

# Regulatory Improvement Code Amendment Package 10 (RICAP 10)

Proposed Draft  
Record of Testimony  
April 2024

# Ted Labbe

**#334408 | February 21, 2024**

Testimony to **the Planning and Sustainability Commission** on the **RICAP 10, Proposed Draft**

Please consider additional reforms of Portland's outmoded and cumbersome conditional use review process. See our attached comments for how conditional use reviews triggered by minor changes to parking, creates needless burdens and costs for Portlanders - especially for providers of early childcare at churches.

Testimony is presented without formatting.



February 21, 2024

City of Portland  
Planning Commission  
1810 SW Fifth Avenue Suite 710  
Portland, OR 97201

**RE: RICAP and regulatory barriers to childcare facilities**

Planning Commissioners:

Thank you for the opportunity to comment. I work as co-director of Depave here in Portland. We reclaim pavement from to create pocket greenspaces at churches, schools and other community hubs to combat the climate crisis.

Last fall I prepared comments for you during the housing regulatory reform package. I submitted comments similar to these about the urgent need to reform Portland's cumbersome and outdated regulations limiting early childcare facilities. But those comments fell on deaf ears because you were focused on housing regulatory reform.

Looming behind the housing crisis is a childcare crisis. In March 2023, the Oregon Values and Belief Center released [a study on Oregon's childcare crisis](#) that found:

- Half of Oregon employers say the challenges around access to childcare impacts their ability to hire and retain employees.
- Six in ten with children under 6 years of age who spend on childcare commit an average of 20% of their income.
- Six in ten Oregonians say governments should step up efforts to address the childcare crisis.

It is growing increasingly difficult for young families to find affordable, accessible quality childcare. In 2023, the Oregon state legislature passed [HB 2727](#) to examine and report on zoning and other barriers to childcare facilities in Oregon.

Many preschools and early childhood care facilities struggle to find viable spaces in Portland and are challenged by cumbersome and expensive zoning and occupancy permit obstacles. At times, the City's outdated zoning practices have made it difficult for childcare providers to find and retain homes.

In 2021, Portland's largest preschool was evicted from their St Stephens Church home over parking issues. One neighbor's complaint led the Bureau of Development Services to impose a conditional use review over parking and the result was that 250 families lost their neighborhood childcare facility at St Stephens Catholic Church. The details of the Childsworck case are

recounted in Tony Jordan’s June 2021 blog [Parking Over Preschool](#), as well as Willamette Week stories from [May](#) and [August 2021](#). Depave helped build out a portion of the Childsworld outdoor playspace that was removed when the preschool was forced out.

More recently, Depave has been working with Morning Star Missionary Baptist Church – Portland’s oldest African-American congregation – to reclaim underutilized pavement and construct a Church greenspace to serve the Church community and the Spanish-immersion Pequenitos Childcare, which is based at the Church. The Church is surrounded by pavement on all sides, there is surplus unused parking, and the site lacks a safe and inviting outdoor gathering and play area. Though our initial permit submission cleared all other Bureau reviews, the Bureau of Development Services required that we complete a costly and time-consuming conditional use review over changes to the on-site parking. Our conditional use review is ongoing. No parking issues are present at the site or in the neighborhood, but BDS required that we go through their months-long process and pay an additional \$4,000+ in fees. Please see [the Street Roots article](#) from October 18, 2023 for more background on this situation.

Before we Depave started planning for the Morning Star Church greenspace project, Pequenitos Childcare had to commit to an expensive street frontage upgrade on NE 55<sup>th</sup> Avenue in order to obtain their occupancy permit.

I think it is important that you hear about these real-world experiences working with the Bureau of Development Services. Depave’s projects are collaborative by nature and we have strong partnerships with other City bureaus like Environmental Services, Transportation, Parks, and BPS. It is unfortunate that a small nonprofit like Depave that is helping the City achieve its goals around climate resilience and greenspace access equity is getting caught up in expensive and time-consuming planning and permitting exercises that have no public benefit.

Many view Portland as a leader in parking reform, but conditional use reviews to address parking represent an unresolved challenge that complicates and undermines the viability of urban design retrofits, which are urgently needed to address the climate emergency. BDS advertises on [their website](#) that: “The Zoning Code does not require any minimum number of motor vehicle parking spaces for development anywhere in the City of Portland.” But there is no mention about the continuing applicability of conditional uses around parking in the City. This is deceptive, since conditional uses apply to hundreds of churches and schools across the City. Many of these sites are potential community resilience hubs in a climate or natural disaster and need clean energy, green infrastructure, and/or seismic retrofits but are burdened with conditional use reviews for parking and other less significant matters.

