

DECONSTRUCTION PROGRAM REPORTIF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (PRINT)

ADDRESS AND ZIP CODE (Optional)

Email (Optional)

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You are receiving this notice because a demolition is proposed at and this property is in the fallout zone for hazardous materials.

Know Your Rights

Once an application for demolition or major renovation is submitted to Portland Bureau of Development Services (BDS) there is an automatic 35-day delay before a permit is issued. If you are within 150 feet of the demolition site, you should get a notification letter from BDS within 5 to 7 days after the application date. For major renovations: If your property abuts or lies directly across the street, you should get a door hanger notification from the owner at least 35 days before permit issuance by BDS. If proper notification doesn't occur, call **BDS (503-823-7300)** and record a complaint of noncompliance. For information on permits issued on properties visit <http://www.portlandmaps.com> and click the Permits/Cases tab. Always refer to the permit number and lot address when discussing issues with agencies.

5/17/17
Submitted by Margaret Davis

During the 35-day delay: Asbestos and lead surveys

The demolition or major renovation contractor must perform asbestos and lead-based paint surveys. Ask the contractor to show you the results of the surveys. If results are not made available to you, call BDS and file a complaint. Also contact **OSHA (503-229-5910)** and **Construction Contractors Board (CCB) (1-503-934-2229)** and ask for immediate resolution of noncompliance and that surveys be completed and made available. (OSHA is responsible for worker safety at demolition sites and CCB for contractor education/training.)

If surveys show presence of either lead or asbestos, ask for the abatement plans. If the owner/contractor does not comply, follow same path as for surveys, including calling OSHA and CCB. Also contact **Department of Environmental Quality (DEQ) (503-229-5982)** for confirmation of asbestos abatement notice and **Oregon Health Authority (OHA) (971-673-0440)** for confirmation of lead abatement notices. If abatement is not registered at either agency, ask for an immediate hold on permit issuance by BDS until hazardous materials issues are resolved.

During actual demolition

You should get a notice at least 5 days before any demolition activity. Notify BDS if this did not occur.

Cover all vegetable gardens and children's play equipment with plastic and close all windows and doors within 300 feet of the site.

If demolition workers are not wearing protective masks and garments, immediately call OSHA and CCB and request a stop work order.

If the structure and debris are not kept wet by the contractor to minimize dust, call CCB and complain that proper steps are not being taken to protect neighbors and request a stop work order. Also call DEQ and OHA and record complaint and ask for site inspection of conditions and tests for presence of lead or asbestos on neighboring exterior surfaces. (Note: Even with abatement, hazardous materials can still be present; only full, responsible deconstruction can approach elimination of risk.)

The city and state do not effectively inspect or enforce asbestos and lead abatement during demolitions. **Public watchdog actions are the primary means of protecting public health.** Therefore, until agencies can demonstrate responsible oversight, **you are on the front line** and need to hold developers accountable every step of the way. To contact your neighborhood association visit <http://www.portlandoregon.gov/oni>.

Information provided by United Neighborhoods for Reform (UNR) as a public service, <http://unitedneighborhoodsforreform.blogspot.com/>.

5/17/17



I'm Margaret Davis, a Northeast Portland resident who works with the grassroots group United Neighborhoods for Reform. Our responsible-growth and antidemolition effort has been endorsed by 43 neighborhood associations across Portland.

Props to Shawn Wood and the Deconstruction Advisory Group for helping protect public safety with this ordinance. It's a step forward for Portland, a city known for sustainable solutions.

The problem here is demolition. Not only does demolition remove a (usually) viable affordable house from our landscape forever, it all too often leaves amid clouds of toxic dust, as in the picture above, exposing anyone within 400 feet to hazardous materials such as lead and asbestos. Before 1978, a gallon of paint could contain 15 pounds of lead.

Commissioner Fish, you've worried here about the effect of that dust on your kid when a "major remodel" occurred next to you in Grant Park. Commissioner Eudaly, you've seen what unabated demolitions bring to the housing market. This is not a new problem—wouldn't it be great if we could put it firmly in our past?

