

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Sitting/Acting as (if applicable)

Policy Session Worksheet

Presentation Date: August 3, 2022 **Approx. Start Time:** 11:00am **Approx. Length:** 1 hour

Presentation Title: Short-Term Rental Registration

Department: County Administration

Presenters: Christina Fadenrecht, Policy Advisor, Dan Johnson, Transportation and Development Director, Samara Phelps, Tourism Executive Director, County Counsel, Elizabeth Comfort, Finance Director

Other Invitees: Nate Boderman, Assistant County Counsel, Jim Austin, Tourism Coordinator

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?:

Staff requests Board direction on whether to advance implementation of a pared-down version of a Short-Term Rental (STR) regulation, registration, and enforcement program as suggested at the Board's June 23, 2022 Public Hearing to repeal County Code Chapter 8.10 – Short-Term Rentals (Attachment C), in its entirety.

EXECUTIVE SUMMARY:

A short-term rental (STR), or vacation rental, is a dwelling unit, or portion of a dwelling unit, that is rented to any person or entity for a period of up to 30 consecutive nights. Operators/hosts may be owners, renters, or property management companies. STRs are often advertised on websites such as Airbnb, HomeAway, VRBO, VacationRentals.com, or Booking.com.

After nearly two years of work and public outreach to consider the regulation of homes being used as STRs, the Board of County Commissioners adopted a STR registration and regulation program on November 25, 2020 and adopted amendments to the county's Zoning & Development Ordinance (ZDO) to codify short term rentals as an allowed use on December 17, 2020. The Board has not adopted a registration fee to support the STR registration and regulation program, which was originally scheduled to begin on July 1, 2021. The Board has moved the implementation date back twice, on April 29, 2021 and June 30, 2022, and the current start date is July 1, 2023.

On June 23, 2022 the Board held a first hearing considering full repeal of Chapter 8.10 (Attachment D). At that hearing, Commissioner Savas presented an alternative proposal that would establish a "three strikes" policy for violations of STR regulations and other codes and laws, and removed a fee for STR registration. The Board directed staff to evaluate the new proposal and return for Board decision at a policy session on whether to proceed with the alternative.

Staff assessed outstanding questions, costs and impacts related to existing STR program work to help determine proposal feasibility. Below are the general themes and findings gathered:

- **Staff Roles and Responsibilities**

It is not currently within an identified department's scope to manage a strike based program together with a hotline and regular enforcement authorities coordination. Managing a new program requires an additional FTE and associated costs as there are no similar positions or functions within Tourism, DTD, Finance or Counsel for registration management.

The Finance department, through the 2% allocated Transient Room Tax (TRT) revenue in Accounts Receivables currently records and accounts for the TRT with a part-time staff position. This position is responsible for maintaining an updated TRT registration list, recording and disbursing TRT revenues, and communicating with operators about remittance issues. If these duties remained the same for TRT collection, Finance could continue supporting reconciliations and collections of records without adding additional staff time, however a new body of work for new program facilitation by Tourism or Finance would require additional staff and identified funding source to undertake this management work for STR registration.

- **Strike Definitions**

The alternative proposal would limit a STR from being able to operate if three strikes or enforcement actions are received within a two-year period. Complaints enforceable and tallied under the strikes would include parking, noise and other code issues within Chapter 8.10. If a free affidavit confirmation of compliance is signed with the STR registration, this document could be used to verify conditions reported and used for determining noncompliance. Examination of Books Records and Premises for noncompliance to identify strikes would be permitted through 8.10.080.

Currently, Chapter 8.10.70 (C) Registration Review permits the County Administrator, or designee, to deny a registration application for:

- failure to submit the application materials and taxes and fees;
- failure to meet standards and conditions set forth in 8.10.060 as to standards and conditions of rentals;
- submitting falsified information to the County; and
- non-compliance with any other applicable County ordinances.

Similarly, after registration is approved, persons who violate any of Chapter 8.10 may be subject to citations. If fees are not paid, STR registrations may be immediately revoked. If a STR operator disagrees with a citation, a hearing may be requested. Hearing officers in these instances, and in addition to citations of 8.10 violations, are permitted to:

- Suspend the STR until compliance with 8.10 is met
- Revoke the STR registration if there are three separate violations within a two-year period or three separate violations by any occupant of the rental related to noise standards.

