



Shelter ▶ to Housing Continuum

Amendments to the City Code

Volume Three, Changes to Other City Codes

Recommended Draft - As Amended
April 2021

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.

The Bureau of Planning and Sustainability is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact at 503-823-7700 or use City TTY 503-823-6868, or Oregon Relay Service 711.

Traducción o interpretación	Chuyển Ngữ hoặc Phiên Dịch	翻译或传译	Письменный или устный перевод	Traducere sau Interpretare
الترجمة التحريرية أو الشفهية	Письмовий або усний переклад	翻訳または通訳	Turjumida ama Fasiraadda	ການແປພາສາ ຫຼື ການອະທິບາຍ

www.portland.gov/bps/translation-interpretation-and-accommodation

Testimony on the Recommended Draft is due on March 17, 2021

How to Testify:

The Shelter to Housing Continuum Recommended Draft will be considered by the Portland City Council. The public is invited to submit formal comments (public testimony) to City Council in writing, online via the Map App, or remotely at the public hearing. Testimony is directed to City Council, which may amend the proposal.

To testify in writing:

You must provide your full name and mailing address and use one of the following methods:

- **MapApp:**

The MapApp is easy as sending an email. Go to: <https://www.portlandmaps.com/bps/mapapp/>, click to view the Shelter to Housing Continuum Project and then click “Testify”.

- **U.S. Mail:**

Portland City Council
Shelter to Housing Continuum Tetimony
1221 SW 4th Avenue, Room 130
Portland, OR 97204

To testify at the City Council meeting:

You may speak for three minutes to the City Council, and your testimony will be added to the public record. You must provide your full name and mailing address.

Council hearing date: Wednesday March 17, 2021 at 2p.m.

The hearing will be held virtually. You can use a computer, mobile device or telephone to testify during the hearing. **You must pre-register to testify. See below:**

To testify during the hearing, please visit the project website to register: <https://www.portland.gov/bps/s2hc>. You will receive a confirmation email containing information about joining the virtual hearing. The deadline to sign up for the March 17 Council hearing is March 16 at 4:00 p.m. Individual have three minutes to testify, unless stated otherwise at the hearing.

Email the Council Clerk at cctestimony@portlandoregon.gov with questions.

To confirm the hearing date and time, check the City Council calendar

at <https://www.portlandoregon.gov/auditor/26997> for the most updated information.

For more information:

Visit the project webpage at www.portland.gov/bps/s2hc or contact Phil Nameny at Phil.Nameny@portlandoregon.gov.

Project timeline:



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Carmen Rubio, Commissioner
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Project Research

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Other Code Amendments

This volume presents staff proposed amendments to Titles 8, 15, 17, 21, 29 and 30 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

Portland City Code Chapter 8.32 is deleted in its entirety.

Chapter 8.32 is a remnant chapter in a largely obsolete title of the Portland City Code. Title 8 was administered by the Portland Bureau of Health, but that bureau has been abolished for decades and the equivalent of most of the abolished bureau's duties are now being carried out by the Multnomah County Health Department. Chapter 8.32 has no assigned administrating bureau.

All the functions described in Chapter 8.32 are now replaced and carried out by:

- Title 33 of the Portland City Code,
- The 2019 Oregon Structural Specialty Code, and
- Oregon Administrative Rules Division 918, Chapter 650.

The Bureau of Development Services is assigned administrative authority for these current authorities.

There are current definitions for those deleted in Chapter 8.32. Oregon Revised Statutes 446.320 requires the Oregon Health Authority to issue a license for a "tourist facility," which is synonymous with what the deleted Portland City Code 8.32.100 calls a "trailer court," and with what Oregon Administrative Rules 918-650-0005 and Portland City Code 22.910 define as a "recreational vehicle park." Under state law two or more recreational vehicles on the same lot constitute a recreational vehicle park.

Deleted section 8.32.040 refers to City zones that no longer exist. Recreational vehicle parks are a use now allowed in the City's Residential Manufactured Dwelling Park Zone and all commercial, mixed use and employment zones that allow retail sales and services.

