



HOU-3.06 - Rental Housing Application and Screening Permanent Rule

Administrative Rules Adopted by Bureaus Pursuant to Rule Making Authority (ARB)

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Keywords

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History

Adopted by Housing Bureau Director January 31, 2020 and effective March 1, 2020.

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Related documents

 [HOU-3.06 - Rental Housing Application and Screening Permanent Rule](#) 661.29 KB



Portland Housing Bureau

Rental Services Office

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Rental Services Helpdesk Hours

MON, WED, FRI 9–11am and 1–4pm

Permanent Administrative Rule Rental Housing Application and Screening

A. Purpose and Scope

Under PCC 30.01.086 Landlords in the City of Portland are required to adhere to additional requirements, beyond federal and state law, related to the application and screening process for rental housing. These administrative rules provide additional clarification and requirements for several subsections of PCC 30.01.086.

B. Definitions

1. **Accessible Dwelling Unit** means a Dwelling Unit that qualifies as a “Type A Unit” pursuant to the Oregon Structural Building Code and ICC A117.1.
2. **Applicant** means a person applying to reside in a Dwelling Unit. When there are multiple persons who will reside in common within a Dwelling Unit, Applicant shall refer in common to those members of the household who intend to contribute financially to payment of the Rent and to sign the lease or Rental Agreement.
3. **Dwelling Unit** has the meaning given in ORS 90.100, as amended from time to time.
4. **Landlord** has the meaning given in ORS 90.100, as amended from time to time.
5. **Open Application Period** means the start of the date and time the Landlord will begin accepting applications.
6. **PHB** means the Portland Housing Bureau.
7. **Rent** has the meaning given in ORS 90.100, as amended from time to time.
8. **Rental Agreement** has the meaning given in ORS 90.100, as amended from time to time.
9. **Screening Criteria** means a written statement of any factors a Landlord considers in deciding whether to accept or reject an Applicant and any qualifications required for acceptance. “Screening or admission criteria” includes, but is not limited to, the rental history, character references, public records, criminal records, credit reports, credit references and incomes or resources of the Applicant.
10. **Tenant** has the meaning given in ORS 90.100, as amended from time to time.

C. Notice of Dwelling Unit Availability

1. The notice content requirements of PCC 30.01.086.C.1 must be included on all published advertisements used to communicate the availability of a Dwelling Unit, including but not limited to outdoor signage such as banners or sandwich boards, fliers, printed materials, audio recordings, video media, or online platforms.

- a. As described in PCC 30.01.087.C.1.b, the Landlord's notice of the available Dwelling Unit may incorporate this information directly or by providing an address, website address, internet link, or other method of communicating this information to prospective Tenants.
2. If a Landlord publishes multiple Notices at different times or through different methods for the same availability and same Dwelling Unit:
 - a. the Open Application Period must be at least 72 hours after publishing the initial Notice of Dwelling Unit Availability;
3. If a Landlord simultaneously advertises the availability of more than one Dwelling Unit in the same property, the Landlord can fulfill the requirements of PCC 30.01.086.C.1 by:
 - a. Publishing notices at least 72 hours prior to the Open Application Period for rental of the available Dwelling Units through a combined notice that specifies the following:
 - i. The number of Dwelling Units available;
 - ii. The range of number of bedrooms in the available Dwelling Units;
 - iii. The range of available Dwelling Unit sizes;
 - iv. The range of Rents for available Dwelling Units;
 - v. When the Landlord will begin to accept applications;
 - vi. The Landlord's Screening Criteria if the Landlord intends to charge a screening fee; and
 - vii. Which specific units, if any, are Accessible Dwelling Units.
 - b. The Landlord's Notice may incorporate this information or may provide an address, website address, internet link, or other method communicating where this information is available to prospective Tenants.
4. Landlords are not liable for advertisements created by third party sites that are not placed by or at the request of the Landlord, the Landlord's associate, agent, representative or employee.
5. If a Landlord advertises a waitlist's availability, the Landlord must publish notices for the waitlist's availability at least 72 hours prior to the date and time the Landlord will begin adding names to a waitlist. This requirement can be met by:
 - a. Publishing notices for a newly opened waitlist through a combined notice that specifies the following information at the time of advertising:
 - i. The number of Dwelling Units that can be filled from the waitlist;
 - ii. The range of number of bedrooms in the Dwelling Units that can be filled from the waitlist;
 - iii. The range of Rents for the Dwelling Units that can be filled from the waitlist;
 - iv. When the Landlord will begin to accept waitlist applications; and