For a complaint driven strike program, noncompliance may be determined as resources allow based on personal observations from the Sheriff or designee, code enforcement officer, Finance staff, or by determination of noncompliance following a sworn statement or investigation. Additional enforcement action towards citations for these strikes would differ from the existing abatement approach.

- **Community Engagement**

In alignment with the Strategic Plan Result of *Building Public Trust through Good Government*, the County is striving to have equitable, inclusive and transparent public participation processes in policies and decisions, service delivery and Board deliberations. As such, an alternative program proposal of any scope would include further community engagement. For example, this Board and prior Boards have dedicated considerable time discussing STRs through public Board meetings, work sessions and hearings with the Planning Commission, several large meetings throughout the County, extensive public outreach through the web, survey, social media, newsletters, news release and emails.

- **Process/Procedures for Data Management**

TRT payments and STR registrations and affidavits would be housed under one additional FTE to coordinate and check-in with CCSO, Code Enforcement, Finance and Tourism for the strike collection, verification and sharing. Between Tourism and Finance, staff could send letters, and handle the fees and taxes, but these departments do not have a mechanism for other means of enforcement. Depending on the level of enforcement expected and citations issued, the program positions would be proactively communicating to enforcement authorities to check on issued citations.

It is not clear whether seed funding would cover the creation of a registration website and internal database. The storage of this information would need to be monitored and up to date. While some STR operator information would have restrictions or exemptions on disclosure of taxpayer information and code enforcement records, strike and violation records would be subject to disclosure. If an alternative proposal is considered, staff would research products for the costs of set up, ongoing maintenance, and hosting for a management system.

- **Funding Considerations**

In the previous estimation of over 1,100 STRs in the County and 65-70% compliance rate for registering, 750-900 registrations paying an \$800 fee could fund necessary STR positions for a two-year period.

Without a registration fee and fines proportional to other fines in place at the County, covering the costs of both processing and collecting the fine in addition to implementing and maintaining a basic program for one or more years is not guaranteed. If the alternative proposal is implemented, the pared-down program cannot not be funded by violation revenues due to the current Code Enforcement program being based off an abatement process. A deviation from the existing Code Enforcement approach would require the Board to ask for a shift in how complaints are handled and a decision for how all future violations would be processed.

TRT revenue cannot be applied towards the administrative management of this work. TRT revenue sent to the Tourism Development Council (TDC) must be consistent with the TRT Ordinance, the TDC Master Plan and consistent with Oregon Revised Statutes definition of "Tourism Promotion" in ORS 320.300 (7). As General Fund dollars are to be evaluated in the next fiscal year to support the Courthouse, no general fund dollars outside of a potential Tourism investment to help establish a program have been identified at this time. A TDC investment would only apply to startup costs.

- **Other Jurisdictions**

Attachment D provides information about STR program types, registrations and fees. This is not a comprehensive list, but is included for reference and comparison.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost? *Approximately* \$330,000 for up to two positions to start a program + Software Fees for the first year.

What is the funding source? Funding for a pared-down program would likely come from a combination of fines and County General Fund with one-time initial support from Transient Room Tax funds. As a pilot program, one-time or limited-duration funds could be used.

STRATEGIC PLAN ALIGNMENT:

How does this item align with your Department’s Strategic Business Plan goals? The Department of Transportation and Development has a goal of providing land use and transportation plan development, analysis, coordination, and public engagement services through the Long-Range Planning program. The proposal does not directly align or conflict with the strategic goals of County Administration, County Counsel, or Finance.

How does this item align with the County’s Performance Clackamas goals? A STR program aligns with the “Build Public Trust through Good Government” strategic priority and falls under the umbrella of the Grow a Vibrant Economy goal, “By 2024, 75% of businesses working in Clackamas County report a business-friendly environment that supports stability and growth.”

LEGAL/POLICY REQUIREMENTS:

Staff is not aware of any legal requirement to regulate STRs. To make changes to County Code, including a modification or repeal of Section 8.10, would require two readings by the Board. The Board held a first hearing to repeal Section 8.10 on June 23, 2022 and scheduled a second hearing on September 8, 2022.

PUBLIC/GOVERNMENTAL PARTICIPATION:

County staff have engaged in extensive public outreach regarding STRs with Community Planning Organizations and other groups and individuals throughout the life of the project. In addition, six public hearings were held before the Board and one before the Planning Commission.

If the Board decides to make changes to the STR program, public notice will be provided, as required by law, for any proposed amendments that come before the Board for consideration at a public hearing.