Deconstruction is a slam-dunk for Portland. If our city must lose a house (and we debate the necessity of this—given the copious vacant land available),

then at least the house should be recycled. I bet you all recycle. I would also bet that you don't litter—it's illegal, right?—and yet teardown builders think it's OK to dust thousands of Portland residents and properties with hazardous materials that carry a lifetime of ills for anyone or thing in the fallout zone. Mechanical demolitions litter—sometimes lethally.

You might hear (hopefully through no “engineering of testimony” as the Home Builders Association likes to do (see attached)) that the reuse industry would be swamped with materials, or not enough labor can be found to recycle these homes. If that were true, by the same token we should cool the unabated building boom occurring out there with its insatiable demand for materials and labor—how can it be such a problem to recycle and so easy to demolish? If we're not recycling, we really are throwing it all away.

Developers might complain about the expense of deconstruction, usually just a few thousand dollars more than mechanical means, but that's nothing compared to the cost of lifelong health problems or learning disabilities.

Please extend the requirement for deconstruction to apply to homes built before 1978, when lead paint was outlawed for residential use. Portland in the past has dared to be different, and proactively progressive. We stand ready to help the city make positive headlines again, and to send the message that the greenest home is the one left standing. If not, it must be recycled. It's what we do.

With the demolition-heavy Residential Infill Project and House Bill 2007 looming, the decision you consider today has great ramifications. As an activist, I know Portland leaders must step up to protect public health and safety. As a mom, I wonder if my kid can't pay attention in class because there were seven demolitions on our block. As a Portland resident, I hope you'll take your public-safety charge seriously, and make mechanical demolition a hazard of the past, and deconstruction the only way pre-1978 homes can leave our landscape.

5/17/2017

Margaret Davis

4216 NE 47th Ave., Portland, OR 97218

unitedneighborhoodsforreform.blogspot.com

Excerpts from the Home Builders Association of Metropolitan Portland award application for defeating the demolition tax

"Portland is perhaps the most liberal city in America, with arguably the most inefficient form of government."

"We began to employ a different approach before City Council ... the HBA of Portland attacked the proposal from the left and framed the narrative as a proposal that would disproportionately impact housing affordable and equity."

"Since Portland prides itself on being progressive, the HBA engineered a testimonial lineup that featured a leading housing/economics professor from Portland State University - the training ground for most of the city planners, an expectant mother seeking to tear-down her existing home and rebuild but could not afford an additional \$25,000, a gay gentlemen [sic] who had recently adopted a son with his husband hoping to move their new family back into Portland but realized that the tax would hinder the chances of finding an affordable home, and an African-American retiree living in a rapidly gentrifying area of the city who understood that any tax would hinder the value of his "nest egg" and was not fair to him and other long-time residents that had seen that neighborhood through from the 'tail to the top.'"

"There were unique internal obstacles, in particular convincing membership to embrace the above-noted progressive strategies and tactics versus employing the traditional, big-stick approach before City Council. By employing our state association as a legal backstop, we were able to try new strategies."

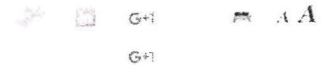
Will we hear "engineered" testimony today?



National Association of Home Builders

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AEA - HBA Awards Winner Directory



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Award Year: 2015

Entry Title: Demolition Tax

Pillar: Government Affairs

Award Category: Best Government Affairs Effort - Locally

Association Name: Home Builders Association of Metropolitan Portland

Association Category Size: Local Association: 601+ Members

Number of Staff: 19

Submitter's Name: Dave Nielsen

Submitter's Title: Executive Vice President

City: Lake Oswego

State: OR

Telephone: 503-684-1880

Email: rachelloftin@hbapdx.org

Website: hbapdx.org

Description of the Entry: The HBA of Portland successfully defeated a proposed \$25,000 demolition tax on all homes, regardless of condition. In an election year, the proposal was a gift to liberal Portland activists and neighborhood groups that had long complained about the tear-down of homes in the more affluent parts of the city.

