

IMPACT STATEMENT

Legislation title: Direct the Bureau of Emergency Management, Bureau of Development Services, and Prosper Portland to develop Unreinforced Masonry Building Mandatory Retrofit implementation steps and return to Council for adoption within one year (Resolution)

Contact name: Jonna Papaefthimiou, PBEM

Contact phone: 503-823-3809

Presenter name: Jonna Papaefthimiou

Purpose of proposed legislation and background information:

A volunteer committee has been working for several years on policy recommendations to reduce the public safety risks of unreinforced masonry (URM) buildings, which are brick and stone buildings that are mostly likely to collapse in a moderate to strong earthquake. Portland has more than 1,600 URM buildings.

This resolution directs staff to take steps to implement the recommendations of the committee, including:

- Develop City Code language for mandatory seismic retrofits to collapse risk reduction for most buildings, to damage control for schools and community centers, and to immediate occupancy for critical buildings;
- Develop a property tax exemption program as authorized under SB 311 to offset the cost of retrofitting URM buildings;
- Require property owners to post placards on URM buildings at highest risk of collapse in an earthquake;
- Require property owners to notify tenants in URM buildings at highest risk of collapse in an earthquake;
- Develop a 2019 legislative agenda to create additional financial support for seismic retrofits;
- Make budget requests for staff to support these programs.
- Make budget requests to assess City-owned URMs.

The proposed implementation items would be returned to Council for adoption within one year.

Financial and budgetary impacts:

There are no financial or budgetary impacts to taking steps to develop the programs. Impacts of adopting the programs would be discussed when presented to Council in one year.

Community impacts and community involvement:

The URM Policy Committee was a composed of a variety of stakeholders including engineers, architects, geologists, developers, URM building owners, churches, schools, historic preservation advocates, and affordable housing providers.

URM policies potentially impact many Portlanders who live, work, or own URM buildings; URM retrofitting is expensive but un-retrofitted URM buildings pose a potentially grave risk to occupants and bystanders during an earthquake. Potential impacts were discussed at length in the URM committee.

100% Renewable Goal:

Not applicable.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES: Please complete the information below.
- NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

Item 628 Unreinforced Masonry Resolution Motions 6/13/2018

All Council members were present.

1. **Fish #1 5/9/2018 motion:** (Y-5)
2. **Fritz 5/9/2018 motion with refined wording below:** (Y-5)

BE IT FURTHER RESOLVED that the Office of Management and Finance in collaboration with the City Budget Office will develop a financial plan within a year to bring all City-owned Class 1 and Class 2 unreinforced masonry buildings into compliance with the adopted mandatory seismic retrofitting standards based on the assessed costs to retrofit; and

3. **Wheeler #1 5/9/2018 motion:** (Y-5)
4. **Fish #3 5/9/2018 motion:** (Y-5)

Fish withdraws Fish #2 5/9/2018 motion.

5. **Saltzman #1 5/9/2018 motion:** (Y-2 Fritz and Saltzman; N-3 Fish, Eudaly, Wheeler) Motion fails.

New amendments 6/13/2018

6. **Motion to add resolved sections below (Saltzman #2):** Moved by Saltzman and seconded by Fish (Y-5)

BE IT FURTHER RESOLVED that City Council directs City Staff to develop a placarding ordinance, with an effective date of March 1st, 2019 and enforced by Portland Fire and Rescue with an appeal process administered by the Bureau of Development Services, for all URM buildings that are not retrofitted to a level expected to prevent collapse in an earthquake and that placard shall be no smaller than 8 by 10 inches and shall state clearly in a conspicuous place at the entrance of the building printed in not less than 30-point bold type: "This is an unreinforced masonry building. Unreinforced masonry buildings may be unsafe in the event of a major earthquake.", and return to Council for adoption within 3 months; and

BE IT FURTHER RESOLVED that City Council directs City staff to develop an ordinance, with an effective date of March 1st, 2019, for Portland URM building owners to incorporate into their rental agreements that states: "This building, which you are renting or leasing, is an unreinforced masonry building. Unreinforced masonry buildings have proven to be unsafe in the event of an earthquake.", and return to Council for adoption within 3 months; and

BE IT FURTHER RESOLVED that this is binding city policy.