Parking issues and conditional use reviews are just one small part of the permitting challenge. Please consider ways in which you can reduce or remove these types of burdens on groups like Depave, Childsworld Learning, Morning Star Church, and other churches and daycare/preschool providers. A few years back, you passed the Expanding Opportunities for Affordable Housing reforms, which began this process of loosening the reins on re-development at churches for permanently affordable housing. I believe that something similar is needed for a broader array of project types that provide clear public benefits, like those that create soft-surface outdoor

play areas for young children, plant trees, and re-purpose churches as community resilience hubs for the next heat dome or earthquake, etc.

Below I suggest a few ways that the conditional use process could be softened to accommodate more flexibility and adaptive re-uses under the present RICAP reforms. I would encourage you to reach out to childcare providers and hear their real-world experiences with opening and operating their facilities in the context of City of Portland regulations.

Specific Comments on Conditional Uses 33.815

Please consider the thresholds that trigger a conditional use review and consider revising them, so that more adaptive reuse can occur at sites burdened with conditional use, without undergoing a costly and time-consuming review. See 33.815.040 on conditional use review.

Conditional use review is triggered by alterations that demolish and replace more than 25 percent of the existing floor area on a site, those that increase the floor area by more than 2,000 square feet, and/or changes to the on-site parking. The threshold for changes to parking is set very low: "On sites with 5 or more parking spaces up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be removed." This threshold could be raised from 4% to 25% or more.

If across-the-board relaxation of this trigger threshold is not acceptable, please consider getting more specific on when parking may be removed without a conditional use review. The Expanding Opportunities for Affordable housing reforms added in the allowance for the removal of up to 50% of on-site parking for outdoor shelter, or affordable housing. Could we add other demonstrated public beneficial uses here? Such as for the creation of greenspace, play areas for childcare, and the like. Perhaps we could make this 'other demonstrated public benefit' allowed at the discretion of the Director of BDS.

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Thank you for your consideration of these matters. Depave looks forward to working with the City to ease these regulatory burdens. Please don't miss this opportunity to ease burdensome regulation like conditional use reviews and change of use/occupancy.

Sincerely,



Ted Labbe, Co-Director  
[ted@depave.org](mailto:ted@depave.org)

# Suzannah Stanley

**#334409 | February 21, 2024**

## Testimony to the **Planning and Sustainability Commission** on the **RICAP 10, Proposed Draft**

A change is being made to 33.815.040 Review Procedures under B.1., specifying that when a particular development or facility on a site requires a conditional use, the CU review is focused on that element. We worked with BPS staff when they wrote this. It seems they have just left off the word "review" at the end of the last sentence. The underlined change/addition should say (my edit in CAPS), "In cases where the use on the site is allowed but a particular development or facility requires a conditional use, a conditional use review is not required for alterations to allowed development unless the development was specifically conditioned or required to support the development or facility that requires the conditional use REVIEW." Otherwise it sounds like the development requires a conditional use; it should specify it means when the development requires a CU review [per the Zoning Code].

Testimony is presented without formatting.

# Steve Pfeiffer

**#334410 | February 23, 2024**

Testimony to **the Planning and Sustainability Commission** on the **RICAP 10, Proposed Draft**

Please see attached testimony.

Testimony is presented without formatting.

February 23, 2024

Steven L. Pfeiffer  
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Portland Planning Commission  
Bureau of Planning and Sustainability  
1810 SW Fifth Avenue, Suite 710  
Portland, OR 97201

**Re: Regulatory Improvement Code Amendment Package 10 (RICAP) Proposed Draft  
Angel Request to Include Amendment to PCC 33.563.410 and Remove the Future  
Urban (f) Overlay Zone Map Amendment**

Dear Chair O'Meara and Fellow Commissioners:

This office represents Mr. Joseph W. Angel regarding his property located at 5100 NW Skyline Blvd. ("the Property"), which lies within the Northwest Hills Plan District and outside of the Metro urban growth boundary ("UGB"). In response to the opportunity to provide comments on the earlier RICAP 10 Discussion Draft, we submitted the attached letter to the Bureau of Planning and Sustainability requesting (1) an additional amendment to PCC 33.563.410(B)(1) and (2) the removal of the current future urban (f) overlay zone designation from the property for the reason stated. Unfortunately, we note that our requested revisions are not included in the Proposed Draft now pending before the Commission.