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;

B. “Permit” means a written permit issued by the Health Officer permitting the trailer court to operate under this Chapter and regulations promulgated thereunder;

C. “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”;

D. “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

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

~~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 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

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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;~~

Commentary

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Language to be **added** is shown in underline.
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4. ~~Have sufficient toilet and laundry facilities, according to the ratio stipulated, to serve adequately both males and females;~~
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.~~

Commentary

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~~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.~~

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;~~

Commentary

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~~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;~~

~~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~~

Commentary

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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

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Title 15, Executive Responsibility

Commentary

Chapter 15.04, Emergency Code

Portland's housing emergency was first declared in 2015 and has been extended several times. These extensions have highlighted that the need for shelter is not an episodic emergency, with a discrete beginning and end, but is a continuing crisis. The amendments to this and other City Codes allow the City to address shelter needs continuously.

Particularly, amendments to this chapter allow the Council to declare a continuing "shelter shortage" instead of, or along with, another emergency declaration. During a recognized shelter shortage temporary shelters may remain open for the duration of the emergency and the 180-day limit for temporary shelters in 33.296.030.H would not apply.

These amendments in no way restricts the City's abilities to address shelter and housing needs arising from emergencies such as the COVID-19 pandemic or seasonal wildfires. The unamended provisions of Portland City Code, Chapter 15.04 continue to provide for these, as does Portland City Code 33.296.030.G, which provides:

Natural disasters and emergencies. Temporary activities and structures needed as the result of a natural disaster, shelter shortage or other health and safety emergencies are allowed for the duration of the emergency. Temporary activities include food, water, and equipment distribution centers, warming or cooling shelters, and triage stations.

15.04 Emergency Code

15.04

15.04.010 – 15.04.030 [no changes]

15.04.040 Declaration of State of Emergency.

A. [no changes]

B. [no changes]

C. [no changes]

D. [no changes]

E. [no changes]

F. [no changes]

G. [no changes].

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

Commentary

15.08 Authority During a Housing Emergency

A reference to the term "Shelter Shortage" is added to complement corresponding language in the Zoning Code Chapter 33.296. In normal circumstances there is a 180-day use limit for temporary shelters as described in 33.296.030.H. When such a declaration is in effect temporary shelters may remain open for the duration of the emergency as described in 33.296.030.G.

A reference is also added to providing notice when waiving the Zoning Code regulations, when feasible in the circumstances, because such actions could be considered land use decisions.

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 or Shelter Shortage

A. Upon the declaration of a Housing Emergency or Shelter Shortage, 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 or Shelter Shortage, 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. Activate emergency plans; and
- ~~7. Waive Portland City Code regulations or administrative rules to the extent necessary to respond to the housing emergency; and~~
- ~~8. Activate emergency plans.~~
8. Waive Portland City Code regulations or administrative rules to the extent necessary to respond to the housing emergency or shelter shortage, provided that, where feasible under the circumstances, Council will give advance notice of waiver of Title 33 provisions.

[remainder of chapter is unchanged]

Commentary

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Title 17, Public Improvements

Commentary

17.13.060, Parks SDCs

This change clarifies Parks and Recreation SDC exemptions for homeless shelters to be consistent with the updated terms in Titles 29 and 33 and adds an exemption for an occupied recreational vehicle.

The text here is simplified to refer to a single list in 17.14.070.

17.13 Parks and Recreation System Development Charge

17.13

17.13.010 – 17.13.050 [no change]

17.13.060, Partial and Full Exemptions

The uses listed and described in this Section will be exempt, either partially or fully, from payment of the Parks and Recreation SDC. Any Applicant seeking an exemption under this Section must specifically request that exemption no later than the time of the City's completion of the final inspection. Where New Development consists of only part of one or more of the uses described in this section, only that/those portion(s) of the development which qualify under this section are eligible for an exemption. The balance of the New Development which does not qualify for any exemption under this section will be subject to the full SDC. Should the Applicant dispute any decision by the City regarding an exemption request, the Applicant must appeal as provided by Section 17.13.120. The Applicant has the burden of proving entitlement to any exemption so requested.

A. [no change]

B. ~~Affordable housing is~~ Certain structures and uses are exempt pursuant to the extent provided by Section 30.01.095 17.14.070 of this Code.

C. – F. [no change]

~~G. Certain accessory Dwelling Units are exempt pursuant to Section 17.14.070.~~

~~H. Mass shelters and short term housing as provided by Section 30.01.096 of this Code.~~

[remainder of chapter is unchanged]

Commentary

17.14, Financing of, and Exemptions from, Systems Development Charges

This change clarifies SDC exemptions for homeless shelters to be consistent with the updated terms in Titles 29 and 33 and adds an exemption for an occupied recreational vehicle.

This section contains a list of SDC exemptions and refers to additional requirements in Title 30. Other bureau-specific SDC Sections of Title 17 and 21 have been simplified and now refer to this list.

