahrenheit; and
- B. Capable of removing a minimum of 30 pints of moisture from the air per day; and

- C. Must be drained directly to an approved utility sink, floor drain or to the outdoors. Drainage to the outdoors cannot create water intrusion, damage to the structure or a hazard for occupants or the public.

IV. Insect and Rodent Harborage

4.1 Violation Protocols; reference PCC 29.30.130:

4.1.1 Any identified insect or rodent infestation and harborage cited as a violation will require the following protocols for correction:

- A. If the property or dwelling unit is owner-occupied:
 - a. The owner will be required to eliminate the insect infestation or rodent harborage; and
 - b. A recommendation to implement Integrated Pest Management (IPM) will be made; and
 - c. Educational material regarding Integrated Pest Management (IPM) and a list of safe, non-toxic products will be provided to property owner(s); and
- B. If the property or dwelling unit is a rental:
 - a. The owner will be required to eliminate the insect infestation or rodent harborage; and
 - b. The property owner must contract with a licensed Pest Control company for the treatment and elimination of the insect and / or rodent harborage, including the implementation of Integrated Pest Management (IPM); and
 - c. Educational materials regarding Integrated Pest Management and a list of safe non-toxic products will be provided to both the property owner(s) and tenant(s); and
 - d. A copy of paid invoice detailing the IPM Treatment Plan must be provided to the inspector upon final inspection as a requirement for the violation to be deemed in compliance.
- C. All affected areas must be visibly free of insects and rodents upon completion of work and treatment.

V. Inspections Required: Chapter 13 Systematic Inspections Program

5.1 Applicability: The Chapter 13 Systematic Inspections Program only applies to hotels and apartment houses more than two stories in height and constructed, altered or repaired before January 1, 1973.

5.2 Purpose and Scope: In order to ensure the intent and purpose of PCC 29.30.05.D and 29.30.250.A are enforced with regard to required inspections as adopted by ordinance in 1972, to address minimum fire and life safety standards to ensure the health, safety and welfare of Portland residents. Many of these older buildings were constructed in ways that did not provide adequate enclosed stairways, availability of exits, fire separation, exit signs, etc. Agreements were made with building owners and the buildings are systematically inspected assuring the Chap.13 agreements are being upheld

5.3 Violation Protocols; reference PCC 29.30.05.D and 29.30.250: Inspections are coordinated with required Fire Inspections by the Fire Marshall and includes all vacant units, all commons areas, basements, roofs and escape routes. When a commercial occupancy is included within the building, separation walls and ceilings are also inspected.

The following standards are used for these inspections:

5.3.1. Chapter 479 of the State of Oregon's Revised Statute requirement for Smoke Alarms or Detectors as referenced in ORS Vol. 12 § 476.255 to 258 and § 476.270 to 285 and locally in PCC 29.30.240; and

5.3.2. Chapter 90 of the State of Oregon's Revised Statute requirement for Carbon Monoxide Alarms as referenced in ORS Vol 3 § 90.316 & 317 and locally in PCC 29.30.245; and

5.3.2. Section 1313 of Chapter 13 of the Appendix of the 1973 Edition of the Uniform Building Code as adopted and provided here for reference:

APPENDIX

Chapter 13 EXISTING BUILDINGS

Existing Buildings

Sec. 1313. (a) Purpose. The purpose of this Section is to provide a reasonable degree of safety to persons living and sleeping in apartment houses and hotels through providing for alterations to such existing buildings as do not conform with the minimum safety requirements of this Code.

(b) **Scope.** The provisions of this Section shall apply exclusively to existing nonconforming Group H Occupancies more than two stories in height.

(c) **Effective Date.** Eighteen months after the effective date of this Section, every building falling within its scope shall be vacated until made to conform to the requirements of this Section.

(d) **Number of Exits.** Every apartment and every other sleeping room shall have access to not less than two exits. A fire escape as specified herein may be used as one required exit.

(e) **Stair Construction.** All stairs shall have a minimum run of 9 inches and a maximum rise of 8 inches and a minimum width exclusive of handrails of 30 inches. Every stairway shall have at least one handrail. A landing having a minimum horizontal dimension of 30 inches shall be provided at each point of access to the stairway.

(f) **Interior Stairways.** Every interior stairway shall be enclosed with walls of not less than one-hour fire resistive construction.

Where existing partitions form part of a stairwell enclosure, wood lath and plaster in good condition will be acceptable in lieu of one-hour fire-resistive construction. Doors to such enclosures shall be protected by a self-closing door equivalent to a solid wood door not less than 1 ¾ inches thick. Enclosures shall include landings between flights and any corridors, passageways, or public rooms necessary for continuous exit to the exterior of the building.

The stairway need not be enclosed in a continuous shaft if cut off at each story by the fire-resistive construction required by this Subsection for stairwell enclosures.

Enclosures shall not be required if an automatic fire-extinguishing system is provided for all portions of the building except bedrooms, apartments, and rooms accessory thereto.

(g) **Exterior Stairways.** Exterior stairs shall be noncombustible or of wood of not less than 2-inch nominal thickness with solid treads and risers.