7. **Motion to add resolved section below (Wheeler #2):** Moved by Wheeler and seconded by Eudaly: (Y-5)

BE IT FURTHER RESOLVED that the City Council directs City staff to convene a working group to develop recommendations for standards, financing options, and timelines for a mandatory seismic retrofit program for Class 3 and Class 4 URM buildings. The working group shall present its findings, including both majority and minority reports as appropriate, at a City Council work session within one year of the first working group meeting, after which time Council shall hold a hearing to direct further Code development.

8. Motion to add resolved sections below (Wheeler #3): Moved by Wheeler and seconded by Fish. (Y-5)

BE IT FURTHER RESOLVED that City Council directs City staff to convene a working group comprised of representatives of nonprofits to develop recommendations for standards, financing options, and timelines for a mandatory seismic retrofit program for nonprofits, including but not limited to religious nonprofits and educational nonprofits.

BE IT FURTHER RESOLVED that nonprofit institutions are exempt from all new mandatory retrofits until this working group presents recommendations to City Council. At which time, City Council will reconvene to direct further code development specific to nonprofit institutions. Nonprofit institutions are not exempt from current city code.

ITEM 458 May 9, 2018 AMENDMENTS: UNREINFORCED MASONRY RESOLUTION

Direct Bureau of Emergency Management, Bureau of Development Services, and Prosper Portland to develop Unreinforced Masonry Building Mandatory Retrofit Implementation Steps and return to Council for adoption within one year (Resolution introduced by Mayor Wheeler and Commissioner Eudaly)

Motion 1.

Saltzman amendment:

Require the wall to floor connections in 15 years as was recommended by the Policy Committee: Moved by Saltzman and seconded by Wheeler.

Motion 2.

Fish #1.

Add a final "WHEREAS" section that reads as follows:

WHEREAS, the City of Portland is experiencing a housing crisis, and therefore has an interest in ensuring that all options to preserve affordability have been explored, especially in URM buildings where public dollars have been invested to guarantee long-term affordable housing: Moved by Fish and seconded by Eudaly.

Motion 3.

Fish #2.

Strike a portion of the second and the entirety of the third "BE IT FURTHER RESOLVED" section:

~~BE IT FURTHER RESOLVED that the City Council directs staff to develop code language to strengthen triggers in the existing code related to seismic retrofitting of URM buildings, and to require mandator retrofits of Class 3 and Class 4 URM buildings as described in the Unreinforced Masonry Policy Committee Final Report, except not including wall floor ties; and~~

~~BE IT FURTHER RESOLVED that Class 3 and Class 4 buildings owner shall have twenty years to perform the described retrofits; and~~

Moved by Fish and seconded by Wheeler.

Motion 4.

Fish #3.

Add an additional "BE IT FURTHER RESOLVED" section that reads as follows:

BE IT FURTHER RESOVLED that this working group shall be subject to the boards and commissions reforms adopted on November 8, 2017, via Resolution No. 37328, including mandatory conflict of interest disclosure; and

Moved by Fish and seconded by Wheeler.

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Motion 5.

Fritz amendment:

ADD the following text:

BE IT FURTHER RESOLVED that the City Council will develop a financial plan to bring all City-owned unreinforced masonry buildings into compliance with the adopted mandatory seismic retrofitting standards based on the assessed costs to retrofit; and

Moved by Fritz and seconded by Eudaly.

Motion 6.

