



Shelter ▶ to Housing Continuum

Amendments to the City Code

Volume Three, Changes to Other City Codes

Discussion Draft
October 2020

The Shelter to Housing Continuum Project will further fair housing goals by expanding shelter and housing options throughout the city. The Bureau of Planning and Sustainability, the Portland Housing Bureau and the Joint City-County Office of Homeless Services are partnering to retool city codes to better address our homelessness crisis.

Cover illustrations kindly provided with permission:

Josh Chang for a photograph of the Kenton Women’s Village shelter,
Multnomah County Communications for a photograph of the Laurelwood Center shelter,
Multnomah County Communications for a photograph of the Family Village shelter, and
Guerilla Development Company for a drawing of the “Jolene's First Cousin” group living building.

Cover design by Gaby Jenkins, Bureau of Planning and Sustainability.

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How to give feedback:

The Bureau of Planning and Sustainability thanks you for taking time out of your schedule to review these proposed changes to Portland’s City Code. This Discussion Draft is for public review of the proposed code amendments. Your comments will inform the development of a Proposed Draft that is scheduled for release in November 2020. This Proposed Draft will be reviewed by the Planning and Sustainability Commission (PSC) at one or more public hearings. Following any amendments to the proposal, the PSC will forward a Recommended Draft to the Portland City Council. Additional public hearings will be held before the City Council before any changes to the City Code are put into place by ordinance.

Your comments on this Discussion Draft are due by:

5 p.m. on Friday, October 30, 2020

Send your comments to:

Email: s2hc@portlandoregon.gov

Online: www.portlandmaps.com/bps/mapapp/proposals/#/s2hc

For more information:

Visit the project webpage: www.portland.gov/bps/s2hc

Community web forums will be announced on this page.

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Project Timeline:

Public feedback accepted
until October 30, 2020



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Project Research

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Other Code Amendments

This volume presents staff proposed amendments to Titles 8, 15, 17, 24 and 29 of the City Code. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

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Title 8, Health and Sanitation

Commentary

Chapter 8.32, Generally

This is a chapter is a largely obsolete part of a largely obsolete title of the Portland City Code. Title 8 used to be administered by the Portland Bureau of Health, but that bureau was abolished and the equivalent of most of the abolished bureau's duties are now being carried out by the Multnomah County Health Department.

Since this chapter no longer has an administrating bureau with a need for its own functional definitions, only some of the Chapter 8.32 definitions have been left in place. These remaining definitions apply terms employed by the few retained sections of Chapter 8.32. Most of the chapter is proposed for deletion. Where a section has been left in place and assigns a function to the abolished Bureau of Health, that function has been reassigned to an existing bureau.

8.32.010 Definitions

Oregon Revised Statutes 446.310 (11) defines "tourist facility" as, "any travelers' accommodation, hostel, picnic park, recreation park and organizational camp." ORS 446.310 (9), in turn, defines "recreation park" as, "any area designated by the person establishing, operating, managing or maintaining the same for picnicking, overnight camping or use of recreational vehicles by the general public or any segment of the public. 'Recreation park' includes but is not limited to areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association or common ownership and further includes, but is not limited to, those areas divided into two or more lots, parcels, units or other interests for purposes of such use."

What Chapter 8.32 of the City Code calls a "trailer court" is a near synonym of what ORS 446 calls a "tourist facility," or more specifically, a "recreation park."

What Chapter 8.32 of the City Code calls a "trailer court" Chapter 33.910 of the City Code calls a "recreational vehicle park", which is defined as, "a commercial use providing space and facilities for motor homes other recreational vehicles for recreational use or transient lodging." These terms are also near synonyms.