(h) **Fire Escapes.** Fire escapes may be used as one means of egress, if the pitch does not exceed 60 degrees, the width is not less than 18

inches, the treads are not less than 4 inches wide, and they extend to the ground or are provided with counterbalanced stairs reaching to the ground. Access shall be by an opening having a minimum dimension of 29 inches when open. The sill shall be not more than 30 inches above the floor and landing.

(i) **Doors and Openings.** Exit doors shall swing in the direction of exit travel, shall be self-closing, and shall be openable from the inside without the use of key or any special knowledge or effort. Doors shall not reduce the required width of stairway more than 6 inches when open. Transoms, and openings other than doors, from corridors to rooms shall be fixed closed and shall be covered with a minimum of ¾-inch plywood or ½-inch gypsum wallboard or equivalent material.

(j) **Exit Signs.** Every exit doorway or change of direction of a corridor shall be marked with a well-lighted exit sign having letters at least 5 inches high.

(k) **Enclosure of Vertical Openings.** Elevators, shafts, ducts, and other vertical openings shall be enclosed as required for stairways in Subsection (f) or by wired glass set in metal frames. Doors shall be noncombustible, or as regulated in Subsection (f).

(l) **Separation of Occupancies.** Occupancy separations shall be provided as specified in Section 503. Lobbies, and public dining rooms not including cocktail lounges, shall not require a separation if the kitchen is so separated from the dining room.

Every room containing a boiler or central heating plant shall be separated from the rest of the building by not less than a One-Hour Fire-Resistive Occupancy Separation.

EXCEPTION: A separation shall not be required for such rooms with equipment serving only one dwelling unit.

(m) **Alternates.** No alternate method of obtaining the fire protection and safety required by this Section may be used unless the Board of Appeals, including as a voting member for this purpose the Chief of the Fire Department, finds that such alternate method provides protection and safety equivalent to that required herein.

5.4 Additional Requirements. All Housing Inspection Notices issued for each Chapter 13 unit case(s), will be reviewed and all violations identified to verify whether the numbers of each category of violation meets the enhanced violation thresholds as set forth in 7.4.2. of these rules and will trigger the Enhanced Rental Inspection program.

VI. Hazardous Materials: Lead-Based Paint Criteria

6.1. Violation Protocols; reference PCC 29.30.260:

6.1.1. Applicability: All landlords, property managers, maintenance worker or contractors performing renovations, repairs, or painting on a pre-1978 house, or dwelling unit, other than their own residence, or on a pre-1978 child-care facility or school, and the work performed will:

- A. Disturb more than six (6) square feet of a painted interior surface, or
- B. Disturb more than twenty (20) square feet of a painted exterior surface, or
- C. Involves Window replacement (not repair, unless disturbing more than (6) square feet)

must comply with the Environmental Protection Agency's (EPA) Renovation, Repair and Painting Rule (RRP) as adopted and enforced by the State of Oregon and must obtain and maintain an active Lead-Based Paint Renovator Certification.

6.2. Requirements, Certification and References:

6.2.1. All landlords, managers, maintenance workers and contractors are required to comply with the EPA Renovation, Repair and Painting rule, must have a Lead-Based Paint Renovator certification per the Environmental Protection Agency, the Oregon Health Authority (OHA), the Oregon Revised Statutes and Oregon Administrative Rules as issued by the Oregon Construction Contractors Board (CCB).

6.2.2. To become a certified Lead-Based Paint Renovator in Oregon:

- A. satisfactory completion of a certification course(s) that is approved by either the Oregon Health Authority (OHA) or the Environmental Protection Agency is required; and
- B. a license to work with lead-based paint must be obtained from the Oregon Construction Contractors Board (CCB).

6.2.3. References for Lead-based Paint regulations:

- A. **EPA Renovation, Repair and Painting (RRP) rule:**
 - 40 Code of Federal Regulations 745 Subparts D, E, and L
- B. **Oregon Revised Statutes:**
 - ORS 431A.350 - Lead Poisoning
 - ORS 431A.353 - Definitions for ORS 431A.355 and 431A.358
 - ORS 431A.355 - Power of Oregon Health Authority to Regulate Lead-Based Paint Activities

- ORS 431A.358 - Performance of Lead-Based Paint Activities Without Certification Prohibited
- ORS 431A.363 - Civil Penalty for Violation of ORS 431A.355 or 431A.358

C. Oregon Administrative Rules. These rules pertain to the Oregon Construction Contractors Board (CCB):

- ORS (701.505) - Definitions for ORS 701.505 to 701.515
- ORS (701.515) - Licensing System
- OAR 812-007 - Licensing of Individuals and Firms Engaged in Lead-Based Paint Activity
- OAR 333-068 - Certification of Contractors Performing Demolitions
- OAR 333-069 - Certification of Individuals and Firms Engaged in Lead-Based Paint Activities and Accreditation of Training Programs for Professionals Engaged in Lead-Based Paint Activities
- OAR 333-070 - Pre-Renovation Education and Renovation, Repair, and Painting Activities Involving Lead-Based Paint.