Wheeler amendment:

Add the following:

BE IT FURTHER RESOLVED that the City Council directs City staff to develop code language for the adoption of a mandatory seismic retrofit program for Class 1 and Class 2 URM buildings as described in the Unreinforced Masonry Policy Committee Final Report and return to Council for adoption within a year; and

BE IT FURTHER RESOLVED that City Council directs staff to develop code language to strengthen triggers in the existing code related to seismic retrofitting of URM buildings, and to require mandatory retrofits of Class 3 and Class 4 URM buildings as described in the Unreinforced Masonry Policy Committee Final Report, except not including wall-floor ties; and

BE IT FURTHER RESOLVED that Class 3 and Class 4 buildings owner shall have twenty years to perform the described retrofits; and

BE IT FURTHER RESOLVED that the City Council directs City staff from the Bureau of Development Services, Prosper Portland, and Bureau of Emergency Management, to formulate a working group comprised of URM building owners, URM building tenants, and other subject matter experts, charged with further evaluating reasonable seismic retrofit requirements, support, incentives, and timelines, for Class 3 and Class 4 URM buildings, and return to Council within a year to report on their findings. This includes identifying specific strategies to achieve wall-floor ties including incentives, financing options, tax strategies, and hardship options. This also includes an evaluation of the impacts on insurances rates for seismically retrofitted buildings, including wall-floor ties.

Moved by Wheeler seconded by Fish.

URM Amendment Matrix
6/13/18

Amendment	Position
<p>Fish #1. Add a final “WHEREAS” section that reads as follows:</p> <p>WHEREAS, the City of Portland is experiencing a housing crisis, and therefore has an interest in ensuring that all options to preserve affordability have been explored, especially in URM buildings where public dollars have been invested to guarantee long-term affordable housing.</p> <p><i>Moved by Fish and seconded by Eudaly.</i></p>	<ul style="list-style-type: none"> • 1
<p>Fritz amendment: ADD the following text:</p> <p>BE IT FURTHER RESOLVED that the City Council will develop a financial plan to bring all City owned unreinforced masonry buildings into compliance with the adopted mandatory seismic retrofitting standards based on the assessed costs to retrofit; and</p> <p>BE IT FURTHER RESOLVED that the Office of Management and Finance in collaboration with the City Budget Office will develop a financial plan within a year to bring all City-owned Class 1 and Class 2 unreinforced masonry buildings into compliance with the adopted mandatory seismic retrofitting standards based on the assessed costs to retrofit; and</p> <p><i>Moved by Fritz and seconded by Eudaly.</i></p>	<ul style="list-style-type: none"> • 2
<p>Wheeler #1: Add the following:</p> <p>BE IT FURTHER RESOLVED that the City Council directs City staff to develop code language for the adoption of a mandatory seismic retrofit program for Class 1 and Class 2 URM buildings as described in the Unreinforced Masonry Policy Committee Final Report and return to Council for adoption within a year; and</p> <p>BE IT FURTHER RESOLVED that City Council directs staff to develop code language to strengthen triggers in the existing code related to seismic retrofitting of URM buildings, and to require mandatory retrofits of</p>	<ul style="list-style-type: none"> • 3

<p>Class 3 and Class 4 URM buildings as described in the Unreinforced Masonry Policy Committee Final Report, except not including wall-floor ties; and</p> <p>BE IT FURTHER RESOLVED that Class 3 and Class 4 buildings owner shall have twenty years to perform the described retrofits; and</p> <p>BE IT FURTHER RESOLVED that the City Council directs City staff from the Bureau of Development Services, Prosper Portland, and Bureau of Emergency Management, to formulate a working group comprised of URM building owners, URM building tenants, and other subject matter experts, charged with further evaluating reasonable seismic retrofit requirements, support, incentives, and timelines, for Class 3 and Class 4 URM buildings, and return to Council within a year to report on their findings. This includes identifying specific strategies to achieve wall-floor ties including incentives, financing options, tax strategies, and hardship options. This also includes an evaluation of the impacts on insurances rates for seismically retrofitted buildings, including wall-floor ties.</p> <p><i>Vote yes if you plan on voting for Fish #3. Fish #3 does not make sense without voting yes for Wheeler #1. Moved by Wheeler #1 seconded by Fish.</i></p>	
<p>Fish #3 Add an additional “BE IT FURTHER RESOLVED” section that reads as follows:</p> <p>BE IT FURTHER RESOVLED that this working group shall be subject to the boards and commissions reforms adopted on November 8, 2017, via Resolution No. 37328, including mandatory conflict of interest disclosure; and</p> <p><i>Must vote yes on Wheeler #1</i></p> <p><i>Moved by Fish and seconded by Wheeler #1.</i></p>	<ul style="list-style-type: none"> • 4
<p>Fish #2: Strike a portion of the second and the entirety of the third “BE IT FURTHER RESOLVED” section:</p> <p>BE IT FURTHER RESOLVED that the City Council directs staff to develop code language to strengthen triggers in the existing code related to seismic retrofitting of URM buildings, and to require mandator retrofits of Class 3 and Class 4 URM buildings as described in the Unreinforced Masonry Policy Committee Final Report, except not including wall floor ties; and</p>	<ul style="list-style-type: none"> • 5