OPTIONS:

1. Accept and direct staff to move forward with the Alternative STR proposal.
2. Do not accept to move forward with the Alternative proposal. Continue with repealing Chapter 8.10

RECOMMENDATION:

No staff recommendation. This is a Board policy decision.

ATTACHMENTS:

- Attachment A: Alternative STR Proposal
- Attachment B: Comparison of Repeal and Alternative Proposal
- Attachment C: Chapter 8.10 – Short-Term Rentals
- Attachment D: Table of Other Jurisdiction Policies

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Christina Fadenrecht @ 503-742-5938

Alternative Three-Strikes Proposal for Short-Term Rental Enforcement

- Simple, free, and online registration that includes confirmation of life-safety requirements (working smoke detector, fire extinguisher, maximum occupancy, emergency contacts for property owner or management company, etc.) with set-up costs paid for by seed money provided by TDC
- Complaint-driven property enforcement by DTD Code Enforcement to respond to parking, noise, and other code issues
- Fines would be set at a rate that fully funds Code Enforcement
- Establish a three-strikes rule where if the same property receives three enforcement actions within a two-year period, that property cannot be a short term rental for a certain number of years
- The TRT 2% portion for administration will continue to fund Tourism tax administration
- Program may require some up-front assistance from TRT funds (to set up the registration website, start the enforcement program, etc.)
- Law enforcement calls still go to the appropriate emergency or non-emergency number (for crimes-in-progress, disturbances, trespassing, etc.)
- Begin with a 1- or 2-year pilot
- At the end of the pilot period, evaluate the program's effectiveness and funding and consider:
 - A cap on the total number of STRs each property owner may actively market and a cap on the total number of STRs in the county
 - A limit on the number of STRs in a particular radius, to address reductions in housing stock for residents and likelihood of "party house" properties

Comparison of Chapter 8.10 Repeal and Alternative Proposal

	Repeal	“Three Strikes” Alternative Proposal
Changes to 8.10	Full repeal	Keep sections on standards and conditions, applicability, and emergency revocation Modify sections on registration, fees, and enforcement
Registration requirement	N/A	Affidavit-style confirmation of compliance with health/life/safety requirements
Registration fee	N/A	\$0
Penalty for non-compliance	N/A	Violations/citations receive their typical fine Violations of STR-specific requirements (over occupancy, not publicly posting emergency contact information, submitting false information on registration form) receive a substantial fine Citations issued count as a strike
Law enforcement	No change	No change
Code enforcement	No change	No change
TRT enforcement	No change	Non-payment or under-payment of TRT counts as a strike
Enforcement driver	Complaint-driven	Complaint-driven
Effect on nuisance houses and neighborhood issues	N/A	Nuisance properties would be prohibited after three strikes Issues may improve after one or two strikes from owner motivation to avoid getting banned Receiving a strike would take substantial or repeated violations because of limited resources to enforce and the need to wait for due process to conclude

Chapter 8.10

8.10 SHORT-TERM RENTALS

8.10.010 PURPOSE

The purpose of this chapter is to regulate short-term rentals in order to enhance public safety and livability within the unincorporated areas of Clackamas County. Specifically, this chapter addresses public safety concerns typically associated with short-term rentals, and clarifies the process for both property owners and staff related to permitting short-term rentals and enforcing violations of these standards.

[Added by Ord. 09-2000, 11/25/20]

8.10.020 DEFINITIONS

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter.

- A. ADMINISTRATOR means the County Administrator of Clackamas County or his/her designee.
- B. DWELLING UNIT is a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. For the purposes of this chapter only, a guest house is considered to be part of the dwelling unit to which it is accessory, even though it is a separate structure. Guest house shall have the meaning given to that term in Section 202 of the Clackamas County Zoning and Development Ordinance.
- C. OCCUPANTS means persons who are authorized to stay overnight within a short-term rental.
- D. OWNER is the owner or owners of a dwelling unit used as a short-term rental.
- E. OVERNIGHT means anytime between the hours of 10 p.m. and 7 a.m. on the following day.
- F. PREMISES means the short term rental and the lot on which it is located.
- G. PRIMARY RESIDENCE means a dwelling unit where an owner lives most of the time. At a given time, an owner does not have more than one primary residence. For purposes of determining whether a dwelling unit is a primary residence, the County may consider factors that include, but are not limited to: whether the dwelling unit is the legal residence of the owner for purposes of voting, motor vehicle/driver licensing, income tax calculation, and the time the owner has spent at the dwelling unit.
- H. REGISTRANT means the owner, or agent of the owner, designated on the registration to act for the owner, who is responsible for ensuring the short-term rental adheres to all applicable requirements to maintain a short-term rental registration.
- I. REGISTRATION means a short-term rental registration.
- J. SHORT-TERM RENTAL means a dwelling unit, or portion of a dwelling unit, that is rented to any person or entity for lodging or residential purposes, for a period of up to 30 consecutive nights.
- K. SLEEPING AREA means a room or other space within a dwelling unit designed and intended primarily for sleeping.