17.14 Financing of, and Exemptions from, Systems Development Charges

17.14

17.14.010 – 17.14.060 [no change]

17.14.070, System Development Charge Exemptions

A. – F. [no change]

G. Mass, outdoor and short term shelters and ~~short term housing~~ are exempt from all system development charges as provided by Portland City Code Section 30.01.096.

H. Occupied recreational vehicles as allowed by Portland City Code Sections 29.50.050.A.2 and A.5 are exempt from all system development charges.

Commentary

17.15, PBOT SDCs

This change clarifies Transportation SDC exemptions for homeless shelters to be consistent with the updated terms in Titles 29 and 33 and adds an exemption for an occupied recreational vehicle.

The text here is simplified to refer to a single list in 17.14.070.

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17.15 Transportation System Development Charge

17.15

17.15.010 – 17.15.040 [no change]

17.15.050, Exemptions and Discounts

The uses listed and described in this section shall be exempt, either partially or fully, from payment of the Transportation SDC. Any Applicant seeking an exemption or a discount under this Section shall specifically request that exemption within 180 days after building permit issuance for the New Development. Where New Development consists of only part of one or more of the uses described in this section, only that/those portion(s) of the development which qualify under this section are eligible for an exemption or discount. The balance of the New Development which does not qualify for any exemption or discount under this section shall be subject to the full SDC. Should the Applicant dispute any decision by the City regarding an exemption or discount request, the Applicant must apply for an alternative exemption calculation under Section 17.15.070. The Applicant has the burden of proving entitlement to any exemption so requested.

A. – B. [no change]

C. ~~Affordable housing is~~ Certain structures and uses are exempt to the extent established by Section ~~30.01.095~~ 17.14.070 of this Code.

D. – G. [no change]

~~H. Any newly permitted and constructed accessory dwelling unit (ADU) conforming to the Title 33 definition of an ADU will qualify for a waiver of SDC fees if a complete building permit application is submitted for the ADU from April 15, 2010 through July 31, 2018, provided that the Applicant receiving a waiver obtains an occupancy permit no later than June 30, 2019. If an occupancy permit is not obtained by June 30, 2019, an occupancy permit will not be issued until the SDC is paid at the rates in effect at the time the occupancy permit is issued.~~

I. [re-letter to H but no other change]

~~J. Mass shelters, short term housing, and certain accessory dwelling units are exempt pursuant to Section 17.14.070.~~

[remainder of the chapter is unchanged]

Commentary

17.36 BES SDCs

This change clarifies Bureau of Environmental Services SDC exemptions for homeless shelters to be consistent with the updated terms in Titles 29 and 33 and adds an exemption for an occupied recreational vehicle.

The text here is simplified to refer to a single list in 17.14.070.

17.36 Sewer User Charges

17.36

17.36.010 – 17.36.030 [no change]

17.36.040, Sewer System Connection Charges

Connection charges are for establishing a new connection, new use or expanding existing uses of the public sewer and City stormwater facilities. A property may be subject to one or more of these charges depending on the connections made.

A. – G. [no change]

H. ~~Partial and Full Exemptions for Affordable Housing Developments. Permanent affordable housing~~ Certain structures and uses are exempt from developments may be eligible for a waiver of sanitary and stormwater SDCs to the extent provided by ~~pursuant to Section 30.01.095 17.14.070 of this Code.~~

I. ~~Exemptions for Mass Shelters, Short term Housing, and certain Accessory Dwelling Units. Mass shelters, short term housing, and accessory dwelling unit may be eligible for a waiver of sanitary and stormwater SDCs pursuant to Section 17.14.070.~~

[remainder of this chapter unchanged]

Commentary

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Title 21, Water

Commentary

21.16.170 System Development Charge.

This change clarifies Water Bureau SDC exemptions for homeless shelters to be consistent with the updated terms in Titles 29 and 33 and adds an exemption for an occupied recreational vehicle.

The text here is also simplified to refer to a single list in 17.14.070.

21.16 Rates and Charges

21.16

21.16.010 – 21.16.160 [no change]

21.16.170 System Development Charge

Anyone applying for a new service connection or a larger existing connection must pay a System Development Charge (SDC). SDCs are listed in the Annual Rates Ordinance.

Credit from an existing service may only be applied to a new service if the existing service is removed when the new service is installed.