We respectfully request that the Commission review our requested revisions as discussed in the attached correspondence and include these revisions in your final RICAP 10 recommendation to the City Council. While we appreciate the rationale offered by the Bureau that our proposed overlay zone map amendment constitutes a policy change beyond the scope of the RECAP review, we continue to believe that our request for modification of PCC 33.563.410(B)(1) to limit the current requirement for public sewer and water service to lands included within the UGB uniquely is required both to conform to current law and to achieve otherwise allowed residential densities on the Property. As such, we understand that this specific type of amendment constitutes a "technical fix" and code correction which the RICAP process is intended to accommodate, and, accordingly, we respectfully request the Commission's consideration and inclusion of both requested revisions, and particularly the requested correction of PCC 33.563.410(B)(1).



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Thank you for the opportunity to provide these comments.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Steven L. Pfeiffer".

Steven L. Pfeiffer

Enclosure

cc: Mr. Joseph W. Angel (via email)

Steven L. Pfeiffer  
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December 28, 2023

**VIA EMAIL (PSC@PORTLANDOREGON.GOV)**

Mr. JP McNeil  
Mr. Kevin Bond  
Bureau of Planning and Sustainability  
City of Portland  
1900 SW Fourth Avenue, Suite 7100  
Portland, OR 97201-5380

**Re: Regulatory Improvement Code Amendment Package 10 (RICAP) Discussion Draft  
Angel Request to Include Amendment to PCC 33.563.410 and  
Remove the Future Urban (f) Overlay Zone Map Amendment**

Dear Mr. McNeil and Mr. Bond:

This office represents Joseph W. Angel with regard to his property located at 5100 NW Skyline Road (the "Property"), which lies within the Northwest Hills Plan District and outside of the Metro Urban Growth Boundary ("UGB"). Mr. Angel has worked with the City since 2010 to resolve two specific and long-standing regulatory issues which are uniquely applicable to the Property due largely to its location within the City but outside the UGB. Based on prior discussions with Eric Engstrom and other Bureau representatives, we understand that the RICAP program is the appropriate and preferred legislative tool to address these specific text and map amendments. To this end, Mr. Angel requests that the following amendments be included in the RICAP 10 Draft recommendation to be forwarded to the Planning Commission:

1. Amend PCC 33.563.410(B)(C) to allow rural lands within the City lie outside the UGB and the adopted Urban Services Boundary to be served by private septic systems and private water service if existing public facilities are not available.
2. Remove the current future urban (f) overlay zone map designation (PCC 33.435) from the Property.

**Background**

The history of the circumstances involving the Property provides a useful context for these requests. The Property consists of 48 contiguous acres comprised of five parcels in single ownership located entirely within the City of Portland, with only a limited portion of the Property located within the UGB. Beginning in 1965, the City of Portland began providing water service to the Property, which replaced well water as the source of potable water to the Property. In 1971, the Property was annexed to the City of Portland at the request of the City based, in large part, in return for the City's commitment to provide additional City services. At the time, we understand the Property was designated to accommodate residential densities of 4.5 units per gross acre, or 10,000 square foot lots, and such zoning remained in place until 1977.

When Mr. Angel purchased the Property in 1978, the applicable zone map designation was Farm/Forest, which allows a minimum lot size of two (2) acres. In 1981, a new Natural Resources (NR) overlay zone was adopted by the City, which required a 20 acre minimum lot size. The NR overlay zone applied to the part of the Property located outside of the UGB in anticipation of future inclusion in the boundary by Metro. In 1991, an exception to Statewide Planning Goal 4 was taken for four of the five lots to allow continuation of the 2 acre residential zoning of the Property through the Northwest Hills Natural Areas Protection Plan, which also applied the Environmental overlay zone designation to limited portions of the Property. Also in 1991, the City of Portland required that all NR zoned land be changed to a future urban (f) overlay zone. It is worth noting that the future urban overlay zone has the effect of increasing the minimum lot size applicable to the Property under the acknowledged comprehensive plan and zoning designations from 2 acres to 20, thereby reducing the number of available lots from approximately 24 to 2 notwithstanding the base zone density allowance and availability of City water. The stated basis for this mapping was to retain the potential for future urbanization of the property through inclusion within the Urban Growth Boundary.

In 2002, Metro took final action to include all of the Property within the UGB and the Land Conservation and Development Commission ("LCDC") affirmed Metro's decision; but in 2005, the Court of Appeals remanded Metro's decision for reasons wholly unrelated to the Property. Since Metro declined to respond to the Court's ruling through readoption of the challenged UGB amendment, the Property has yet to be addressed again by Metro. Thus, the bulk of the Property remains outside of the UGB, and, as discussed below, the Property is not included as a designated Urban Reserve in conjunction with Metro's final adoption in June, 2017 applying this UR designation throughout the region. Consequently, the Property is highly unlikely to be included in the UGB for decades, if ever.