8.10.030 APPLICABILITY

This chapter shall apply within the unincorporated areas of Clackamas County including within urban growth boundaries, but shall not apply within the boundaries of any incorporated city.

This chapter does not apply to hotels, motels, bed and breakfast facilities, hostels, campgrounds, recreational vehicle (RV) camping facilities, or organizational camps.

[Added by Ord. 09-2000, 11/25/20]

8.10.040 SHORT-TERM RENTAL REGISTRATION REQUIREMENTS AND FEE

- A. All short-term rentals shall be registered, except that any short-term rental that qualifies for an exemption to the Transient Room Tax under Section 8.02.060(C), as “incidental” use of the property, shall be exempt from the registration requirements set forth herein.
- B. Application forms for a registration for a short-term rental will be available at County offices. Applications for initial and renewal registrations for a short-term rental must be submitted to the County and must be signed under penalty of perjury. The application documents must include at least the following:
 - 1. The location of the premises.
 - 2. The true names, telephone numbers, and addresses and any aliases of the persons that have, or have had within the preceding year, a financial interest in the premises.
 - 3. A Land Use Compatibility Statement, signed by a Planning & Zoning Division representative, affirming that the short-term rental complies with Section 8.10.060(A).
 - 4. Signed affidavit of compliance with all building and fire standards in Section 8.10.060(G), and all applicable requirements in Section 8.10.060(D-F).
 - 5. Evidence that all current taxes and fees owed to Clackamas County have been paid for the premises.
 - 6. Evidence that a Transient Room Tax registration form has been submitted to the County.
 - 7. The name, telephone number, and address of a contact person who shall be responsible and authorized to respond to complaints concerning the use of the short-term rental.
 - 8. Proof of liability insurance coverage on the short-term rental.
 - 9. A statement that the registrant of the short-term rental has met and will continue to comply with the standards and requirements of this chapter.
 - 10. A site plan that identifies, at a minimum, all structures on the property, driveway(s), off-street parking spaces, and garbage receptacles.
 - 11. A dwelling unit floor plan that identifies, at a minimum, all sleeping areas and other rooms in the dwelling unit.

12. If the premises includes a guest house to be used as a short-term rental, verification that the guest house is equipped with indoor plumbing equipped with a water closet, lavatory, shower, bathtub or combination bath/shower. All plumbing fixtures must be connected to an approved water supply, and an approved sanitary sewer or private sewage system.
- C. A separate registration application must be submitted for each proposed short-term rental; however only one short-term rental registration shall be approved per dwelling unit.
- D. At the time of submission of a short-term rental registration application, the registrant must pay a short-term rental registration fee. The fee amount shall be set by resolution of the Board of County Commissioners.
- E. A registration is transferable to a new registrant, so long as the new registrant submits notification to the administrator, signed by the original registrant, of the transfer and agrees in writing to comply with the requirements of this chapter. A change of registrant notification form will be available at County offices.
- F. No short-term rental may be publicly advertised for rent unless it has been registered with the County
- [Added by Ord. 09-2000, 11/25/20]

8.10.050 REGISTRATION TERMINATION – RENEWAL – FEE

- A. A short-term rental registration terminates automatically two years after the date of issuance, unless a new registration application is approved by the county.
- B. Registrants wishing to continue uninterrupted operation of a short-term rental shall submit a new application to the County a minimum of 30 days prior to the expiration of the registration.
- C. At the time of submission of a new short-term rental registration application, the registrant must pay the short-term rental registration application fee. The fee amount shall be set by resolution of the Board of County Commissioners.
- D. A short-term rental registration terminates automatically if state statutes, regulations or guidelines are modified or changed to prohibit operation of the short-term rental under this chapter.
- [Added by Ord. 09-2000, 11/25/20]

8.10.060 STANDARDS AND CONDITIONS

Any short-term rental must comply with the following standards at all times, in addition to any other state and local requirements:

- A. Dwelling Unit. The short-term rental must be operated within a legally-established, permanent dwelling unit.
1. The dwelling unit associated with a short-term rental shall not have been

established through a land use approval or other approval process that specifically limited the use of the dwelling unit, the occupancy of the dwelling unit, or the duration of the existence of the dwelling unit. Examples of non-qualifying dwellings include those approved as an accessory farmworker dwelling, a caretaker dwelling, or a temporary dwelling for care.