Was the Entry Created in the Award Year: Yes

Purpose and Goal of the Project: Portland is perhaps the most liberal city in America, with arguably the most inefficient form of government. Portland's City Council has long determined housing policy in an ad hoc, reactionary fashion that often panders to those wealthy neighborhoods that scream the loudest, at the expense of the less affluent and less vocal parts of the city. In the wake of a housing emergency and soaring rents and home prices, the \$25,000 demolition tax embodied all that was wrong with Portland policy making. The goal was simple – work to defeat a hair-brained proposal that would negatively impact housing affordability and opportunity for the City of Portland and its residents.

How Purpose and Goal Was Achieved: In the hours before Christmas, after it looked like it would go through several times and after the Mayor repeatedly swore to bring it back until it passed, the Mayor's Office sent out an email saying the proposal was dead and they would not pursue the demolition tax any further. In September of 2015, the Mayor's Office released a policy proposal that would charge over \$25,000 for every home demolished in the city in order to curb what had become known as the "demolition epidemic". The policy was being billed as a way to protect neighborhood character and defend affordable housing in the city. Due to the extremely liberal environment we work in, initially it looked like a slam dunk for the Mayor's Office. Portland is a city that loves to "protect" its livability, whether that accomplished by charging \$300 per inch for tree removal or by charging

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approximately \$8,000 per home for park system development charges. When the proposal was initially presented to the public, the Mayor already had the votes lined up. It was only through conversations with various councilors and collaboration with unlikely allies that we were able to instill enough doubt to slow down the vote. The initial proposal from the Mayor's office was to charge \$25,000 + \$25 for every year since the home was built. The only allowance within the initial proposal was an exemption for homes considered "derelict" by the city. We quickly arranged for meetings with the Mayor's Office to voice our concerns. The City of Portland is not only landlocked, but also built out. Vacant land is scarce and often comes with enough issues that mitigation is not feasible. Though there is very little land available, the City of Portland has told our regional government that it can handle a population increase of 200,000 people over the next 20 years. The only way we can reach these numbers is through aggressive redevelopment. A \$25,000 demolition tax would make it impossible for the city to reach these aspirational numbers and would further hurt housing affordability in the region by shorting an already extremely constrained housing supply. The irony of a \$25,000 "demolition tax" supposedly in the name of housing affordability was lost on some. After multiple conversations with the Mayor's Office, the proposal was scaled back slightly. The policy was amended to a flat rate of \$25,000 (no additional fee per year of the house's age, although that was nominal to begin with) and added possible rebate of up to \$25,000 for any redevelopment that increased the density of the property. This revision kept our metro government from intervening and ostensibly dealt with the increased infill goals of the City, but it had the unintended effect of turning the very neighborhood groups he was trying to appease against him. The most extreme of the neighborhood groups, United Neighbors for Reform, began a vocal campaign against the changes to the tax, which was quickly picked up by the liberal media outlets. They claimed that the amended demolition tax would cause more demolitions rather than slow the process. We began to employ a different approach before City Council by partnering with some of the very neighborhood coalitions the Mayor was seeking to appease. Namely, the HBA of Portland attacked the proposal from the left and framed the narrative as a proposal that would disproportionately impact housing affordability and equity, especially for the less affluent and disenfranchised residents of the city. We worked with a local permitting company to gather information on the houses that were being demolished. Though many of the homes being demolished were not considered derelict by the city's standards, many of them had issues that would have made remodeling cost prohibitive. Images often speak louder than words, so we gathered pictures of some of the homes that had been recently demolished in order to show that though they are not technically derelict, they were often not fit for habitation either. (sample pictures attached). In addition, we were also able to show that without a tax in place our builders were not idly demolishing homes. In 2015, single family home builders had increased the density of the demolished properties by 32%. When multifamily is included, density increased by over 200%. (Sample bar graph attached). In a city that needs to increase density in order maintain its quality of life this is a very important point. We were able to take this information to several city council members and bring up enough valid questions to make it impossible for the Mayor to get an easy win. By the time the proposal came before city council, we had not only put together a list of reasonable requests but also put together an agenda that embraced the liberal attitudes of our city. Since Portland prides itself on being progressive, the HBA engineered a testimonial lineup that featured a leading housing/economics professor from Portland State University – the training ground for most of the city planners, an expectant mother seeking to tear-down her existing home and rebuild but could not afford an additional \$25,000, a gay gentlemen who had recently adopted a son with his husband hoping to move their new family back into Portland but realized that the tax would hinder the chances of finding an affordable home, and an African-American retiree living in a rapidly gentrifying area of the city who understood that any tax would hinder the value of his "nest egg" and was not fair to him and other long-time residents that had seen that neighborhood through from the "tail to the top". Lastly, as powerful as the framing of the narrative and testimony was before Council, the power of progressive partnerships with more reasonable neighborhoods within the city was equally beneficial to the demise of the tax. Working with moderate neighborhood groups, industry associates and other progressive allies, an organic collaboration formed around housing affordability and the potential unintended consequences that would result from a \$25,000 tax.