8.32 Automobile Trailer Courts

8.32

8.32.010 Definitions

The following words and phrases shall have the meanings ascribed to them in this Section:

~~**A. "Approved"** when applied to plumbing fixtures, plumbing connections, etc., means that the fixtures, connections, etc., have been approved by the chief inspector of the plumbing division. When the same term is applied to sanitary provisions or measures, it means that the same has been approved by the chief of the sanitary division of the Bureau of Health. When the same term is applied to fire prevention appliances or equipment, it means that the same has been approved by the fire marshal. When the same term is applied to building construction, it means that the same has been approved by the chief of the building division. When the same term is applied to electric wiring or appliances, it means that the same has been approved by the chief of the electrical division.~~

~~**BA. "Permit"** means a written permit issued by the ~~Health Officer~~Bureau of Development Services permitting the trailer court to operate under this Chapter and regulations promulgated thereunder.~~

~~**CB. "Trailer court"** means a lot or parcel of ground arranged or used for the parking of automobile trailer coaches. For brevity an automobile trailer court may be referred to as a "court."~~

~~**DC. "Trailer coach"** means any vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.~~

Commentary

8.32.020 License and Permits Required

Oregon Revised Statutes 446.320 requires the Oregon Health Authority to issue the necessary licenses for a "tourist facility," which includes what Portland City Code 8.32.100 calls a "trailer court."

The Bureau of Development Services is now the authorized issuer of required permits.

8.32.040 Location

This deleted section refers to zones that no longer exist. What Chapter 8.32 of the Portland City Code calls a "trailer court" Chapter 9.10 of the Portland City Code calls a "recreational vehicle park." Recreational vehicle parks are a commercial use allowed in the RMP zone and those commercial, mixed use and employment zones that allow retail sales and services.

Language to be **added** is shown in underline.
Language to be **deleted** is shown in ~~strikethrough~~.

~~E. "Dependent trailer coach" means a trailer coach which does not have a water closet and a bathtub or shower;~~

~~F. "Independent trailer coach" means a trailer coach that has a water closet and a bathtub or shower;~~

~~G. "Trailer coach space" means a plot of ground within a trailer court, designated for the accommodation of one trailer coach;~~

~~H. "Service building" means a building housing toilet facilities for men and women, with a slop-water closet and laundry facilities, and with separate bath and shower accommodations.~~

8.32.020 License and Permits Required.

~~No automobile trailer court shall be established or maintained unless a license has been obtained for the court, which license shall not be issued by the Bureau of Licenses until the City Council has first approved the issuance of the same.~~

No person shall establish, operate, manage or maintain a trailer court without a license from the Director of the Oregon Health Authority or without a permit from the Bureau of Development Services.

~~Permits shall be taken out for building, electrical or plumbing work, which may be performed in connection with such court.~~

8.32.030 Information to be Furnished by Applicant.

~~Every applicant for the establishment of a trailer court shall submit to the Bureau of Health Bureau of Development Services an application and a plan showing the location and arrangement of the court, and shall give full information relative to the facilities that are to be supplied, showing the location and character of construction of buildings, the layout and surfacing of driveways, and the arrangements made for sanitation, lighting, fire protection, etc. Before submitting the application and plan to the Council, the Health Officer shall obtain reports from the Bureau of Development Services, the fire marshal, and the State Board of Health, and shall transmit the application, the plan, the reports, and his recommendations to the Council. If it appears to the Council that the fire protection and sanitary arrangements are adequate and that the establishment of the court will not be a detriment to the neighborhood or to the City as a whole the Council may approve the issuance of a license.~~

~~The Bureau of Development Services shall not issue a permit for building, plumbing or electrical work in connection with the court until the Council has approved the issuance of a license.~~

8.32.040 Location.

~~An automobile trailer camp shall be located only in Zones C2 and M3, under conditional use procedure, as established by the planning and zoning Code. No trailer camp shall be located in Fire District No. 1 or Fire District No. 2 as the same are designated in Building Code.~~

Commentary

The remainder of Chapter 8.32

The extensive deletions that follow are regulations that have been superseded by current Portland City Code provisions.