- v. The Landlord's Screening Criteria if the Landlord intends to charge a screening fee.
- b. The Landlord's Notice may incorporate this information or may provide an address, website address, internet link, or other method communicating where this information is available to prospective Tenants.
- c. A Landlord must create a separate waitlist for filling Accessible Dwelling Units.
- d. Open waitlists that accept names on a rolling basis are not subject to the 72-hour wait period before adding names to the waitlist.

D. Open Application Period

1. Unless otherwise indicated by the Landlord, the Open Application Period begins on the date and time the Landlord begins to accept applications which is effectively the advertised date and time Applicants can begin submitting applications.
2. If a Landlord receives, by any means of transmission, an application prior to the advertised Open Application Period, the Landlord will not be considered to have violated the 72-hour waiting period between advertising and accepting applications that is described in PCC 30.01.086(C)(1)(a), so long as the Landlord processes all applications received in accordance with PCC 30.01.086(C)(2).

E. Order of Processing Applications.

1. If the Landlord receives multiple applications at the same time and cannot reasonably determine the actual order of receipt between them, the Landlord may develop and apply its own policy for determining order of receipt. The adopted policy must be:
 - a. written and provided to the Applicant for review, upon the Applicant's request; and
 - b. uniformly applied by the Landlord during the Open Application Period.
2. When multiple applications are received earlier than the Open Application Period:
 - a. Every complete application will be recorded as being received 8 hours after the start of the Open Application Period and considered in order of actual receipt in relation to other early applications.
 - b. For an Accessible Dwelling Unit, the Landlord must give priority to Applicants with a household member who is Mobility Disabled and applied before the Open Application Period, prior to considering other Applicants without a household member who is Mobility Disabled who applied either before or during the Open Application Period.

For example, a Landlord would process applicants in the following order:

- i. Applicants with a household member who is Mobility Disabled, who apply in the first 8 hours of the Open Application Period;
- ii. Applicants with a household member who is Mobility Disabled, who apply before the Open Application Period (recorded as hour 8);

- iii. Applicants with no household member who is Mobility Disabled, who apply in the first 8 hours of the Open Application Period;
 - iv. Applicants with no household member who is Mobility Disabled, who apply before the Open Application Period (recorded as hour 8);
 - v. Any Applicant, who applies after the first 8 hours of the Open Application Period.
3. The following conditions apply when a Dwelling Unit is no longer available because the vacancy has been filled or because the Landlord has decided not to rent the unit:
- a. A Landlord may refuse to process Applications solely because a Dwelling Unit is no longer available. If a Landlord does not process an Application solely because the Dwelling Unit is no longer available, the Landlord is not required to provide written communication accepting, conditionally accepting, or denying that Applicant, nor is the Landlord required to perform an Individual Assessment or grant such an Applicant the opportunity for an appeal;
 - b. If a Landlord denies an Application solely because the Dwelling Unit is no longer available, but the Landlord has screened the Applicant or otherwise processed an Application, the Landlord must provide written communication denying that Applicant, but is not required to perform an Individual Assessment or grant such an Applicant the opportunity for an appeal.