### **Requested Amendment to PCC 33.563.410(B)(1)**

The Property is one of relatively few properties lying within the City's boundaries but outside of the Urban Growth Boundary ("UGB"). Accordingly, the 2035 Comprehensive Plan characterizes the Property as "Rural Lands Outside of the Urban Services Boundary," and Policies 8.2, 8.3, 8.19 confirm that urban services are to be confined to urban lands, i.e., lands

located within the UGB and Urban Services Boundary. *See* Figure 8-1. Urban, Urbanizable, and Rural Lands Taken together, the location of the Property outside both adopted planning boundaries serves to confirm that the Property is limited to rural levels of use and that the extension of urban levels of new sewer and water service is prohibited while rural levels of such services is to be allowed and provided.

To the contrary, PCC 33.563.410(B)(1) requires all land divisions within the Skyline Subdistrict of the Northwest Hills Plan District to be served by public sewer despite controlling state law which prohibits the new extension of public sewer outside of the UGB. *See* Statewide Planning Goal 11, OAR 660-011-0060(2) and 0065; Foland v. Jackson County, 239 OR APP. 60.243 P3d, 830 (2010). The discord between this PCC provision and established state law can be resolved by allowing new land divisions located on properties within the Skyline subdistrict but outside of the UGB to be served by septic systems and private water sources, if pre-existing urban levels of public sewer and water service are unavailable.

Specifically, the following amendment to the subject PCC provision applicable in the Northwest Hills Plan District resolves the issue consistent with established state law (deletion in ~~strike~~through, additions underlined):

*"33.563.410 Land Divisions and Planned Developments*

*The following regulations apply to land divisions that will create four or more lots and to all Planned Developments within the Skyline subdistrict. Adjustments are prohibited.*

\* \* \* \* \*

*B. Additional requirements for approval. In order to be approved, proposed land divisions and Planned Developments must meet the following requirements:*

*1. Public sewer and water service must be available to the sites located within the Urban Growth Boundary and Urban Services Boundary; and*"

In addition to ensuring compliance with Goal 11 and applicable implementing administrative regulations, the requested amendment is consistent with many elements of the 2035 Comprehensive Plan, including the following adopted Public Facilities and Services Policies:

*"Public Facilities and Services*

*Policies -- Service provision and urbanization*

*The policies in this section support the maintenance of an urban services boundary to coordinate planning and provision of public facilities. These policies also identify which urban facilities and services are and will be provided by the City of Portland within this boundary. These policies support the City, acknowledgment as compliant with Statewide Planning Goal 11 — Public Facilities.*

*The Portland Comprehensive Plan addresses three distinct types of land: rural, urbanizable, and urban. Some rural land is within the City Limits, having been annexed prior to establishment of the Regional Urban Growth Boundary. This land must maintain its rural character, and public facilities and services in this area should be planned accordingly. Urbanizable land is beyond the City Limits, within the Regional Urban Growth Boundary and within the City's Urban Services Boundary. Urbanizable land will eventually be annexed to the City of Portland, and full urban services may then be extended. Urban land accurately and exclusively lies within the City Limits, the Regional Urban Growth Boundary, and the City's Urban Services Boundary." (emphasis added)*

Applicable comprehensive plan policies which further support this proposed RICAP Amendment include the following:

***“Policy 8.1 Urban Services Boundary.*** *Maintain an Urban Services Boundary for the city of Portland that is consistent with the regional urban growth policy, in cooperation with neighboring jurisdictions. The Urban Services Boundary is shown on the Comprehension Plan map.*

***Policy 8.2 Rural, urbanizable, and urban public facility needs.*** *Recognize the different public facility needs in rural, urbanizable and urban land as defined by the Regional Urban Growth Boundary, the City Urban Services Boundary, and the City Boundaries of Municipal Incorporation. See Figure 8-1 — Urban, Urbanizable, and Rural Lands.*

***Policy 8.3 Urban Service Delivery.*** *Provide the following public facilities and services at urban levels of service to urban lands within the City's boundaries of incorporation.*

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City of Portland  
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***Policy 8.19 Rural service delivery.*** *Provide the public facilities and services identified in Policy 8.3 in rural areas only at levels necessary to support designated rural residential land uses and protect public health and safety. Prohibit sanitary sewer extensions into rural land and limit other urban services.*” (emphasis added)

### **Requested Removal of Future Urban (f) Overlay**

On remand from the Oregon Court of Appeals, Metro took final action on June 15, 2017 to adopt urban and rural reserves for the Metro region, and the Property did not receive the Urban Reserve designation required for inclusion within the UGB during the next fifty years. Consequently, it is now apparent as a matter of public policy and it is legally required that the Property not be included with the UGB for a minimum of fifty years, if ever. Therefore, since the primary purpose of the future urban overlay zone designation as stated in PCC 33.455.010 is to "... limit(s) development in future urban areas," the continued application of the future urban (f) overlay zone to the Property is inappropriate and wholly unnecessary, as well as inconsistent with the above-referenced public facilities policies and the stated purpose of the zone (PCC 33.455.010). Accordingly, the current overlay zone designation should be removed from the Property.