Examples of the applicable current codes include:

Title 24, Building Regulations;

Title 25, Plumbing Regulations;

Title 26, Electrical Regulations;

Title 27, Heating and Ventilating Regulations;

Title 29, Property Maintenance Regulations;

Title 31, Fire Regulations; and

Title 33, Planning and Zoning.

8.32.050 Layout of Grounds.

~~A. Every trailer court shall be enclosed by a substantial fence not less than 6 feet in height, constructed of masonry, woven wire, or other similar construction approved by the building inspector.~~

~~B. Each trailer coach space shall contain a minimum of 1,000 square feet inclusive of parking space for the propelling vehicle, shall be at least 25 feet wide, shall be plainly marked in some permanent manner, and shall abut on a driveway or the clear area with unobstructed access to a public street. Such spaces shall be clearly defined, and trailer coaches shall be parked in such spaces so that there will be a minimum of 15 feet between trailer coaches and so that no trailer coach will be less than 10 feet from the exterior boundary of the trailer court.~~

~~C. Access roads shall be provided to each trailer space. Each access road shall be continuous, shall connect with a street or highway, shall have a minimum width of 20 feet and shall be properly surfaced.~~

~~D. An occupied trailer coach shall not be parked closer than 25 feet to any public street or highway, and no part of such trailer coach shall obstruct any public roadway or walkway. An occupied trailer coach shall not be allowed to remain in a trailer court unless a trailer space is available.~~

~~E. Adequate areas shall be provided for the parking of motor vehicles of guests.~~

~~F. Outside drying space adjacent to the service building, or other clothes drying facilities, shall be provided.~~

8.32.060 Buildings.

~~A. Every court shall have an office and a sign designating it as such. Each trailer court shall be provided with one or more service buildings adequately equipped with flush type water closet fixtures. Each establishment shall have not less than one water closet for females, one water closet for males, one lavatory and shower for each sex, one urinal for males, one laundry unit (laundry tray or washing machine), and one slop-sink. Dependent trailer coaches shall be parked not more than 200 feet from a service building.~~

~~B. Service buildings shall:~~

- ~~1. Be located 15 feet or more from any trailer space;~~
- ~~2. Be of permanent construction and adequately lighted;~~
- ~~3. Be provided with a floor and a base not less than 6 inches in height, the floor and the base being made of waterproof material such as concrete, tile, or other approved impervious material;~~
- ~~4. Have sufficient toilet and laundry facilities, according to the ratio stipulated, to serve adequately both males and females;~~

Commentary

Language to be **added** is shown in underline.
Language to be **deleted** is shown in ~~strikethrough~~.

5. Have adequate heating facilities to maintain a temperature of 70 degrees Fahrenheit during cold weather, and to supply minimum of 3 gallons of 140 degrees Fahrenheit minimum hot water per hour per trailer coach space during time of peak demands;
6. Have all rooms properly ventilated, with all openings effectively screened;
7. Shall have at least one slop sink with hot and cold water, accessible to both sexes at all times;
8. All trailer court buildings shall comply with the housing, building, electrical, plumbing and health and sanitation regulations.

~~8.32.070 Sanitation.~~

~~A. Water from City mains shall be provided for the court so that water either is furnished directly to each coach or is accessible for the occupants of each coach by a faucet located in accordance with the rules of the State Board of Health, but in no case shall each faucet be over 100 feet from any coach.~~

~~B. Trailer coaches provided with water closets, sinks, lavatories, or showers shall be connected to the City sewer system or to a sewer system approved by the Health Officer.~~

~~C. To serve more than 10 dependent coaches, additional fixtures shall be provided in the following ratios:~~

- ~~1. Toilet facilities for males and females shall be separated, if located in the same building, by sound resistant wall;~~
- ~~2. A lavatory for each sex shall be provided for every 10 dependent trailer coaches or fraction thereof. A bathtub or shower stall in a separate compartment shall be provided for each sex in the ratio of one for every 12 dependent trailer coaches or fraction thereof;~~
- ~~3. There shall be provided not less than one sink for every 10 units requiring sink facilities;~~
- ~~4. All rooms used by the public for toilet purposes shall be lighted at night with illumination amounting to not less than two foot candles in all portions of the room.~~