of Staff/Volunteers Who Worked on the 1.5
Project:

Project Budget: \$0

Project Funding Description: There was no funding earmarked for this endeavor. The purpose and goal were achieved by old-fashioned lobbying and the formation of a coalition that embodied the liberal character of the city.

% of Project Done by Staff: 100%

% of Project Done by Members: 0%

% of Project Outsourced (i.e. PR Firm, 0%

Contract Lobbyist):

Obstacles and How They Were Overcome: As with any political process, there are a number of items and moving pieces that present unique challenges. In this instance, the first obstacle was the Mayor was using the demolition tax as ploy to galvanize neighborhood support for his reelection campaign. By working with some of the more moderate neighborhood associations and non-profit allies, we were able to make clear to the City Council and Mayor that this proposal would actually unite the housing community against him rather than plump his reelection numbers. Second, there had been a years-long effort by the neighborhood groups to quell the "epidemic" of demolitions occurring throughout the city – this became the narrative with all Portland media outlets. Though there is only so much we can do to influence the media in our city, we were able to bring to light several points that were well received by the, such as the fact that the tax would make housing less affordable, would hurt the cities aspirational density goals, and would further promote gentrification in the city. Third, there were unique internal obstacles, in particular convincing membership to embrace the above-noted progressive strategies and tactics versus employing the traditional, big-stick approach before City Council. Our members were rightfully indignant about such a proposal but staff was unconvinced that pursuing legal action would work in our favor. By employing our state association as a legal backstop, we were able to try new strategies that we had not pursued in the past.

How Project was Innovative: The significance of the approach cannot be understated in a city like Portland. For too long, the HBA had not adequately framed an issue in a manner that reflects the liberal character and values of the city. The HBA seized the progressive message and partnerships and killed the demo tax.

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Deconstruction Ordinance Review Hearing Testimony
Before City Council -- May 17, 2017

Given by John Sandie
Resident NE Portland

For over 2 ½ years I and many others have presented evidence on the significant potential public health risks by not using best practices when demolishing a residential structure in a urban environment. Last October the City Council finally acted accountable to your primary responsibility of protecting the city's residents; and took concrete action by implementing this deconstruction ordinance.

While I do have some empathy for developer's concerns on timing and costs associated with new development; they should not have the final word on what is acceptable risk for their actions. The Council must also hear the fear and angst in the voices of mothers with children -- these are the individuals who bear the potential consequences.

As has been mentioned, HB871 presently moving through the legislature is supporting verification of proper asbestos abatement, as well as the use of best practices when dealing with lead based paint dust during demolitions. There is no doubt that effective abatement and full manual deconstruction represents best practice to minimize spread of hazardous materials while removing a structure. Allowing the market to dictate the timing of the use of best practices is a morally suspect policy, especially in light of the fact that a house a day is demolished in Portland.

