



Draft 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 ~~PCC 33.910.030~~ORS 90.100, as amended from time to time, ~~and not by ORS 90.100 unless otherwise specified.~~
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 processing 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
- 9.10. **Tenant** has the meaning given in ORS 90.100, as amended from time to time.

C. Notice of Dwelling Unit Availability

1. If a Landlord ~~is advertising for~~ simultaneously advertises the availability of more than one Dwelling Unit in the same ~~building at the same time~~ property, the Landlord can fulfill the requirements of PCC 30.01.086.C.1 by:
 - a. Publishing notices 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 process applications;
 - vi. ~~A description of the factors the Landlord will consider in evaluating Applicants~~ The Landlord's Screening Criteria if the Landlord intends to charge a screening fee; and
 - vii. ~~Whether the available~~ 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.
2. 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.
3. 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 start of the date and time the Landlord will begin adding names to a newly opened 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 process 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 process applications which is effectively the advertised date and time Applicants can begin submitting applications.

E. Order of Processing Applications.

1. 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.

D.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, ~~where each violation occurred within a 1-year of another period,~~ and the most recent violation occurred within 365 days before the Applicant's submission date;
 - ii. ~~All 3 violations of the Rental Agreement are material and severe in nature.~~
 - iii.ii. The Tenant received notice of each violation in writing at the time of each violation; and
 - iv.iii. EachNo single violation was not dismissed nor 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. Monthly Gross Income

1. Landlords will use the amount of maximum monthly rent and utilities for a household earning no more than 80 percent as published annually by the Portland Housing Bureau to determine monthly gross income requirements, regardless of whether the Tenant pays utilities with Rent or separately.

E.H. Responsibility

PHB is responsible for managing and implementing this rule.

F.I. History

Date adopted: **TBD**

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