Thank you for your consideration of these requests.

Very truly yours,

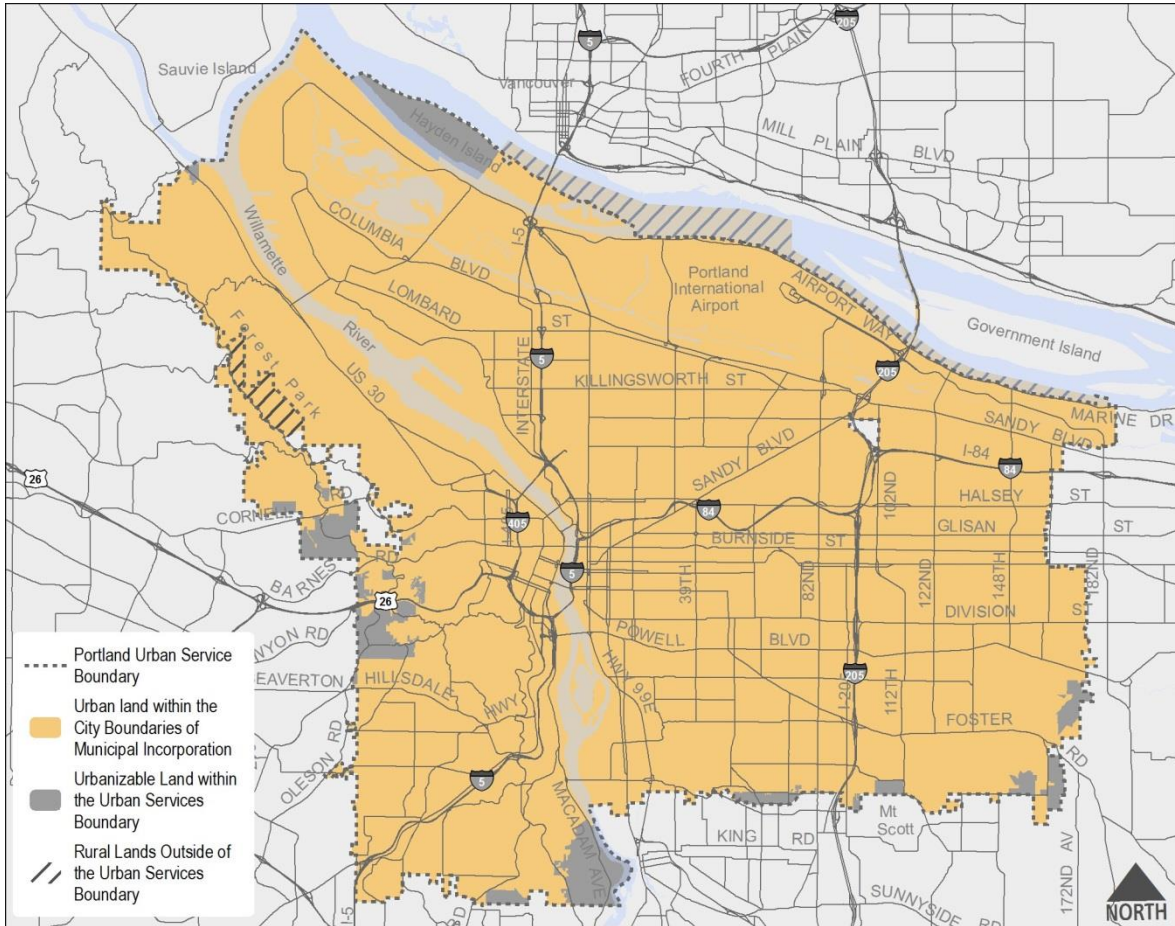


Steven L. Pfeiffer

Enclosure

cc: Mr. Joseph W. Angel (via email)

