



## **Draft Permanent Administrative Rule** **Rental Housing Application and Screening**

### **I. 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.

### **II. Definitions**

- A. **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.
- B. **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.
- C. **Dwelling Unit** has the meaning given in PCC 33.910.030, as amended from time to time, and not by ORS 90.100 unless otherwise specified.
- D. **Landlord** has the meaning given in ORS 90.100, as amended from time to time.
- E. **Open Application Period** means the start of the date and time the Landlord will begin processing applications.
- F. **PHB** means the Portland Housing Bureau.
- G. **Rent** has the meaning given in ORS 90.100, as amended from time to time.
- H. **Rental Agreement** has the meaning given in ORS 90.100, as amended from time to time.
- I. **Tenant** has the meaning given in ORS 90.100, as amended from time to time.

### **III. Notice of Dwelling Unit Availability**

- A. If a Landlord is advertising for availability more than one Dwelling Unit in the same building at the same time, the Landlord can fulfill the requirements of PCC 30.01.086.C.1 by:
  - 1. Publishing notices for rental of the available Dwelling Units through a combined notice that specifies the following:
    - a. The number of Dwelling Units available;
    - b. The range of number of bedrooms in the available Dwelling Units;
    - c. The range of available Dwelling Unit sizes;
    - d. The range of Rents for available Dwelling Units;
    - e. When the Landlord will begin to process applications;
    - f. A description of the factors the Landlord will consider in evaluating Applicants if the Landlord intends to charge a screening fee; and
    - g. Whether the available units are Accessible Dwelling Units.

#### **IV. Verifiable and Repeated Rental Agreement for Application Evaluation**

A. 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:

1. Rental Agreement violations are repeated and verifiable when:
  - a. At least 3 violations have occurred, where each violation occurred within 1 year of another, and the most recent violation occurred within 365 days before the Applicant's submission date;
  - b. All 3 violations of the Rental Agreement are material and severe in nature.
  - c. The Tenant received notice of each violation in writing at the time of each violation; and
  - d. Each violation was not dismissed nor resulted in a general judgment for the Applicant before the Applicant submitted the application.

#### **V. Responsibility**

PHB is responsible for managing and implementing this rule.

#### **VI. History**

Date adopted: **TBD**