SDCs will be waived for ~~Services where SDC's are waived:~~

A. Fire protection services.

~~B. Affordable housing~~

~~B C. Temporary uses.~~

C. Certain structures and uses, to the extent provided by Portland City Code Section 17.14.070.

~~D. Mass shelter~~

~~E. Short term housing~~

~~F. Certain types of accessory dwelling unit~~

~~For SDC exemptions refer to City Code Section 30.01.095 (affordable housing); Portland City Code Section 21.12.090 (temporary service); and City Code Section 17.14.070 (certain types of housing).~~

[remainder of this chapter unchanged]

Commentary

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Title 29, Property Maintenance Regulations

Commentary

29.50.050 Illegal Residential Occupancy.

Portland City Code 29.50.050 is amended to provide six exceptions to the general prohibition on the residential occupancy of structures or spaces not intended for permanent residential use or occupancy

The first exception recognizes the new provisions for outdoor shelter, which do not require living accommodations to be buildings.

The second exception acknowledges existing state law that permits sleeping in vehicles in parking lots owned by religious institutions.

The third and fourth exception acknowledges existing code provisions.

The fifth exception is added to allow occupancy of one recreational vehicle on sites with a house, attached house or manufactured home (See Chapter 33.260 for corresponding Zoning regulations).

The sixth exception recognizes existing authorities that apply during emergencies.

Vehicles are not subject to building codes or other development standards that would normally apply to dwellings. Some jurisdictions that have legalized occupancy of tiny houses on wheels or recreational vehicles, such as the City of Los Angeles, have adopted references to national standards implemented by recreational vehicle manufacturers, like ANSI 119.5 and NFPA 1192. A reference to these standards was in the initial proposed draft. This was dropped from the Recommended Draft because too many existing tiny houses on wheels would not meet the standards or would be difficult to document. Other elements of Title 29 will give the City enforcement authority if the vehicle is not in a state of good repair.

The proposed standard also requires that a campground-style recreational vehicle hookup be provided, with a place to plug the vehicle's electrical system in, a place to receive water, and a place to empty sewage tanks. There is an exemption for vehicles without internal plumbing. Oregon Department of Environmental Quality requirements do not allow the City to permit storage of sewage on properties that are, or could be, connected to a public sewer. The required hookup location can usually be constructed with a plumbing and electrical permit. Because there is not a building permit, System Development Charges will not be levied.

Oregon Revised Statutes 801.100 through 801.610 and Oregon Revised Statutes 174.101 define the different types of recreational vehicles that can be titled and registered by the Oregon Department of Motor Vehicles. Tiny houses on wheels are classified as recreational vehicles. The Oregon Department of Motor Vehicle may register a tiny house on wheels as a camper, a travel trailer, or a park model RV, depending on its size and configuration.

29.50 Other Requirements

29.50

29.50.010 – 29.50.040 [no change]

29.50.050 Illegal Residential Occupancy.

~~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.~~

Residential occupancy of structures or spaces not intended for permanent residential use or occupancy is unlawful, including but not limited to structures placed, constructed or converted without permit; tents, campers, motor homes, recreational vehicles, and other vehicles.

A. Exceptions:

1. Individual sleeping accommodations within outdoor shelters legally established in conformance with Portland City Code Chapters 33.285 or 33.815, or allowed as temporary occupancies under Portland City Code Chapter 33.296;
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;
4. Motor homes and recreational vehicles within a recreational vehicle park allowed as a commercial use by Portland City Code Chapters 33.130 or 33.140; and
5. One occupied recreational vehicle provided:
 - a. The recreational vehicle is on a site with a house, attached house, or manufactured home. See Portland City Code Chapter 33.260.
 - b. The recreational vehicle is a travel trailer, park model recreational vehicle, camper or motor home.
 - c. A permanent recreational vehicle utility hookup that includes an electrical outlet, a water connection, and a sanitary sewer dump is provided on the site. A water connection and sanitary sewer dump is not required if the vehicle lacks internal plumbing.

Commentary

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6. Camping under emergency circumstances as authorized by Portland City Code Sections 14A.50.020 B., 33.296.030, or by declaration by the Mayor.

B. When a property has an illegal residential occupancy, the use shall be abated or brought into compliance with the current regulations for a space of the same occupancy.

[remainder of this chapter is unchanged]

Commentary

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Title 30, Affordable Housing

Commentary

30.01.030, Definitions

The Title 30 definitions of "Mass Shelter" and "Short Term Housing" are amended to align with the amended definitions in Title 33. A new definition of "Outdoor Shelter" is added to correspond to the new definition in Title 33.