Figure 8-1. Urban, Urbanizable, and Rural Lands



# Dave Peticolas

**#334411 | February 24, 2024**

## Testimony to the **Planning and Sustainability Commission** on the **RICAP 10, Proposed Draft**

I'm a resident of North Portland and a member of Portland: Neighbors Welcome (<https://portlandneighborswelcome.org/>), writing here as an individual. I'd like to thank city staff for all of their work on these zoning improvements, particularly those focused on increasing housing production. This proposal clearly represents a significant effort to find more ways to increase housing capacity in Portland and to speed the permitting process through simplification. I urge the council to adopt these measures. Furthermore, the "continuous improvement" strategy for zoning improvements adopted in 2022 is working and it should be continued and even accelerated. I ask the council to reiterate the importance of continuous improvement in the city's zoning codes focused on further housing production increases and regulatory simplification. Finally, I want to note the concerning fact of recent layoffs at the Portland Bureau of Development Services (BDS). This is troubling because BDS plays a key role in permitting and a reduction in force will lower its organizational capacity to issue permits in a timely manner. If measures such as RICAP 10 are successful, BDS will see an increase in permit requests at a time when it has a reduced capacity to process them. I ask the council to investigate alternative funding models that would preserve BDS capacity during downturns so that it will be ready to facilitate new production when market conditions change. Thank you to the mayor, council, and city staff for your continued efforts to accelerate housing production in Portland.

Testimony is presented without formatting.



# ZACHERY STRACHAN

**#334412 | February 26, 2024**

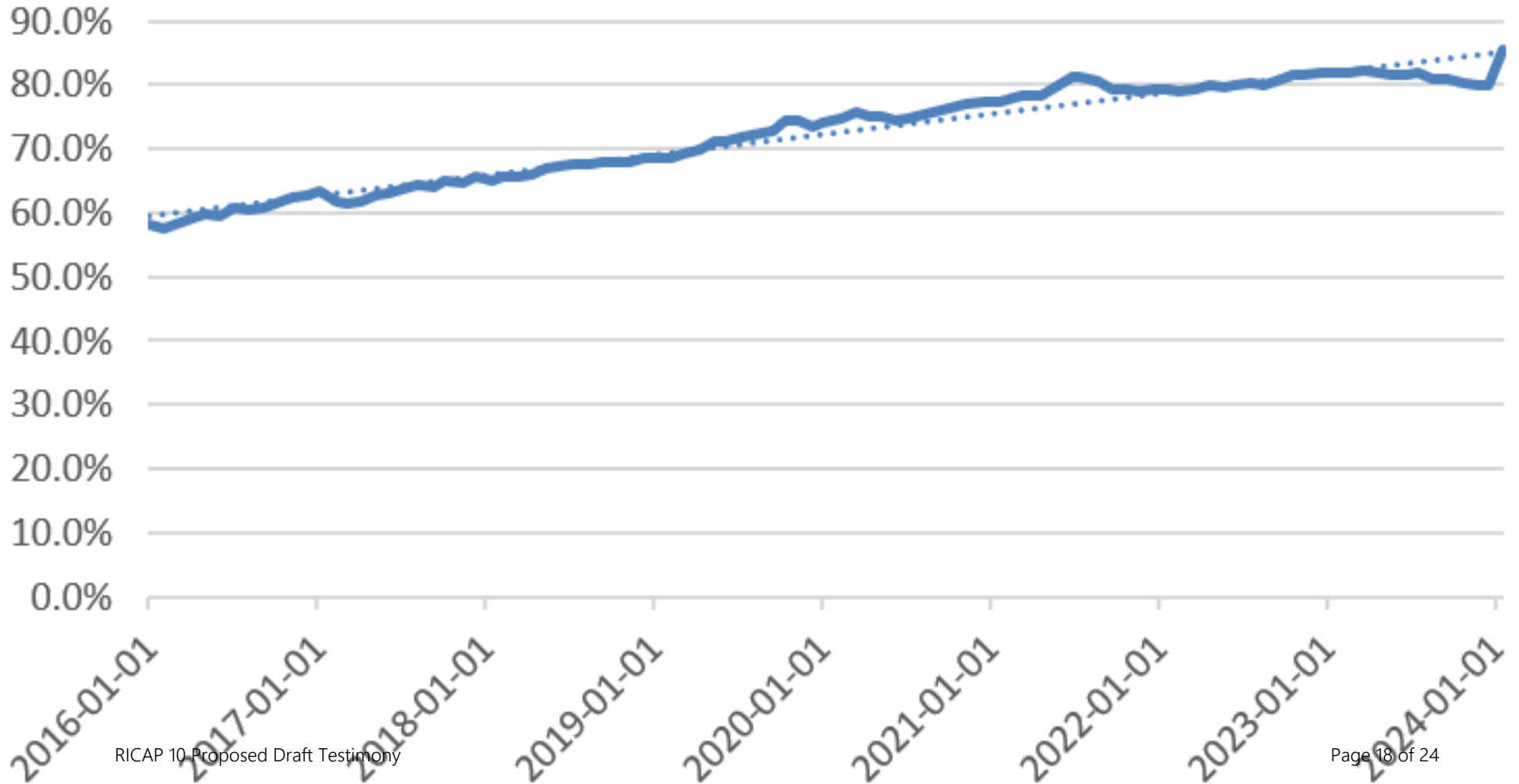
## **Testimony to the Planning and Sustainability Commission on the RICAP 10, Proposed Draft**