F. Verifiable and Repeated Rental Agreement Violations for Application Evaluation

1. A Landlord owning Dwelling Units within the City of Portland, may refuse to process the application of an Applicant who has verifiable repeated Rental Agreement violations with this Landlord if the most recent violation occurred within 365 days before the Applicant’s submission date under the following circumstances:
- a. Rental Agreement violations are repeated and verifiable when:
 - i. At least 3 violations have occurred within a 1-year period, and the most recent violation occurred within 365 days before the Applicant’s submission date;
 - ii. The Tenant received notice of each of the 3 violations in writing at the time each violation occurred; and
 - iii. None of the 3 violations were cured (as provided in ORS 90.392) or resulted in a general judgment for the Applicant before the Applicant submitted the application.
 - b. If a Landlord refuses to process the application of an Applicant for this reason, the Landlord must provide the Applicant with copies of the relevant notices considered.

G. Disability Related Modification Requests

1. If a Landlord denies an Applicant's Modification request, the Landlord must provide the Applicant 2 successive 24-hour periods within which to request alternative Modifications:
 - a. If an Applicant's initial Modification request is denied by the Landlord, the Applicant has a 24-hour period measured from the notice of the denial to make a second Modification request.
 - b. If an Applicant's second Modification request is denied by the Landlord, the Applicant has a 24-hour period measured from the notice of the second denial to make a third Modification request.
 - c. If no reasonable Modification can be made to the Dwelling Unit to address the Applicant's Disability, the Applicant, if otherwise eligible, may accept the Dwelling Unit without Modification.

H. Approval of Application Reviewed on Appeal

1. If a Landlord approves an application reviewed on appeal, the Applicant is prequalified for rental opportunities with Dwelling Units at the same or lower rental rate at the Landlord's properties for 3 months following the date of approval.
2. Prequalified Applicants cannot be subject to additional screening or screening fees for the 3 months following the approved appeal. The Landlord may require the Applicant to self-certify that no conditions have materially changed from those described in the Landlord's approved application.
3. If a Landlord has prequalified Applicants through the appeal process, the Landlord must notify those Applicants of any available units for which they are prequalified before offering the unit to the general public.
 - a. The Landlord must issue the notification to the prequalified Applicant by email, phone, or certified mail, as provided on the application or subsequently updated by the Applicant.
 - b. The Landlord must allow any prequalified Applicants a minimum of 48 hours after delivery of the notification by email or phone, or receipt of the notice by mail, to respond and declare an intent to enter into a Rental Agreement for the Dwelling Unit. The notification must include the date and time by which the Landlord must receive the prequalified Applicant's declaration of intent to enter into a Rental Agreement for the Dwelling Unit.
 - c. If multiple prequalified Applicants declare an intent to enter into a Rental Agreement, the landlord must offer the rental agreement in order of appeal submission dates.
 - d. If no prequalified Applicant responds to the Landlord with this intent during the stated time for response, the Landlord may offer the Dwelling Unit to the general public at the expiration of this period.

- e. If any prequalified Applicant responds to the Landlord with this intent after the stated time for response but before advertising the Dwelling Unit to the general public, the Landlord may but is not required to enter into a Rental Agreement with the prequalified Applicant.
- f. Once notice of Dwelling Unit availability is published a prequalified Applicant must submit an Application and is subject to the general application process described in PCC 30.01.086(C)(2), except that the prequalified Applicant will not be subject to additional screening or screening fees as described in Subsection H(2) above.

G. Minimum Income Requirements

1. To determine the minimum income requirements, see the Rental Housing Application and Screening Minimum Income Requirement Table published by the Portland Housing Bureau.

H. Responsibility

PHB is responsible for managing and implementing this rule.

I. History

Date adopted: **January 31, 2020**

Date effective: **March 1, 2020**

Date amended: **July 29, 2020**

Date amended: **January 8, 2021**



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Right to Request a Modification or Accommodation Notice Required Under Portland City Code Title 30.01.086.C.3.B

Within the City of Portland, a landlord is required to include this notice with application forms for the rental of a dwelling unit.