~~D. All trailer courts shall be kept free from refuse, weeds and brambles.~~

~~There shall be provided for each two units at least one approved galvanized metal garbage can of not less than 20 gallon capacity, provided with a close fitting cover, which can be set on a base at least 6 inches above the ground. Such can shall be emptied at least once every 24 hours, and the garbage disposed of in a manner approved by the Health Officer. The garbage cans shall be thoroughly cleaned before they are returned to the units.~~

~~No washing or cleaning of coaches or of the propelling vehicles, other than dusting or brushing out, shall be done while in the court, unless such washing or cleaning is performed over a wash rack provided with a drain conforming to the regulations of the plumbing division.~~

~~All plumbing and plumbing fixtures shall be properly installed to conform to the requirements of the plumbing division and shall be maintained in good operating condition at all times.~~

Commentary

Language to be **added** is shown in underline.
Language to be **deleted** is shown in ~~strikethrough~~.

8.32.080 Fire Protection.

Every court shall be provided with a water main not smaller than 2-inch pipe size, connected to the City water supply and having approved outlets, valves, hose connections, etc., for a 1-1/2 inch fire hose, with the outlets so arranged that with a length of hose not exceeding 75 feet, a stream of water will reach every portion of the court. The water main shall not be less in pipe size than the size given in the following table, based on the number of 1-1/2 inch hose outlets served.

Number of Outlets Not to Exceed	Pipe Size In Inches
-	-
2	2
4	2 1/2
6	3
8	3 1/2
10	4

No rubbish or trash shall be burned in open fires. No bonfires shall be permitted. Incinerators shall be located and constructed under the direct supervision of the Fire Marshal.

All fire protection equipment shall be maintained in serviceable condition under the direction of the Fire Marshal.

8.32.090 Electrical Regulations and Connections for Trailer Coaches.

Where facilities are provided for the supply of electrical energy to trailer coaches while in court, the following requirements shall be complied with:

A. At least one weatherproof fused receptacle outlet with fuses located in locked enclosure shall be installed for each unit. This outlet shall be so located that not more than 30 feet of portable conductor will be required to connect with trailer coach wiring. The rating of fuses protecting trailer coach outlet shall not exceed three amperes, unless the trailer coach is wired in compliance with the National Electrical Code;

B. Overhead yard wires supplying trailer coach outlet shall have a clearance above ground of not less than 15 feet, except across spaces accessible to pedestrians only, in which case the clearance above ground shall be not less than 10 feet. Wires connecting to trailer coach outlets shall be installed in conduit or electrical metallic tubing where less than 8 feet from the ground;

C. Portable cord used for the connection of trailer coach unit shall be of a type approved for hard service and shall not be less in size than no. 16, B & S gauge. Where the trailer coach wiring is approved for use with fuses in excess of three amperes, as permitted above, the cord shall have a current carrying capacity at least equal to the fuse rating;

Commentary

Language to be **added** is shown in underline.
Language to be **deleted** is shown in ~~strikethrough~~.

~~D. In all other respects the permanent wiring of the court shall comply with the electrical Code of the City;~~

~~E. No trailer coach shall be connected to the court electric system if the electrical division finds the wiring of any such trailer coach to be hazardous.~~

~~8.32.100 Registration Book.~~

~~Every court shall have a registration book, and the names and addresses of all the members of the trailer coach party shall be entered in the book by a member of the party, together with information relative to the make and year of manufacture and license number of the trailer coach and the propelling vehicle. The registration book shall show the date of arrival and departure of every trailer coach and the trailer coach unit occupied. This registration book shall be available for the inspection of officers or employees of the City, county, state or federal governments upon request.~~

~~The manager of a court shall report without delay to the Bureau of Health any illness of any member of a trailer coach party, whether such illness appears to be of a contagious nature or not.~~

8.32.110 Removal of Wheels.

The removal of the wheels or the setting of a trailer coach on posts or footings will not be considered as removing the same from the regulations affecting trailer coaches, unless such trailer coach is made to conform with housing, building and other codes regulating a dwelling.