In the proposed revisions to the city's zoning and regulatory framework for Accessory Short-Term Rentals (ASTRs), two critical areas require further clarification and action: 1. Clarification on Enforcement for Properties without Proper Permits: With the proposed elimination of Type B units in commercial zones and the new requirement for retail or hotel building permits instead, it is essential to explicitly state in the ASTR regulations that properties operating without the appropriate permits will be recognized and penalized as illegal ASTR operations. Without this specification, there is a risk that violators will contest the substantial \$6,000 per incident ASTR fines by arguing these instances are mere building code infractions, subject to significantly lower fines of \$1,000-\$2,000 per month. This loophole could lead to a scenario where offenders just routinely pay the lesser monthly fines as a business expense, undermining the effectiveness of the ASTR regulations. 2. Addressing the Discrepancy in Entire Home Rentals: Despite regulations permitting the rental of entire homes for a maximum of three months per year, an analysis of over 70 months of data from insideairb.com reveals a troubling trend: a significant and increasing proportion of entire homes are rented year-round without genuine long-term residents. From February 2016 to January 2024, the percentage of such listings surged steadily from 57.6% to 85.5%. This discrepancy underscores the urgent need for updated zoning codes to ensure compliance with the intended use of residential properties. To address this issue, zoning codes must clearly define how hosts can verify and document the presence of bona fide long-term residents. Solutions could include, for instance, prohibiting 'entire home/apt.' advertisements or requiring ads to disclose the long-term resident's full-time access to essential living spaces. These and other potential measures have been presented to the RICAP and other relevant city officials, demonstrating that viable options for enforcement exist and require implementation. This situation highlights a failure to enforce 'existing' laws, rather than a need for new legislation. It is therefore appropriate to implement clarifications and enforcement mechanisms under the RICAP. However, if procedural constraints do prevent effective enforcement through the RICAP framework, the city council must take decisive legislative action. The current widespread non-compliance not only undermines the integrity of the city's housing policies but also contradicts the prioritization of housing availability by both the Governor and mayoral candidates in Portland. The contradiction between political rhetoric and regulatory reality is stark, as thousands of potential housing units are lost to ASTRs without housing a single bona fide long-term resident. These recommendations aim to strengthen the regulatory framework for ASTRs, ensuring it effectively addresses the evolving landscape of short-term rentals and supports the city's

broader goals for residential livability and housing availability. Immediate action is necessary to reconcile the city's policies with its housing priorities, ensuring that short-term rental regulations contribute positively to the community's needs.

Testimony is presented without formatting.

# Entire Homes (No Residents)



# Thomas Karwaki

**#334413 | February 27, 2024**

Testimony to the **Planning and Sustainability Commission** on the **RICAP 10, Proposed Draft**

The University Park Neighborhood Association's Land Use Committee supports RICAP 10 as submitted.

Testimony is presented without formatting.

# Nickeia Hunter

**#334414 | February 27, 2024**

Testimony to the **Planning and Sustainability Commission** on the **RICAP 10, Proposed Draft**

Good afternoon commission, as we think of ways to build faster developments. Let us be ever mindful of keeping responsible bidders, builders and developers and partners alike. In our hopes of reducing schedules and processes. Let's make sure we don't inadvertently leave victims in the pathway. Wood framers, drywallers, metal stud framers and local work force are the victims. We take great care at all phases of the project from approval, to planning commission, community development, and city council. We have lengthy discussions of height, code, and zoning. Let's be mindful of the situations that have yet to change the conversation of the workers. For them the outcome has been the same extortion, wage theft, and fraud. We must all do our part from plan to build to ensure our communities local work force isn't being disadvantaged for us to gain amazing community projects.

Testimony is presented without formatting.

# Ted Labbe

**#334489 | February 27, 2024**

Testimony to the **Planning and Sustainability Commission** on the **RICAP 10, Proposed Draft**

See video

Testimony is presented without formatting.