<p>Wheeler #2: (proposed June 13 NEW)</p> <p>BE IT FURTHER RESOLVED that the City Council directs City staff to convene a working group to develop recommendations for standards, financing options, and timelines for a mandatory seismic retrofit program for Class 3 and Class 4 URM buildings. The working group shall present its findings, including both majority and minority reports as appropriate, at a City Council work session within one year of the first working group meeting, after which time Council shall hold a hearing to direct further Code development.</p> <p>Must vote yes on Wheeler #1</p>	<ul style="list-style-type: none"> • 8
<p>Wheeler #3: (proposed June 13 NEW)</p> <p>BE IT FURTHER RESOLVED that City Council directs City staff to convene a working group comprised of representatives of nonprofits to develop recommendations for standards, financing options, and timelines for a mandatory seismic retrofit program for nonprofits, including but not limited to religious nonprofits and educational nonprofits.</p> <p>BE IT FURTHER RESOLVED that nonprofit institutions are except from all new mandatory retrofits until this working group presents recommendations to City Council. At which time, City Council will reconvene to direct further code development specific to nonprofit institutions. Nonprofit institutions are not exempt from current city code.</p>	<ul style="list-style-type: none"> • 9

<p>BE IT FURTHER RESOLVED that Class 3 and Class 4 buildings owner shall have twenty years to perform the described retrofits; and</p> <p>Must vote yes on Wheeler #1 Do not vote yes if you voted for Saltzman #1.</p> <p>Moved by Fish and seconded by Wheeler #1.</p> <p>Commissioner Fish has indicated he will withdraw this amendment</p>	
<p>Saltzman #1: Require the wall to floor connections in 15 years as was recommended by the Policy Committee: <i>Moved by Saltzman and seconded by Wheeler.</i></p> <p>Must vote yes on Wheeler #1</p>	<ul style="list-style-type: none"> • 6
<p>Saltzman #2</p> <p>BE IT FURTHER RESOLVED that City Council directs City Staff to develop a placarding ordinance, with an effective date of March 1st, 2019 and enforced by Portland Fire and Rescue with an appeal process administered by the Bureau of Development Services, for all URM buildings that are not retrofitted to a level expected to prevent collapse in an earthquake and that placard shall be no smaller than 8 by 10 inches and shall state clearly in a conspicuous place at the entrance of the building printed in not less than 30-point bold type: "This is an unreinforced masonry building. Unreinforced masonry buildings may be unsafe in the event of a major earthquake.", and return to Council for adoption within 3 months; and</p> <p>BE IT FURTHER RESOLVED that City Council directs City staff to develop an ordinance, with an effective date of March 1st, 2019, for Portland URM building owners to incorporate into their rental agreements that states: "This building, which you are renting or leasing, is an unreinforced masonry building. Unreinforced masonry buildings have proven to be unsafe in the event of an earthquake.", and return to Council for adoption within 3 months; and</p> <p>BE IT FURTHER RESOLVED that this is binding city policy.</p>	<ul style="list-style-type: none"> • 7

