

## **ENB-18.49 - Renovation Waiver**

### **RENOVATION WAIVER**

*Administrative Rule Adopted by Office of Neighborhood Involvement*

ARB-ENB-18.49

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**Category:** Neighborhood Inspections

**Effective Date:** April 27, 2004

**Responsible Bureau Section:**

Neighborhood Inspections

111 SW Columbia St, Suite 670

Portland Oregon 97201

503-823-7306

**BACKGROUND:**

Title 29 of the Portland City Code is known as the Property Maintenance Code. Among other things, this code sets minimum standards for maintaining residential properties within the City of Portland . This code also includes provisions for citing both nuisance and housing maintenance violations. To gain compliance with this code, Title 29 allows for the charging of Code Enforcement Fines on properties that fail to comply with the cited regulations in a timely manner. To prevent accumulating fines from causing undue hardship and/or when extenuation circumstances may impede timely code correction, Section 29.60.100 authorizes the Director of the Office of Neighborhood Involvement (ONI) to adopt exceptions. This waiver is one of the exceptions that have been adopted. A waiver policy defines the criteria and time frame for suspending Code Enforcement Fines. It also identifies conditions under which a waiver exception will be cancelled and fines re-instated.

**PURPOSE:**

The purpose of the Renovation Waiver is to assist property owners who perform significant renovation work at their property by suspending monthly Code Enforcement Fines for six months.

**APPLICATION:**

A waiver application filled out by the property owner, or referral from a Housing Inspector.

**FEE:**

There is no application fee for a Renovation Waiver.

**APPEAL:**

If the property owner wishes to appeal the denial of a waiver they must request the appeal within 30 days of the written denial. The appeal must be made in writing and submitted to Neighborhood Inspections, 111 SW Columbia St, Suite 670, PortlandOR97201. The property owner will have the

opportunity to present additional information during this appeal. A written determination will be mailed to the owner. This determination can be appealed to the Code Hearings Office within 15 business days of its issuance.

## **POLICY:**

The Office of Neighborhood Involvement (ONI) will grant from the date the property qualifies a suspension of housing Code Enforcement Fines for sixmonths if the property meets all the requirements listed below. The waiver is not granted automatically. The waiver may be granted to properties referred by a Housing Inspector, or a property owner may send in a written request for waiver. In either case the request is reviewed to ensure it meets all the requirements. Monthly Code Enforcement Fines will be suspended beginning with the first billing cycle following the date the property qualifies for the waiver.

### **A. Requirements to Qualify for a Renovation Waiver**

All of the following requirements must be met to qualify for the renovation waiver:

1. One or more permit(s) has been issued with a total valuation of at least \$15,000; the property owner has paid at least \$500.00 in permit fees; or the valuation of work to be done exceeds \$15,000 and does not require permits (a combination of permit values and documented non-permit work values that exceed \$15,000 will also count). If the property has multiple structures on one tax lot, permits for all work at the property will be considered and the work plan may encompass work on all structures;
2. The structure is attached to a permanent foundation or has an issued and active permit to repair or replace the foundation;
3. The property is clear of any other code violations administered by Neighborhood Inspections (Nuisance, Disabled Vehicles, Additional Housing violations, Re-occupancy prior to approval);
4. The property may be occupied if all fire, life and safety violations have been corrected and approved by the housing inspector or vacant with no significant fire, life, safety violations on the exterior.

### **B. General Information**

1. Upon approval of a Renovation Waiver, monthly Code Enforcement Fines are suspended for sixmonths beginning with the first billing cycle after the date the property qualifies;
2. Rental properties must be vacant or occupied with all fire, life and safety violations corrected and approved by the housing inspector to qualify for this waiver;

3. Renovation Waivers are not transferable;
4. This waiver is renewable for an additional 6-month period.
5. At least one month prior to the expiration of the waiver a reminder letter is mailed to the property owner. The reminder letter alerts the owner that the case must be closed by the expiration date of the waiver or the monthly Code Enforcement Fines will be billed until the case is closed. This letter also offers the property owner an opportunity to apply and qualify for a one-time, six-month extension of the waiver.

## **C. Waiver Cancellation Policy**

Renovation Waivers will be cancelled immediately if any of the conditions listed below occur during the waiver period.

1. New/additional violations of any code administered by ONI are cited twice at the property outside of a 30 day period, after the date the waiver approval letter was mailed to the property owner or abated once; for example, the property is cited for a nuisance violation and the housing maintenance conditions worsen;
2. Progress has not been made on the renovation of the property during the first 6 months of the waiver period and/or the permit(s) do not have regular inspections indicating on going process.
3. If the property is cited for nuisance conditions under Title 29 Nuisance Code, the owner has 15 days to correct the violations. If the violations are not corrected, resulting in abatement by City Contractors, the waiver will be cancelled.
4. Work is being done at the property without the required permits.
5. Ownership of the property changes.

**NOTE: If the waiver is cancelled for any of the above reasons, it cannot be re-activated until the issue is resolved and approved by the housing inspector.**

If this waiver is cancelled, a cancellation letter will be mailed to the owner of the property and monthly Code Enforcement Fines will start with the next billing cycle after the cancellation.

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## **HISTORY**

Effective April 27, 2004.

Filed for inclusion in PPD September 30, 2004.

Revision filed for inclusion in PPD November 16, 2004.

Revision filed for inclusion in PPD April 19, 2006.