2. Guest houses may only be used as a short-term rental if the guest house has been legally-established and where a registrant can demonstrate that the structure is equipped with indoor plumbing, a water closet, lavatory, shower, bathtub or combination bath/shower.
 3. Temporary sleeping accommodations such as tents and recreational vehicles are not considered to be dwelling units under the county's zoning and development ordinance and may not be used as a short-term rental.
- B. **Maximum Overnight Occupancy.** The number of overnight occupants in the short-term rental shall not exceed the number of occupants authorized in the registration. The maximum overnight occupancy shall be clearly posted in the short-term rental, disclosed in any advertising of the availability of the short-term rental, and included in any rental agreement with tenants. The maximum overnight occupancy authorized in the registration for the short-term rental shall be calculated as follows:
1. Two occupants per sleeping area, plus four additional occupants.
 2. Roll-out beds, fold-out couches, or other similar temporary beds shall not be considered a "sleeping areas" for the purposes of calculating maximum allowed occupancy, but could accommodate the four additional occupants.
 3. In no case shall more than 15 occupants be authorized by a short-term rental registration. If only a portion of a dwelling unit is used as a short-term rental, all occupants, including those occupying the portion of the dwelling unit not used as a short-term rental, shall be counted toward the 15-occupant maximum.
- C. **Noise.** Notice shall be clearly posted in the short-term rental that identifies and informs occupants of their obligation to abide by the County's current noise control ordinance standards (Clackamas County Code Chapter 6.05).
- D. **Parking.** One off-street motor vehicle parking space per two sleeping areas is required. Garage space may be used to meet required parking standards if evidence is provided that there is sufficient cleared garage space to fit a vehicle(s). All required parking spaces must be available for occupants to use.
1. If the short-term rental contains only one sleeping area, one off-street parking space is required.
 2. If the short-term rental cannot provide the required number of parking spaces based on sleeping areas, the registrant may request a reduced maximum overnight occupancy based on available parking. In no case shall the registrant advertise for, or rent to, more persons than are authorized under the reduced maximum occupancy total.
 3. Short-term rentals in dwellings approved under the "resort accommodations" category in the Rural Tourist Commercial district are not required to provide more off-street parking than was required

and approved under Zoning and Development Ordinance provisions.

4. In no event shall vehicles block access for emergency vehicles, block access to the premise, block a parked motor vehicle, or otherwise park in a manner that violates the County’s current parking and towing ordinance standards (Clackamas County Code Chapter 7.01). Violation of this section may subject the offending vehicle to immediate tow pursuant to ORS 98.853.
- E. Garbage. All garbage from a short-term rental shall be legally removed from the premises by the owner, occupant or franchised service provider at least once per week during any week, or portion thereof, in which the short-term rental is occupied. All outdoor garbage receptacles shall be covered. Recycling container(s) shall be available for use by renters.
- F. Registration Identification. The registration identification number assigned to the short- term rental by the administrator shall be included on any advertisement or rental platform where the short-term rental is offered to the public for occupancy.
- G. Building and Fire Safety. A short-term rental shall comply with all ordinances that apply to a dwelling, and all structural components shall be kept in sound condition and good repair. In addition:
 1. Working smoke detectors and carbon monoxide detectors shall be installed and maintained in locations as required by the Oregon Residential Specialty Code.
 2. Working fire extinguishers shall be placed in the kitchen and next to each wood burning appliance in an easily accessible location. A minimum of two (2) extinguishers are required in each Dwelling Unit.
 3. Code-compliant pool and hot tub barriers shall be present, if applicable.
 4. Every sleeping area shall have not less than one operable emergency escape and rescue opening, including basement sleeping areas. Windows must meet the egress size required when the Dwelling Unit was built and permitted. Use the chart below to determine minimum size egress window based upon the year the house was built.