5-9-18

NF-2nd

MAYOR'S PROPOSED AMENDMENT

ITEM #

37364

BE IT FURTHER RESOLVED that the City Council directs City staff to develop code language for the adoption of a mandatory seismic retrofit program for Class 1 and Class 2 URM buildings as described in the Unreinforced Masonry Policy Committee Final Report and return to Council for adoption within a year; and

BE IT FURTHER RESOLVED that City Council directs staff to develop code language to strengthen triggers in the existing code related to seismic retrofitting of URM buildings, and to require mandatory retrofits of Class 3 and Class 4 URM buildings as described in the Unreinforced Masonry Policy Committee Final Report, except not including wall-floor ties; and

BE IT FURTHER RESOLVED that Class 3 and Class 4 buildings owner shall have twenty years to perform the described retrofits; and

BE IT FURTHER RESOLVED that the City Council directs City staff from the Bureau of Development Services, Prosper Portland, and Bureau of Emergency Management, to formulate a working group comprised of URM building owners, URM building tenants, and other subject matter experts, charged with further evaluating reasonable seismic retrofit requirements, support, incentives, and timelines, for Class 3 and Class 4 URM buildings, and return to Council within a year to report on their findings. This includes identifying specific strategies to achieve wall-floor ties including incentives, financing options, tax strategies, and hardship options. This also includes an evaluation of the impacts on insurances rates for seismically retrofitted buildings, including wall-floor ties.

Moore-Love, Karla

37364

From: Hobbs, Shaina
Sent: Thursday, May 10, 2018 9:13 AM
To: Moore-Love, Karla
Subject: RE: Saltzman's URM amendment

5-9-18

Hi Karla,

TW-2nd

Dan's amendment is to "require the wall to floor connections in 15 years as was recommended by the policy committee."

Best,
Shaina

From: Moore-Love, Karla
Sent: Wednesday, May 09, 2018 5:37 PM
To: Grumm, Matt <Matt.Grumm@portlandoregon.gov>; Finn, Brendan <Brendan.Finn@portlandoregon.gov>
Cc: Parsons, Susan <Susan.Parsons@portlandoregon.gov>
Subject: Saltzman's URM amendment

Hello,

Would someone please send me Dan's amendment to tonight's URM resolution?

Thank you,
Karla

New
5-9-18

Unreinforced Masonry resolution:

37364

Fish Amendment #1:

Add a final "WHEREAS" section that reads as follows:

CE - 2nd

WHEREAS, the City of Portland is experiencing a housing crisis, and therefore has an interest in ensuring that all options to preserve affordability have been explored, especially in URM buildings where public dollars have been invested to guarantee long-term affordable housing;

Fish Amendment #2:

TW - 2nd

Strike a portion of the second and the entirety of the third "BE IT FURTHER RESOLVED" sections:

BE IT FURTHER RESOLVED that City Council directs staff to develop code language to strengthen triggers in the existing code related to seismic retrofitting of URM buildings, and to require mandatory retrofits of Class 3 and Class 4 URM buildings as described in the Unreinforced Masonry Policy Committee Final Report, except not including wall-floor ties; and

~~BE IT FURTHER RESOLVED that Class 3 and Class 4 buildings owner shall have twenty years to perform the described retrofits; and~~

Fish Amendment #3:

TW - 2nd

Add an additional "BE IT FURTHER RESOLVED" section that reads as follows:

BE IT FURTHER RESOLVED that this working group shall be subject to the boards and commissions reforms adopted on November 8, 2017, via Resolution No. 37328, including mandatory conflict of interest disclosure; and

5-9-18

URM Policy Resolution

May 9, 2018

Commissioner Fritz amendment:

37364

ADD the following text:

CE-2nd

BE IT FURTHER RESOLVED that the City Council will develop a financial plan to bring all City-owned unreinforced masonry buildings into compliance with the adopted mandatory seismic retrofitting standards based on the assessed costs to retrofit; and