# Peter Tax

**#334427 | March 1, 2024**

Testimony to **the Planning and Sustainability Commission** on the **RICAP 10, Proposed Draft**

Current ASTR regulations require a full-time long-term resident to occupy the property (same address) a minimum of 270 days per year. Despite this requirement, countless hosts operate ASTRs year-round for the entire home and include in the short-term rental the sleeping space that should be allocated to the long-term resident. There is no mechanism for reporting, verification, or ensuring compliance with this portion of the ASTR regulations. Because this is a result of not having an effective process for ensuring compliance with existing regulations, it is an appropriate clarification to be handled under the RICAP. If the city is truly interested in solving the housing crisis, they will ensure that properties with an ASTR do, in fact, also have a long-term resident occupying the property, as required by law, rather than taking that housing stock out of our long-term housing market by allowing the property to be rented illegally on a short-term basis year-round.

Testimony is presented without formatting.

# Lauren Everett

**#334431 | March 1, 2024**

## Testimony to the **Planning and Sustainability Commission** on the **RICAP 10, Proposed Draft**

March 1, 2024 Dear Portland Planning Commission, For the past eight years, Portland Tenants United has continued to express our concerns about the impact of short-term vacation rentals on our ongoing housing and homelessness crisis. While platforms like AirBnB can be wonderful tools for home sharing, creating connection, and providing affordable lodging options for low-income travelers, these platforms' original spirit has been grossly distorted by speculative investment activity. What this means is that in 2024, over 80 percent of short-term rental listings on AirBnB are for entire homes. We have heard directly from tenants who have been evicted or harassed by their landlords for the purpose of converting their homes or adjacent apartments into AirBnB rentals. While there are city-level restrictions on the period of time in which an entire home may be rented as a short-term vacation lodging, in reality this type of restriction is virtually impossible to enforce, even with the appropriate level of enforcement resources. That's why policymakers in New York City, and Santa Monica, California took the important step of limiting rentals under 30 days to residences where the occupant is present during the entirety of the stay. Currently there are over 3,000 listings that are for entire homes in Portland on AirBnB alone, which could house around 15,000 Portlanders. Without any way to know if the owner actually resides in the home, we have no idea how much housing we are losing to these short-term rentals. Meanwhile, Portlanders are funding two (much-needed) housing bonds. Allowing AirBnB to profit off of our neighborhoods - which are created by US, the people of this city - while we simultaneously pay for housing bonds with our mortgages and rents is deeply inequitable. Additionally, AirBnB declines to participate in the enforcement of local regulations on their platform, which adds undue burden on local taxpayers as the expense of enforcement falls to the City. In light of the urgency of our housing and homelessness crisis, Portland Tenants United calls on the Planning Commission to recommend modifying existing land use regulations to prohibit the rental of entire homes for less than 30 days. Visitors to Portland will still have the option of staying in a hotel/motel, in an ADU, or a room in a home where the resident is present. Sincerely, Portland Tenants United Organizing Committee

Testimony is presented without formatting.



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March 1, 2024

Dear Portland Planning Commission,

For the past eight years, Portland Tenants United has continued to express our concerns about the impact of short-term vacation rentals on our ongoing housing and homelessness crisis. While platforms like AirBnB can be wonderful tools for home sharing, creating connection, and providing affordable lodging options for low-income travelers, these platforms' original spirit has been grossly distorted by speculative investment activity.

What this means is that in 2024, **over 80 percent of short-term rental listings on AirBnB are for entire homes**. We have heard directly from tenants who have been evicted or harassed by their landlords for the purpose of converting their homes or adjacent apartments into AirBnB rentals. While there *are* city-level restrictions on the period of time in which an entire home may be rented as a short-term vacation lodging, in reality this type of restriction is virtually impossible to enforce, even with the appropriate level of enforcement resources. That's why policymakers in New York City, and Santa Monica, California took the important step of limiting rentals under 30 days to residences where the occupant is present during the entirety of the stay.

Currently there are **over 3,000 listings that are for entire homes** in Portland on AirBnB alone, which could house around 15,000 Portlanders. Without any way to know if the owner actually resides in the home, we have no idea how much housing we are losing to these short-term rentals. Meanwhile, Portlanders are funding two (much-needed) housing bonds. Allowing AirBnB to profit off of our neighborhoods - which are created by US, the people of this city - while we simultaneously pay for housing bonds with our mortgages and rents is deeply inequitable. Additionally, AirBnB declines to participate in the enforcement of local regulations on their platform, which adds undue burden on local taxpayers as the expense of enforcement falls to the City.

In light of the urgency of our housing and homelessness crisis, Portland Tenants United calls on the Planning Commission to recommend modifying existing land use regulations to **prohibit the rental of entire homes for less than 30 days**. Visitors to Portland will still have the option of staying in a hotel/motel, in an ADU, or a room in a home where the resident is present.

Sincerely,  
Portland Tenants United Organizing Committee