8.32.120 Parking in Court Required.

~~Any trailer coach used for sleeping or living purposes shall not be parked for any period of time exceeding 3 hours except in a trailer court, and no cooking shall be done in a trailer coach outside of a trailer court; provided that self-contained camping or recreational vehicles shall, at the discretion of the Exposition ~ Recreation Commission, be allowed to park in the parking lot of the Memorial Coliseum complex in order to provide living quarters for persons to care for animals involved in shows at the Memorial Coliseum complex, for such time as may be necessary to care for such animals. The activities of all persons occupying such vehicles during the times mentioned shall be under the supervision of the City-County Bureau of Health and all such activities shall comply with applicable provisions of this Code.~~

8.32.130 Licenses Fees.

License fees shall be as provided in Title 7, and every trailer court shall be subject to all the regulations provided in Title 7.

Commentary

Language to be **added** is shown in underline.
Language to be **deleted** is shown in ~~strikethrough~~.

Title 15, Executive Responsibility

Commentary

Chapter 15.04, Declaration of State of Emergency

"Housing Emergency" is being removed from this chapter.

Other amendments to this chapter allow the Council to declare a continuing "shelter shortage" outside the context of an emergency event.

During a recognized shortage the 180-day temporary use limit for outdoor and mass shelters would not apply.

15.04 Declaration of State of Emergency

15.04

15.04.010 Title. [no changes]

15.04.020 Purpose. [no changes]

15.04.030 Definitions. [no changes]

15.04.040 Declaration of State of Emergency.

A. [no changes]

B. [no changes]

C. [no changes]

D. [no changes]

E. ~~The~~ Except for a declared housing emergency, the Mayor shall terminate the State of Emergency by proclamation when the emergency no longer exists or when the threat of an emergency has passed. The Mayor will communicate the change from the disaster response phase to the recovery phase with all appropriate officials.

~~**F.** When circumstances create an immediate need to provide adequate, safe, and habitable shelter to persons experiencing homelessness, the Council may declare a housing emergency exists. A housing emergency is a health and safety emergency under Portland City Code Subsection 33.296.030 G. and mass shelters are allowed as temporary activities for the duration of the emergency subject to the standards in Section 33.296.040.~~

~~**G.** The Council shall terminate a housing emergency by resolution when the emergency no longer exists or when the threat of an emergency has passed.~~

F. When circumstances create an unmet need for safe and habitable shelter, the Council may adopt a resolution declaring a shelter shortage. This declaration will remain in effect until the Council terminates the declaration by resolution.

G. While a shelter shortage declaration resolution remains in effect the temporary activity time limits imposed by Portland City Code Subsection 33.296.030 H. shall not apply to outdoor and mass shelters, and the Council may direct the expeditious issuance of permits for these shelters.

Commentary

15.08 Authority During a Housing Emergency

The 15.08.025 B. 7. authorization of this chapter to waive codes and rules during a housing emergency is replaced by the "Shelter Shortage" amendments to Chapter 15.04 above and by other code amendments described in Volumes Two and Three of the Shelter to Housing Continuum Code Project.

A principle purpose of Shelter to Housing Continuum Code Project is to allow the City to respond to a continuing housing crisis through application of updated codes rather than continuing to waive its existing codes.

The authority to direct the expeditious issuance of permits has been removed from 15.08.025 and added to 15.04.040.

The deletion of the entire chapter presumes that the Council, through charter and other code provisions, has sufficient power to exercise the other six listed authorities listed in 15.08.025. To the extent that this might not be the case, they may also be added to the 15.04.040 shelter shortage provisions.

