

## **ENB-13.22 - Fee Waivers**

### **FEE WAIVERS**

*Administrative Rule*

*adopted by Bureau of  
Development Services*

ARB-ENB-13.22

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### **Background**

The Bureau of Development Services charges fees for land use, permit review and inspection, special programs, and code enforcement. The Commissioner-in-Charge and the City Council have the authority to waive these fees. Generally, large fee waivers are done at the Council level. However, the Commissioner-in-Charge has delegated authority to waive smaller fees to the Bureau Director in accordance with the policy below.

The City Council has mandated that the bureau support its inspection, plan review and land use review services with fees and charges. When fees are waived, the bureau still provides the service even though it does not receive any financial compensation for the work performed.

The bureau supports projects that directly benefit the community-at-large, low-income customers who need assistance and nonprofit organizations that directly serve low-income individuals. The following fee waivers have been made a part of the bureau's policies and procedures to serve the needs of our customers.

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### **Land Use Fees**

#### Low Income Waiver for Land Use Review Fees

A low income applicant may request a waiver of fees for a land use review on the site of the applicant's primary residence if the applicant owns the site in whole or in part. Applicants receiving a fee waiver must be an individual or a noncorporate entity.

An applicant for a low income fee waiver for LUR fees will be required to certify gross annual income and household size. The fee will be waived for households with a gross annual income of less than 50% of the area median income as established by the Department of Housing and Urban Development (HUD), as adjusted for household size. The Director of BDS will determine eligibility for fee waivers. Financial information provided by the applicant will remain confidential to the extent permitted under Oregon public records law.

#### Low Income Waiver for Land Use Appeals Fees

The appeal fee may be waived for those qualifying under the above paragraph who are appealing the decision on their application. In addition, an appeal fee may be waived for a low income individual or noncorporate entity appealing a land use review decision, provided the following are met:

- The individual resides or the entity is located within the required notification area for the review; and
- The individual has resided in a dwelling unit at that address for at least 60 days.

#### City Bureau and Nonprofit Waiver

The Director of BDS may waive the land use review fees for City Bureaus and for nonprofit organizations that directly serve low-income individuals. In either case, the Director of BDS must find that the activities of the organization are consistent with and further the goals and policies of the City.

#### Adjustments to Avoid Environmental Impacts

The Director of BDS will waive land use review fees for adjusting setback requirements in single dwelling residential zones if the following conditions are met:

1. The purpose of the adjustment is to avoid adverse impacts on a natural resource protected by an environmental zone;
  2. The adjustment is applied for concurrently with an environmental review for the site; and
  3. Opposite setback requirements are increased by the same dimension as the requested setback reduction.
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## **Permit Fees**

### Permit Fee Waivers for Non-Profits which Provide and/or Develop Low-Income Housing

The City supports the goals and objectives of nonprofit organizations which provide and/or develop low-income housing.

Subject to permit application approval, the Director shall have the discretion and authority to waive the following for projects which provide and/or develop housing for low-income groups (including emergency shelters):

- waive up to 100% of BDS permit fees less than \$1,000; or
- waive up to 50% of BDS permit fees greater than \$1,000

There is a maximum amount of \$5,000 waived for each non-profit organization each fiscal year (July 1 through June 30).

### Permit Fee Waivers for Non-Profits Doing Projects with Volunteer Labor

For projects where volunteers provide at least 50% of the labor, the Director shall have discretion and authority to waive up to \$1,000 per project and \$2,500 per non-profit organization per fiscal year (July 1 through June 30).

### Permit Fee Waivers for Projects that Provide a Public Benefit

The Bureau of Development Services supports projects that are consistent with furthering the goals and policies of the City of Portland. Eligible projects include those that provide an undeniable benefit to the public. The Director shall have the discretion and authority to waive a portion of the bureau-related permit fees for projects that meet this criteria up to \$7,500. Fee waivers over \$7,500 shall require the approval of the Commissioner-In-Charge.

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## **Special Programs**

### Get Legal Program - Application Fee

The Get Legal Program provides assistance to customers who need to legalize significant work performed without the required building and/or zoning permits and inspections. The cost of the program is \$350.00, which contributes to the specialized assistance the customer receives from bureau staff related to zoning review, inspections, plan review and appeals.

A low-income waiver of the application fee for the Get Legal Program is available to qualified applicants. Fee waiver applicants will be required to certify gross annual income and household size. The fee will be waived for households with a gross annual income of less than 50% of the area median income as established by the Department of Housing and Urban Development (HUD), as adjusted for household size.

### Get Legal Program – Payment Plan for Permit Fees

The Get Legal Program provides assistance to customers who need to legalize significant work performed without permits and inspections at their property. Some customers are unable to afford the cost of the permits that they need to acquire to legalize unpermitted work.

To assist these low-income customers, the bureau will offer a payment plan to qualified Get Legal Program applicants under the following circumstances:

- The property is the applicant's primary residence;
- The applicant has qualified for the Get Legal Program Low Income Fee Waiver;
- The total permit fees are \$1,000 or less;
- The applicant agrees to pay the permit fee in full within one year of issuance;
- The applicant will make monthly payments, tracked by and deposited through the Get Legal Program, in 12 equal installments;
- The permit will be issued, but final inspection approval will be held until the permit fee is paid in full.

Applicants will be notified in writing by the Director or designee as to whether or not they qualify for the payment plan option.

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### **Procedure**

Fee waiver requests shall be made in writing to the Director of the Bureau of Development Services. Financial and other supporting documentation should be included with the request (i.e. current tax returns, bank statements, IRS 501c3, etc.). Financial information provided by the applicant will remain confidential to the extent permitted under Oregon public records law.

The BDS Director will determine if applicants meet eligibility requirements for fee waivers and notify them in writing as to whether their request has been granted or denied, including the reason for the decision.

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### **HISTORY**

Filed by Bureau of Development Services for inclusion in PPD June 29, 2006.  
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