

IMPACT STATEMENT

Title:

Amend the Building Demolition Code to move implementation details to the administrative rule, update asbestos requirements to conform to state regulations, update demolition inspections language to be consistent with current practices, increase fines for non-compliance, and make other modifications for clarity and consistency; amend fee schedule (Ordinance; amend Code Chapter 24.55 and Portland Policy Document ENB 14.10)

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Purpose of proposed ordinance and background information:

This ordinance conforms the demolition inspections to current practices and specifies what will be inspected at each inspection. It also: deletes references to deconstruction because the requirements are the same as other demolitions; removes the option for having an accredited asbestos inspector on-site as an alternative to full asbestos abatement prior to a demolition; and requires anyone doing a demolition to have lead-based paint certifications. It also moves to the accompanying administrative rule implementation details regarding lead-based paint inspection reports, verification of required certifications, debris containment and sign posting requirements, and enforcement and fines, and makes other technical changes to ensure consistency between City Code and State regulations. In addition, the ordinance amends the Enforcement Fee and Penalty Schedule to increase the fines for violations of the site control measures in Chapter 24.55.

Financial and budgetary impacts:

There are no additional costs associated with this ordinance.

The revenue impacts are as follows:

- Amend the BDS Enforcement Fee and Penalty Schedule per Exhibit B. The changes increase penalties for violations of City Code Section 24.55.205 relating to site control requirements that are deemed uncorrectable
- The additional penalty revenue will depend on the number of citations issued.

Community impacts and community involvement:

The proposed ordinance impacts anyone who plans to demolish a structure with 1-4 dwelling units, as well as the neighbors surround such projects. The ordinance significantly increases the penalty for violations that are deemed non-correctable, such as demolishing a structure subject to the ordinance without a permit or without complying with the dust suppression requirements. It also requires anyone demolishing such a structure to have

one of the required lead-based paint certifications, even if it is a homeowner demolishing a garage. This requirement helps ensure that anyone doing a demolition understands how to properly handle materials that may contain lead-based paint. The ordinance also clarifies what BDS will inspect before mechanical demolition can begin.

The main negative impact is potential delays in the project due to the additional inspection. BDS will address the potential project delays by offering the option of a video inspection to verify the wetting system and the option of doing both during-demolition inspections simultaneously if the project is ready. The benefits are City-wide because the ordinance helps ensure that dust and debris do not go on to properties near the demolition site.

BDS conducted considerable outreach as part of preparing this ordinance. Since presenting the report to the City Council on the ordinance in February 2020, BDS held several stakeholder meetings with: 1) demolition, deconstruction, and asbestos/lead-based paint contractors; 2) federal, state, and local agencies, including Oregon Health Authority, Department of Environmental Quality, Construction Contractors Board, OSHA, U.S. EPA, Metro, and Multnomah County Health Department; and 3) the Development Review Advisory Committee (DRAC) Demolition Subcommittee, which includes representatives from DRAC, residential contractors, neighborhood representatives, and Restore Oregon. Other members of the public who expressed an interest in the topic were also included in the meetings. The stakeholders recommended adoption of the proposed ordinance, as well as the draft administrative rule.

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 |
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