Therefore, I urge the Council, to fulfill your responsibilities, and aggressively push the implementation of deconstruction to include all houses built prior to 1978. While I'm confident that with clear direction from this body, the market would effectively react and demonstrate deconstruction capacity within the next 6 -12 months -- that should not be the driving factor. Doing what is right, and proven to reduce exposure and associated risk to residents, should not be held hostage by the assumed stress in may place on the developmental market.

Testimony for City Council hearing on the Deconstruction Program six-month status report and recommendations

May 17, 2017

I'm Barbara Kerr and I represent the United Neighborhoods for Reform on the Deconstruction Advisory Group or DAG.

UNR is pleased that the year-built timeline for the ordinance requiring deconstruction, if a house has to be demolished, has been moved up to 1926 starting January 1, 2018. However, we feel that this is still much too slow and ask that the year-built date be moved to 1978, the year the use of lead paint was discontinued.

How often do you have an ordinance that addresses so many of the urgent issues that are on your plates? Remember, it's not just saving trees, using less energy, and creating sustainability, but providing entry level jobs with growth potential especially for women, minorities, vets, and the formerly incarcerated. Providing better quality, lower cost materials that enable repairing rather than replacing making maintaining the truly affordable homes, those that now exist, more affordable for young families, our low-income Portlanders, and landlords. Creating small businesses that do not require college degrees or large capital. Saving urban tree canopy. Eliminating a widespread source of pollution affecting public health in all neighborhoods. Eliminating a cause of learning disabilities and behavior disorders that gravely affect children for the rest of their lives – not just providing programs to ameliorate their disabilities, but stopping them from occurring.

All this in a single ordinance; with negligible cost.

An ordinance whose only stated downside is that the building industry is having to quickly adapt to a somewhat different way of operating that they knew was coming and have already begun to embrace. One that is nothing more than being responsible for their impact on the neighbors and their role in the waste stream. We can no longer ignore hazardous materials pollution from demolishing buildings. The discussion around SB871 is looking at best practices for demolitions. Deconstruction simply is the best practice and needs to be the way all buildings are demolished.

In the DAG, we talk about the challenge of the abundance that will result from more deconstructions; an abundance of good quality salvaged materials and job and business opportunities from deconstruction companies and salvage materials outlets, to creation and sales of reuse products. We have put our toe in the water in the first phase of the ordinance. There is some trepidation even though the results have been good, but we need to trust the businesses to rise to the occasion. We need to remember that deconstruction just makes sense. It will work. Instead of worrying that it might fail, let's put our energy into building on what we have started, the trainings, the certifications, the networking.

Please weigh any short term challenges against all the benefits that will be lost and damage done in even just a year if we limit the requirement for deconstructions to 1926 during this period of rampant demolitions - the waste in the landfills, the loss of good quality materials for maintaining low income homes, the lost income from new jobs, the pollution of the neighborhood children.

Please set the bar at at least 1978 so we can celebrate all that you will have accomplished by doing so.

Barbara K.

TERRY PARKER
P.O. BOX 13503
PORTLAND, OREGON 97213-0503

Subject: Testimony to the Portland City Council related to the Deconstruction Program Six Month Status Report and expanding the mandate, May 17, 2017.

Do you want Portland to be a sustainable city? If so, expanding this program and putting a halt to the mechanical demolition of homes utilizing diesel particulate belching excavators can not come soon enough. Moreover, the mechanical demolition of homes built prior to 1978 spreads contaminated lead paint dust directly into the air of residential neighborhoods where kids play, families barbecue and where people simply enjoy the outdoors in the green yards around their homes.

Deconstruction is about sustainability and preservation. The reuse of building materials lessens the need for new raw materials including new lumber from growing trees, and preserves historical artifacts such as period window frames, interior moldings and trim, and other materials of character that otherwise could not be replaced.