6.3 Enforcement Authority:

6.3.1. Oregon Health Authority Rules are enforceable by the State.

6.3.2. The Oregon Health Authority has adopted rules and regulates the enforcement of the EPA Renovation Repair Painting (RRP) Rule, and the Federal Lead Safe Housing Rule regarding all work performed on pre-1978 housing, and child-occupied pre-1978 facilities in the state of Oregon.

VII. Inspections Required: Enhanced Rental Inspections Program

7.1 Violation Protocols; reference PCC 29.05.030 & PCC 29.50.020:

7.2 Purpose and Scope: In order to ensure the intent and purpose of PCC 29.05.030 is enforced with regard to required inspections for Director approved inspections programs, this rule clarifies the type and nature of required inspections under the Enhanced Rental Inspection Program (ERIP). The Enhanced Rental Inspection Program was initially developed and recommended by the Quality Rental Housing Workgroup. The final, revised model for this program has 4 stages, with each stage consisting of required inspections of additional units, and in some cases additional properties, owned by the same entity or person. ERIP is an inspection model where an initial complaint-driven inspection reveals violations that exceed minimum category thresholds, thus triggering additional unit inspections, to ensure the health, safety and welfare of Portland residents.

7.3. Applicability: The Enhanced Rental Inspections Program (ERIP) only applies to Residential “Rental” units. The ERIP program does not apply to owner-occupied dwelling units nor Accessory Short-term Rentals.

7.4 **STAGE-1 ERIP Protocols:**

7.4.1 Housing Inspectors review all Housing Inspection Notices for all Residential Rental properties, identifying all (interior and exterior) violations to verify whether the numbers of each category of violation meets the enhanced violation thresholds as set forth in 7.4.2.

7.4.2 Enhanced Inspection categories and thresholds: If the number of cited violations meets or exceeds the threshold for 2 or more of the following categories, or if there are 7 or more violations per dwelling unit, including common area(s), the property will trigger a STAGE-2, ERIP inspection.

Table 7.4.2A: ERIP Violation Thresholds

Category	minimum # of Violations required to meet threshold (in at least 2 categories)
Fire / Life / Safety <i>(includes improper egress and electrical violations)</i>	2
Health / Sanitation <i>(includes lack of utilities)</i>	2
Work Without Permit	2
General Maintenance	5
	OR
Total # of violations per dwelling unit and/or common area(s)	7

7.4.3. A violation may only be applied to one ERIP Violation category. If the violation could apply to more than one category, the Inspector must apply the violation to the first applicable category beginning at the top of the list in Table 6.4.2A.

7.5 **STAGE-2 ERIP Protocols:**

7.5.1. STAGE-2 Inspections are only applicable to properties located within the Portland City limits.

7.5.2. When an ERIP inspection is triggered for a property owner, the location and number of additional units or properties to be inspected are identified based on the following structure and ownership criteria in Table 7.5.1A:

Table 7.5.1A: ERIP STAGE-2 Criteria

If the original inspected unit is or part of . . .	Minimum # and location of additional dwelling units or properties to be inspected
Single-Family Dwelling	Inspect the exterior of 2 additional single-family rental properties owned by the same entity or owner.
Duplex where <u>only 1</u> unit is rented	Treat the property as a single-family dwelling per the single-family requirement
Duplex where <u>both</u> units are rented	Inspect the interior of the remaining unit in the duplex <u>AND</u> the exterior of an additional residential rental property owned by the same entity or owner.
3 or 4-unit building or complex	Inspect the interiors of all remaining dwelling units.
Buildings or Properties with greater than > 4 units	Inspect 50% of the remaining uninspected dwelling units up to a max of 20 units.

7.5.3. Any additional violations cited during STAGE-2 inspections will be added to the initial housing case. If the location is at another property, with a different physical address, a new housing case will be opened. Normal process for enforcement will follow procedures found in PCC 29.05.

7.6 **STAGE-3 ERIP Protocols:**

7.6.1. When the additional STAGE-2 inspections are completed, if 50% or more of the dwelling units inspected also meet the STAGE-1 threshold criteria in **Table 7.4.2A**, then the Inspector must inspect all remaining dwelling units at the property.

7.7 **STAGE-4 ERIP Protocols:**

7.7.1. When the additional STAGE-3 inspections are completed, if 50% or more of the dwelling units inspected also meet the STAGE-1 threshold criteria in **Table 7.4.2A**, then the Inspector, must inspect an additional rental property owned by the same landlord located within the incorporated city limits of Portland if such property exists.

VIII. Reference Policies and Procedures

The following is a list of policies and procedures that are referenced in this rule. These references are provided for convenience only.

- PCC 3.30.040.A
- PCC 29.05.020
- PCC 29.10.010

- PCC 29.30.120
- PCC 29.30.130
- PCC 29.30.260
- PCC 29.30.250.A
- PCC 29.50.020

VIII. Responsibility

The Bureau of Development Services is responsible for managing and implementing this rule.

IX. History

Date Adopted: TBD 2020

Effective Date: TBD 2020

DRAFT