15.08 Executive Responsibility

15.08

15.08.010 Succession. [no changes]

15.08.020 Authority During a State of Emergency. [no changes]

~~**15.08.025 Authority During a Housing Emergency.**~~

~~A. Upon the declaration of a Housing Emergency, the authority over all bureaus, departments, and other City offices shall remain as most recently delegated by the Mayor under Portland City Charter Section 2-302 unless the Mayor directs otherwise by written executive order.~~

~~B. Upon the declaration of a Housing Emergency, in addition to any other powers that may be exercised by a local government, the Council may:~~

- ~~1. Utilize City owned resources;~~
- ~~2. Designate persons to coordinate the work of public, private, or nonprofit relief agencies responding to the housing emergency;~~
- ~~3. Provide temporary or permanent housing by purchase, lease or otherwise;~~
- ~~4. Order such other measures as may be necessary to protect the life, safety and health of persons, property or the environment;~~
- ~~5. Direct the expeditious issuance of permits necessary to address issues that arise from the emergency;~~
- ~~6. Enter into contracts to the extent authorized by Charter Sections 8-104 and 8-105;~~
- ~~7. Waive Portland City Code regulations or administrative rules to the extent necessary to respond to the housing emergency; and~~
- ~~8. Activate emergency plans.~~

15.08.030 Declaration of Nuisance. [no changes]

15.08.040 Enforcement and Penalties. [no changes]

15.08.050 Controlling Provisions. [no changes]

Commentary

Language to be **added** is shown in underline.
Language to be **deleted** is shown in ~~strikethrough~~.

Title 17, Public Improvements

Commentary

17.44 Street Obstructions

Only B.4. is new. Other language is a reorganization and slight revision of the existing wording.

17.44 Street Obstructions

17.44

17.44.010 Unlawful Acts Enumerated.

A. [no changes]

~~B. It is unlawful for any person to erect or cause to be erected any structure in, over or upon any dedicated street area, except that Director of the Bureau of Transportation may, based on findings of necessity, grant permission for walls, fences and steps, that otherwise comply with the Code of the City. Also, on buildings whose front is located on the property line, the Director of the Bureau of Transportation may allow decorative facings, certain types of utility meters, utility valves, and other utility appurtenances, to extend into the street area an amount that does not interfere with the public use of said street. The Director of the Bureau of Transportation, upon determining a public need for areas occupied by such walls, fences, steps, facings, or utility meter valves and other appurtenances, may revoke said permission and the property owner or utility will be required to remove them from the street area.~~

B. It is unlawful to place, or cause to be placed, any obstruction within, upon or above any dedicated street area unless the Director of the Bureau of Transportation has, based on findings of necessity, granted a revocable permit to allow:

1. Walls, fences and steps that otherwise comply with the Portland City Code,
2. Decorative facings on buildings that front on a property line,
3. Utility meters, utility valves, and other utility appurtenances that do not significantly interfere with public use of dedicated street area, or
4. Portable sanitation, health, hygiene, day storage, and kitchen facilities.

The Director of the Bureau of Transportation, upon determining a public need for a street area occupied by any of the above, may revoke a permit and the holder of the revoked permit will be required to remove all obstructions from the street area.

C. [no changes]

D. [no changes]

Commentary

Language to be **added** is shown in underline.
Language to be **deleted** is shown in ~~strikethrough~~.

Title 24 Building Regulations

Commentary

24.15 Definitions

The addition of a definition for "congregant living facility" updates the Title 24 definitions to conform with 2019 Oregon Structural Specialty Code.

This change to the definition of "dwelling unit" conforms the Title 24 of the City Code definition to 2019 Oregon Structural Specialty Code definition of "dwelling unit," and this change comports better with the definition of "dwelling unit" in Title 33 of the City Code.