30.01 Affordable Housing Preservation and Portland Renter Protections

30.01

30.01.010 – 30.01.020 [no change]

30.01.030, Definitions

A. – M. [no change]

N. “**Mass shelter.**” A ~~structure~~ building that contains one or more open sleeping areas or is divided only by non-permanent partitions and is furnished with beds, cots, floor mats, or bunks. Individual ~~sleeping~~ bedrooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, ~~on a daily basis~~. Where individual bedrooms are provided, the facility is a short term shelter. See also Outdoor Shelter and Short Term Shelter.

O.- P. [no change]

Q. “**Outdoor Shelter.**” Individual shelters grouped together in an outdoor setting. Examples of individual shelters include tents, yurts, huts, cabins, vehicles or other similar accommodation that do not contain sanitary or cooking facilities, and recreational vehicles with or without cooking and sanitary facilities. The shelter is managed by a public agency or a non-profit agency, with or without a fee, and with no minimum length of stay. An outdoor shelter may or may not include buildings that have food preparation or sanitary facilities. See also Mass Shelter and Short Term Shelter.

[re-letter subsequent sections Q-Z to be R-AA]

~~Z.~~ **AA. “Short-term shelter housing.”** One or more ~~structures~~ buildings that each contains one or more individual ~~sleeping~~ bedrooms and for which occupancy tenancy of all rooms may be arranged with no minimum length of stay for periods of less than one month. A short-term ~~shelter housing~~ facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency that may or may not charge a fee. Examples include transitional housing and emergency shelters in which individual rooms are provided. ~~Tenancy may be less than 30 days or more than 30 days. Where individual bedrooms are not provided, the facility is a mass shelter. See also Mass Shelter and Outdoor Shelter.~~

30.01.040 – 30.01.095 [no change]

Commentary

30.01.096 Partial and Full Exemptions of System Development Charges for Mass Shelters and Short-Term Housing.

Outdoor shelters are added to the list of shelter types eligible for the exemption, to be consistent with terminology in Title 33.

The term "Short Term Housing" was changed to "Short Term Shelter" in Title 33, and is also adjusted here for consistency.

30.01.096 Partial and Full Exemptions of System Development Charges for Mass Shelters, Outdoor Shelters and Short-Term Shelters Housing.

A. The purpose of this Section is to reduce the costs of developing permanent ~~transitional housing in the form of~~ mass shelters, outdoor shelters and short-term shelters housing by exempting system development charges for qualified developments. This section advances a Council-recognized public policy goal of providing a continuum of safe and affordable housing opportunities including transitional ~~shelters housing~~, emergency shelters, and campgrounds/rest areas to meet the needs of Portland residents.

B. The City will exempt qualified mass shelter, outdoor shelter and short-term shelter housing developments from paying all or part of system development charges required by Code. The applicant must apply for exemptions under this Section prior to the date the City issues the permit on the new development. Where new development consists of only part of one or more of the uses described in this Section, only that portion of the development that qualifies under this Section is eligible for an exemption. The balance of the new development that does not qualify for any exemption under this Section is subject to system development charges to the full extent authorized by Code or general ordinance. The applicant has the burden to prove entitlement to exemptions so requested.

C. The City shall calculate exemptions in the manner authorized for calculating system development charges. Exemptions are applicable to the portions of mass shelter, outdoor shelter and short-term shelter housing projects that are directly used in providing shelter and services for their residents such as on-site manager facilities and shared space including but not limited to restrooms, kitchens, community rooms, social service facilities, and laundry facilities.

D. To obtain the exemption, the applicant must present to the City, at the time of application, documentation from the Joint Office of Homeless Services, or other designated agency, that the development qualifies for the exemption pursuant to this Chapter.

E. The applicant must provide permit drawings that clearly note the exemption, if granted, in order to ensure compliance. Alternatively, the drawings must provide remedies for failure to comply that are acceptable to the City. Permit drawings must state the following, “This project received SDC exemptions for mass shelters, outdoor shelter or short-term shelter housing. The exemptions only apply to the mass shelter, outdoor shelter or short-term shelter housing development and associated facilities including social services. If a future tenant improvement or change of occupancy creates a use that is not a mass shelter, outdoor shelter or short-term shelter housing or associated service, system development charges will be assessed for the new use. It is the permittee’s responsibility to maintain proper documentation of the continued mass shelter, outdoor shelter or short-term shelter housing use.”

[remainder of this chapter is unchanged]