Year of Construction	Sill Height	Net Opening	Min. Height	Min. Width
Prior to 1964	No requirement	5.0 Sq. feet	No requirement	No requirement
1964 to 1970	48”	5.0 Sq. feet	24”	24”
1970-1976	48”	5.0 Sq. feet	22”	22”
1976-Present	44”	5.7 Sq. feet	24”	20”

5. All exterior building exits shall be clear, operable and available to renters. For Premises located at elevations above 3,500’, doors that exit under active roof snow slide zones do not need to be available or

operable when snow is present, unless the exit is part of the required primary egress for the Dwelling Unit or building.

6. All electrical wiring shall be covered, and wall outlets, switches and junction boxes shall have code-approved covers in place.
 7. Electrical panels shall have a clear working space of at least 30 inches wide in front of the panel, and a clear space 78 inches high in front of the panel. All circuit breakers and/or fuses shall be clearly labeled in the event the power needs to be shut off to a certain area or appliance.
 8. All restrictions and prohibitions for burning as determined by the local Fire District shall be observed. All wood-burning fire pits and fireplaces shall be covered or made otherwise unavailable during burn prohibition periods. Contact information for the local Fire District shall be clearly posted in the short-term rental.
 9. The dwelling shall have no open building or zoning code violations.
- H. For any short-term rental located within the Portland Metropolitan Urban Growth Boundary, the dwelling unit to be used as a short-term rental must be located on the same tract as the owner's primary residence. However, the owner is not required to be present on the tract when the short-term rental is occupied. Tract shall have the meaning given to that term in Section 202 of the County's Zoning and Development Ordinance.

[Added by Ord. 09-2000, 11/25/20]

8.10.70 REGISTRATION REVIEW

- A. The administrator shall, within thirty (30) days after receipt of a complete application for a short-term rental registration and applicable fee, either issue the owner a registration or provide notice of denial.
- B. Upon approval, the administrator shall furnish notice of the approval to all property owners of record within 300 feet of the premises, and contiguous properties under the same ownership. This approval notice shall provide the name, telephone number, and address of a contact person who shall be responsible and authorized to respond to complaints concerning the use of the short-term rental.
- C. The administrator may deny a registration application for failure to submit the materials or fee set forth in Section 8.10.040, for failure to meet the standards and conditions set forth in Section 8.10.060, for submitting falsified information to the County, or for noncompliance with any other applicable County ordinances.

[Added by Ord. 09-2000, 11/25/20]

8.10.080 EXAMINATION OF BOOKS, RECORDS AND PREMISES

To determine compliance with the requirements of this chapter, the Clackamas County Zoning and Development Ordinance, and any local tax measures, the

administrator may examine or cause to be examined by an agent or representative designated by the administrator, at any reasonable time, the premises, and any and all financial, operational and facility information, including books, papers, and state and federal income tax returns. Every owner is directed and required to furnish to the administrator the means, facilities and opportunity for making such examinations and investigations.

[Added by Ord. 09-2000, 11/25/20]

8.10.090 EMERGENCY REVOCATION

- A. In the sole determination of the Clackamas County Building Official, when a violation of the building code or applicable county ordinance exists at a short-term rental that presents an immediate serious fire or life safety risk, the Clackamas County Building Official may immediately revoke the short-term rental registration as a fire or life safety risk. The Clackamas County Building Official shall provide written documentation of the violation, and notification of the owner's right to appeal, as provided in 8.10.100.
- B. Upon an emergency revocation, the short-term rental shall not be rented or used as a short-term rental unless the revocation is withdrawn or a new short-term rental registration has been obtained.
- C. At any time following the emergency revocation of a short-term rental registration pursuant to this subsection, the Clackamas County Building Official may reinstate the registration upon a re-inspection by the Clackamas County Building Official verifying that the subject building code or county ordinance violation has been corrected.

[Added by Ord. 09-2000, 11/25/20]

8.10.100 ADMINISTRATION AND ENFORCEMENT

The County encourages owners, registrants, occupants, and affected residents and owners of nearby properties, to cooperate directly to resolve conflicts arising from the occupancy of any short-term rental. Along those lines, the first attempt to remedy a violation of any of the standards in this chapter should be to contact the representative associated with the registration, as identified in the approval notice and the required short-term rental posting. In the event that the listed representative does not respond within 24 hours or does not adequately remedy the issue, the Clackamas County Department of Finance should be notified.