24.15 Definitions

24.15

24.15.010 General. [no changes]

24.15.020 Abandoned Structure. [no changes]

24.15.030 Agreement/Contract to Repair/Work. [no changes]

24.15.040 Approved Testing Agency. [no changes]

24.15.045 Boarded. [no changes]

24.15.050 Building. [no changes]

24.15.055 Congregant Living Facility.

A building, or a portion of a building, that contains sleeping rooms where residents share a common bathroom, a common kitchen, or both.

24.15.060 Dangerous Structure. [no changes]

24.15.065 Derelict Commercial Building. [no changes]

24.15.070 Director. [no changes]

24.15.075 Dwelling Unit.

~~One or more habitable rooms which are occupied by or designed or intended to be occupied by one person, or by a family or group of housemates living together as a single housekeeping unit.~~
A building, or a portion of a building, that is certified for residential occupancy and provides complete and permanent provisions for living, sleeping, eating, cooking and sanitation, and access to the exterior of the building does not require passing through another dwelling unit.

24.15.080 - 24.15.260 [no change]

Commentary

Language to be **added** is shown in underline.
Language to be **deleted** is shown in ~~strikethrough~~.

Title 29, Property Maintenance Regulations

Commentary

29.30 Housing Maintenance Requirements

What is called "Sleeping Room" in Title 29 is called "bedroom" in Title 33. The two definitions are compatible but used for different purposes.

"Single room occupancy" is a term deleted from both Title 29 and 33.

29.30 Housing Maintenance Requirements

29.30

29.30.005 through 29.30.200 [no changes]

29.30.210 Sleeping Room Requirements.

Every room used for sleeping purposes:

A. [no changes]

B. [no changes]

C. [no changes]

D. Shall comply with the following minimum requirements for floor area:

1. Shall have a minimum area of at least 70 square feet of floor area, except that where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each person in excess of two. No portion of a room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the room's minimum area.

2. Any dwelling or portion of any dwelling constructed pursuant to permit or lawfully constructed prior to permit requirements shall be deemed in compliance with respect to sleeping room area provided that the deficiency in floor area is no more than 15 percent of that required by Subsection 29.30.210 D 1. This subsection shall not apply where any occupancy has been changed, or the number of occupants has been increased, contrary to the provisions of this Title.

3. Floor area requirements for congregate living facilities that do not also qualify as dwelling units ~~single room occupancy housing units~~ shall be in accordance with Section 29.30.290 of this Title.

29.30.220 through 29.30.280 [no changes]

Commentary

29.30.290

A "food preparation area" is not the same thing as a kitchen, because a kitchen has a full-sized sink and complete facilities and appliances for cooking.

A "cooking unit" is the same thing as a kitchen.

A room containing "sanitary facilities" is a bathroom.

When a sleeping room contains a kitchen, has its own adjoining bathroom, and does not require passing through another sleeping room to exit the building, it is not a congregate living facility and is regulated as a dwelling unit.

When six or fewer sleeping rooms share a single common kitchen, and either have their own adjoining bathrooms or share a common bathroom, it is not a congregate living facility and is regulated as a dwelling unit.

The regulations as amended would prohibit a sleeping room from containing a full kitchen unless the sleeping room also had its own adjoining bathroom. Other than this single prohibition, every conceivable single room occupancy living arrangement is allowed as either a congregate living facility or a dwelling unit.

29.30.290 Special Standards for ~~Single Room Occupancy Housing Units~~ Congregate Living Facilities.

In addition to meeting requirements for residential structures defined elsewhere in this Title, ~~hotels containing single room occupancy housing units~~ congregate living facilities shall comply with the following:

A. ~~The unit~~ Each sleeping room shall have at least 100 square feet of floor area, except that any ~~single room occupancy housing unit~~ sleeping room constructed pursuant to permit or lawfully constructed prior to permit requirements shall be deemed in compliance with respect to floor area provided it has at least 85 square feet of floor area. This exception shall not apply where any occupancy has been changed or increased contrary to the provisions of this Title.