State and federal laws, including **the Fair Housing Act**, make it illegal for housing providers to refuse to make **reasonable accommodations** and **reasonable modifications** for individuals with disabilities. All persons with a disability have a right to request and be provided a reasonable accommodation or modification at any time, from application through to termination/eviction.

Some examples of reasonable accommodations include:

- Assigning an accessible parking space
- Transferring a tenant to a ground-floor unit
- Changing the rent payment schedule to accommodate when an individual receives public benefits
- Allowing an applicant to submit a housing application via a different means
- Allowing an assistance animal in a "no pets" building. More information about assistance animals is available here:
https://www.hud.gov/program_offices/fair_housing_equal_opp/assistance_animals

Some examples of reasonable modification include:

- Adding a grab bar to a tenant's bathroom
- Installing visual smoke alarm systems
- Installing a ramp to the front door

Under fair housing laws, a person with a disability is someone:

- With a physical or mental impairment that substantially limits one or more major life activities of the individual;
- With a record of having a physical or mental impairment that substantially limits one or more major life activities of the individual; or
- Who is regarded as having a physical or mental impairment that substantially limits one or more major life activities.

Major life activities include, but are not limited to seeing, walking, reaching, lifting, hearing, speaking, interacting with others, concentrating, learning, and caring for oneself.



Reasonable Accommodations

A reasonable accommodation is a change or exception to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. This includes public use and common spaces or fulfilling their program obligations. Any change in the way things are customarily done that allows a person with a disability to enjoy housing opportunities or to meet program requirements is a reasonable accommodation.

All housing or programs are required to make reasonable accommodations. Housing providers may not require persons with disabilities to pay extra fees or deposits or any other special requirements as a condition of receiving a reasonable accommodation.

Reasonable Modifications

A reasonable modification is a structural change made to the premises in order to afford an individual with a disability full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to public use and common areas.

Under federal law, public housing agencies, other federally assisted housing providers, and state or local government entities are required to provide and pay for structural modifications as reasonable accommodations/modifications. For private housing, the person requesting the reasonable modification will need to cover the costs of the modification.

Verification of Disability

In response to an accommodation or modification request and only when it is necessary to verify that a person has a disability that is not known or apparent to the housing provider, they can ask an applicant/tenant to provide documentation from a qualified third party (professional), that the applicant or tenant has a disability that results in one or more functional limitation. If the disability-related need for the requested accommodation or modification is not known or obvious, the housing provider can request documentation stating that the requested accommodation or modification is necessary because of the disability, and that it will allow the applicant/tenant access to the unit and any amenities or services included with the rental equally to other tenants.

A housing provider cannot inquire into the nature or extent of a known or apparent disability or require that an applicant or tenant release his or her medical records. Housing providers can require that the verification come from a qualified professional, but they cannot require that it be a medical doctor.

Nondiscrimination laws cover applicants and tenants with disabilities, as well as applicants and tenants and without disabilities who live or are associated with individuals with disabilities. These laws also prohibit housing providers from refusing to rent to persons with disabilities, making discriminatory statements, and treating persons with disabilities less favorably than other tenants because of their disability.

Under fair housing laws, it is illegal for a housing provider to deny reasonable accommodations and reasonable modifications to individuals with disabilities. If wrongfully denied an accommodation or modification contact HUD or the Fair Housing Council of Oregon. Time limits apply to asserting any legal claims for discrimination.

Call HUD toll-free at 1-800-669-9777 or TTY 1-800-927-9275 or visit https://www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process

HUD will investigate at no cost to the complainant.

For more information about reasonable accommodations and modifications visit www.hud.gov/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modifications

Call the Fair Housing Council of Oregon at (503) 223-8197 ext. 2 or <http://fhco.org/index.php/report-discrimination>.



If you believe you have been harassed or discriminated against because of your race, color, national origin, religion, gender, familial status, disability, marital status, source of income, sexual orientation including gender identity, domestic violence, type of occupation, or age over 18 seek legal guidance regarding your rights under Fair Housing law.