- A. For acts of noncompliance, the Code Enforcement Program of the Department of Transportation and Development shall administer, supervise, and perform all acts necessary to enforce this chapter or any other chapters of the Clackamas County Code applicable to short-term rentals, except as otherwise provided for in state law or in the Clackamas County Code such as, but not limited to, those regulations for which the Clackamas County Sheriff's Office has been vested with enforcement authority.
- B. Except as otherwise provided in this chapter, Chapter 2.07 of the Clackamas County Code shall govern the process for enforcement of this chapter,

- including but not limited to the notice and procedures associated with any compliance hearing.
- C. An owner that operates a short-term rental without an approved registration, or fails to pay the fees prescribed herein, shall be subject to immediate citation. Additionally, an owner that fails to pay the fees prescribed herein may have their short-term rental registration immediately revoked.
 - D. A person who receives a citation for violation of this chapter shall respond within fourteen (14) days of the issuance of the citation by payment of any penalties established under this chapter, or by requesting a hearing as provided in this section.
 - E. In addition to citation, the Code Enforcement Program of the Department of Transportation and Development may require an inspection of the premises.
 - F. In addition to citation, the Hearings Officer may:
 - 1. Suspend the short-term rental registration until the short-term rental is in compliance with the standards and conditions set forth in Section 8.10.060; or
 - 2. Revoke the short-term rental registration if there have been three separate violations of this chapter related to the same short-term rental within the applicable two-year registration period or three separate documented violations by any occupant of the same short-term rental within the applicable two-year registration period related to the County's noise control ordinance standards (Clackamas County Code Chapter 6.05) or the County's parking and towing ordinance standards (Clackamas County Code Chapter 7.01).
 - G. Alleged acts of noncompliance must be based on either:
 - 1. The personal observation of the Sheriff or designee, code enforcement officer, or Clackamas County Department of Finance staff; or;
 - 2. A determination by the Sheriff or designee, code enforcement officer, or Clackamas County Department of Finance staff that there are reasonable grounds to conclude that the alleged acts of noncompliance did, in fact, occur, after either an investigation or following a sworn statement of a person who personally witnessed the alleged incident.

[Added by Ord. 09-2000, 11/25/20]

8.10.110 PENALTIES

Violation of this chapter shall be punishable by suspension or revocation of a short-term rental registration, or by a penalty or fine in an amount set by resolution of the Board of County Commissioners. Except in the case of an emergency revocation, any owner may not obtain or renew a short-term rental registration on the premises sooner than one year after the date of revocation.

[Added by Ord. 09-2000, 11/25/20]

	TLT Registration	STR Registration	Specific STR Program/Code	Approval Type	Current Fees	Notes
Marion County				None	N/A	No county-level lodging tax.
Deschutes County	X			Self-reported	\$0	
Clatsop County	X	X	X	Permit; land use review required in certain zones	\$550, biennial renewal	Robust registration program. Requirements include: health and building inspection, neighbor notification, and site and parking plan. Enforcement tiered based on severity, including providing false information. Different regulations for certain zoning. Moratorium on new STRs in place through Dec. 2022.
Hood River County	X	X	X	Permit; land use review required in certain zones	\$515 for new application, \$260 for biennial renewal	Robust registration program. Requirements include building inspection, property management plan specifically addressing nuisance abatement, site and parking plan, neighbor notification, and proof of owner residency.
City of Eugene	X	X		Self-reported	\$0	Annual STR registration and TLT remittance required. No STR-specific regulations or enforcement mechanisms. STR complaints directed to Code Enforcement.
City of Newberg	X	X	X	Business license; land use process (Director or Planning Commission approval depending on zoning)	Approximately \$1,000 - \$2,800 one-time depending on zoning and associated land use process	City code stipulates that if two or more written complaints are received within a one-year period, and are not resolved by Code Enforcement, the City Manager may schedule a hearing to consider revoking the registration.

References

<https://www.deschutes.org/finance/page/transient-room-tax-frequently-asked-questions>

<https://www.co.clatsop.or.us/landuse/page/short-term-rental-ordinance-revisions>

ZDO §53.56; <http://hrccd.co.hood-river.or.us/departments/code-compliance/host-compliance-str/>

Council Ord. 20638 (2020); <https://www.eugene-or.gov/DocumentCenter/View/59906/Ord-20638-Short-Term-Rentals>