B. A separate room for sanitary facilities may adjoin the sleeping room. Sanitary facilities are prohibited within sleeping rooms and food preparation areas are prohibited in rooms containing sanitary facilities.

C. Food preparation areas may be provided within sleeping rooms, but may not contain hard-wired appliances, 220-volt electrical outlets, piped gas, or full-sized kitchen sinks.

D. When sanitary facilities are not provided for each sleeping room a common sanitary facility must be provided on each floor.

E. Facilities for community garbage and disposal must be provided on each floor.

~~B. Either a community kitchen with facilities for cooking, refrigeration, and washing utensils shall be provided on each floor, or each individual single room occupancy housing unit shall have facilities for cooking, refrigeration and washing utensils. In addition, facilities for community garbage storage or disposal shall be provided on each floor.~~

F. Except in two story building, in which one common kitchen may be provided for both floors, each floor of a congregate living facility containing seven or more sleeping rooms must also provide a common kitchen. Common kitchens in congregate living facilities must conform the requirements set forth below:

~~C. Where cooking units are provided in individual single room occupancy housing units, they shall conform to the requirements set forth below.~~

1. All appliances shall be hard-wired and on separate circuits or have single dedicated connections;
2. All cooking appliances shall be fixed and permanent;

Commentary

Language to be **added** is shown in underline.
Language to be **deleted** is shown in ~~strikethrough~~.

3. The Mechanical Specialty Code, as adopted by Section 27.01.030, shall be used for setting standards for cooking appliances. Cabinets over cooking surfaces shall be 30 inches above the cooking surface, except that this distance may be reduced to 24 inches when a heat shield with 1-inch airspace and extending at least 6 inches horizontally on either side of the cooking appliance is provided. Cooking appliances are limited to two cooking elements or burners and located with at least a 6-inch clear space in all directions from the perimeter of the cooking element or burner. In lieu of two-burner cooking appliances, standard third-party tested and approved ranges with ovens are acceptable, provided that the units are fixed and hard-wired or have single dedicated connections;

4. All cooking appliances shall be installed under permit from the Bureau of Development Services; and

5. All cooking appliances shall be installed so as to provide a minimum clear workspace in front of the appliance of 24 inches.

Commentary

29.50.050 Illegal Residential Occupancy.

Some types of accommodations allowed by Oregon Law and Title 33 of the Portland City Code would not qualify for residential occupancy, so exceptions are provided. The exceptions applicable to recreational vehicles are also applicable to tiny houses on wheels.

Language to be **added** is shown in underline.
Language to be **deleted** is shown in ~~strikethrough~~.

29.50.050 Illegal Residential Occupancy.

A. Residential occupancy of tents, campers, motor homes, recreational vehicles, or other vehicles, structures or spaces not intended for permanent residential use, is unlawful; nor may such be constructed, placed or converted for permanent residential occupancy without permit.

~~B. When a property has an illegal residential occupancy, including but not limited to occupancy of tents, campers, motor homes, recreational vehicles, or other structures or spaces not intended for permanent residential use or occupancy of spaces constructed or converted without permit, the use shall be abated or the structure brought into compliance with the present regulations for a building of the same occupancy.~~

C. Notwithstanding A and B above, the following are not considered illegal residential occupancies:

1. Individual sleeping accommodations within outdoor shelters legally established in conformance with Chapters 285 or 815 of Title 33 of the Portland City Code, or allowed as temporary occupancies under Chapter 296 of Title 33 of the Portland City Code;
2. Vehicles on institutional property as allowed by Oregon Revised Statutes, Chapter 203, Section 082;
3. Recreational vehicles within in a manufactured dwelling park or mobile home park as provided by Oregon Revised Statutes, Chapter 197, Section 493; and
4. Motor homes and recreational vehicles within a recreational vehicle park allowed as a commercial use by Chapter 33.130 or Chapter 33.140 of Portland City Code.