For translation or interpretation, please call 503-823-1303
TTY at 503-823-6868 or Oregon Relay Service at 711

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번역 및 통역 | Письмовий або усний переклад | Turjumida ama Fasiraadda
الترجمة التحريرية والشفوية | ການແປພາສາ ຫຼື ການອະທິບາຍ

This requirement is in addition to any other rights and responsibilities set forth in the Oregon Residential Landlord and Tenant Act under Oregon Revised Statute Chapter 90, and Portland Landlord-Tenant Law under Portland City Code Title 30.

The information in this form is for educational purposes only. You should review appropriate state statute, city code, and administrative rule as necessary. If you need legal guidance, or are considering taking legal action, you should contact an attorney.



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Statement of Applicant Rights and Responsibilities Notice Required Under Portland City Code Title 30.01.086.C.3.C

Within the City of Portland, a landlord is required to include this notice with application forms for the rental of a dwelling unit.

City of Portland Applicant Rights

The City of Portland has adopted local requirements that provide additional rights and responsibilities for landlords and applicants for rental housing, beyond state law requirements, during the rental unit advertising and application process.

Applicants are strongly encouraged to submit supplemental information to offset any reasons that could lead to denial. In the event of denial, applicants have the right to appeal the decision within 30 days.

Applicants are strongly encouraged to review their rights before submitting an application.

City requirements address the following landlord tenant topics: advertising and application process screening, security deposits, depreciation schedules, rental history, notice rights, and rights for relocation assistance.

The City of Portland city code, rules, required notices and forms are listed below, and are available at: [portland.gov/rso] or by contacting the Rental Services Office at (503) 823-1303 or rentalservices@portlandoregon.gov.

Residential Rental Unit Registration

- Portland City Code 7.02.890

Application and Screening Requirements

- Portland City Code 30.01.086
- Rental Housing Application and Screening Administrative Rule
- Statement of Applicant Rights and Responsibilities Notice
- Right to Request a Modification or Accommodation Notice
- Rental Housing Application and Screening Minimum Income Requirement Table

Security Deposit Requirements

- Portland City Code 30.01.087
- Rental Housing Security Deposits Administrative Rule
- Rental History Form
- Notice of Rights under Portland's Security Deposit Ordinance



Mandatory Renter Relocation Assistance

- Portland City Code 30.01.085
- Mandatory Relocation Assistance Exemption Eligibility and Approval Process Administrative Rule
- Tenant Notice of Rights and Responsibilities Associated with Portland Mandatory Relocation Assistance
- Relocation Exemption Application Acknowledgement Letter (If applicable)



If you believe you have been harassed or discriminated against because of your race, color, national origin, religion, gender, familial status, disability, marital status, source of income, sexual orientation including gender identity, domestic violence, type of occupation, or age over 18 seek legal guidance regarding your rights under Fair Housing law.

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Rental Housing Application and Screening Minimum Income Requirement Table Required by PCC 30.01.086.D.2.a-b (effective 05/07/2020)

If the monthly Rent amount is **below** the amount listed for the number of bedrooms in a Dwelling Unit, a Landlord can require an Applicant to demonstrate a monthly gross income of up to but not greater than 2.5 times the amount of the Rent.

If the monthly Rent amount is **at or above** the amount listed for the number of bedrooms in a Dwelling Unit, a Landlord can require an Applicant to demonstrate a monthly gross income of up to but not greater than 2 times the amount of the Rent.

# of Bedrooms	Rent Amount
0	\$1,290
1	\$1,382
2	\$1,658
3	\$1,916
4	\$2,138
5	\$2,359

These rent amounts are based on Department of Housing and Urban Development (HUD) 2020 limits.

These rent amounts will be valid until new rent amounts are published by HUD in the Spring of 2021, and the Rental Housing Application and Screening Minimum Income Requirement Table is updated.





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