In the 1920s, Portland was in the midst of a new home building boom. These homes were of high quality construction using old growth lumber. There is a vibrant marketplace for both restoration and repurposing uses of these products. It is a crime to not to preserve the irreplaceable lumber and reusable materials from these homes.

As compared to mechanical demolition, deconstruction also creates significantly more jobs - including entry-level jobs that can lead to higher paying jobs.

Finally, if the city does not slim down the eastside overlay zones identified with the Residential Infill Project, and/or, if HB2007 passes through the legislature without significant changes whereby the bill only addresses affordable housing instead of giving developers card blanc by preempting local zoning, there will be a significant escalation of starter, first time buyer and affordable rental home demolitions.

For city that pride's itself by promoting reuse and recycling, it is only common sense to expand the deconstruction program to include homes built between 1916 and 1978.

Respectively submitted,

Terry Parker
Northeast Portland

Attached: My View: HB2007 undercuts best urban qualities as published in the Portland Tribune Tuesday, May 9, 2017..

My View: HB2007 undercuts best urban qualities

Created on Tuesday, 09 May 2017 | Written by [Terry Parker](#) | 

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First-time buyer and starter homes already are being demolished at an alarming rate. Replacement housing nearly always has a higher price tag.

Portland has a uniqueness for a city of its size. It is a city with a multiplicity of well-established single-family home neighborhoods with big mature trees and green yards. That could all go away if developers have their way. So, too, if the Legislature agrees.

House Bill 2007 threatens and undermines the single-family home type of urban environment that Portland and other Oregon cities have protected for decades with zoning. If passed, the overreach of HB2007 will take away local control by gutting single-family zoning restrictions. It would require cities and counties to allow multi-family development in every and all single-family zones. It also threatens protections and allows for the redevelopment of historic districts and structures.

HB2007 is being steamrolled through the Legislature by the Oregon Home Builders Association under the disguise that by tearing down existing single-family homes with yards and replacing them with a larger footprint structure or multiple units it will lower the cost of housing because it increases the overall supply of housing. In actuality, the push for this runaround pre-emptive smokescreen is in play because the home builders along with the 1000 Friends of Oregon — now the defacto 1000 enemies of single-family home neighborhoods — did not get all they wanted through Portland's Comprehensive Plan, the Residential Infill Project (RIPSAC) and the public processes.

First-time buyer and starter homes already are being demolished at an alarming rate. Replacement housing nearly always has a higher price tag. The term "Rip City" could be quantified with a new meaning. The impacts of HB2007 will likely accelerate teardowns with developers taking advantage of any opportunity where they can use what, in effect, could be called "bulldozers on steroids" to rip apart neighborhoods and maximize profits. The effects of lost green yards, mature trees and open space will be forever lasting.

If passed, HB2007 will not only destroy the sanctity of single-family-home neighborhoods, but also significantly increase the cost of all urban housing over the long term. With single-family homes already in short supply, the American dream of homeownership in Oregon will become only available to the top percentile of income earners. More and more middle-income earners will have no choice and be forced to become renters. Senior citizens on fixed incomes likely will be victimized into selling their homes so developers can demolish them. Low-income housing, for the most part, will likely be limited to subsidized units in the concrete jungle of heat island developments managed by large corporate and landlord interests.

The overreach of HB2007 generates skepticism and distrust of any governmental and public process. It overrides and pre-empts the decisions the Portland City Council made as a result of the nearly yearlong RIPSAC process. Without delay, homeowners and renters alike need to rally against, contact legislators and object to this sneaky and divisive legislation

Terry Parker is a resident of Northeast Portland.

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Therefore, I urge the Council, to fulfill your responsibilities, and aggressively push the implementation of deconstruction to include all houses built prior to 1978. While I'm confident that with clear direction from this body, the market would effectively react and demonstrate deconstruction capacity within the next 6 -12 months -- that should not be the driving factor. Doing what is right, and proven to reduce exposure and associated risk to residents, should not be held hostage by the assumed stress in may place on the developmental market.