

ORDINANCE No. 189711

*Amend the Property Maintenance Code to implement recommendations of the Quality Rental Housing Workgroup and to incorporate additional requirements per State statutes along with corrections for clarification (Ordinance; amend Code Title 29)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Development Services (BDS) promotes safety, livability, and economic vitality through efficient and collaborative application of building and development codes.
2. BDS administers Portland City Code (PCC) Title 29, Property Maintenance Regulations.
3. In 2008, the Quality Rental Housing Workgroup (QRHW), a cross-section of housing stakeholders appointed by Council to study and provide recommendations to address health and safety problems in Portland's rental housing, made recommendations to Council, which included amending Portland's Property Maintenance Regulations Code (PCC Title 29) language to ensure that BDS Property Compliance Inspectors could begin addressing existing, specific focus area(s) such: as lead-based paint, mold, sanitation, pest management, and an enhanced rental inspections program (ERIP).
4. The housing market crashed only 7 days after the QRHW made their recommendations to Council. As a result, the ability to move these proposals forward at that time languished due to subsequent staffing shortages in BDS. In 2018, after a major reorganization at BDS, staff took the QRHW's previous recommendations and formed a "Technical Advisory Workgroup" that included BDS Inspections and Property Compliance staff and staff from Portland Housing Bureau, all with experience in healthy homes and lead-based paint; staff from the City Risk office; Multnomah County Health Department; local licensed Industrial Hygienists; and certified Contractors dealing specifically with mold and lead-based paint. After a series of work sessions, a model approach was developed, incorporating best practices with the goal of ensuring the proposed amendments were reasonable and provided a path for improving housing conditions, which often have a direct impact on occupant health.
5. BDS staff then contacted housing stakeholders including: Portland Housing Bureau, the Rental Services Commission, Housing Oregon, and the Property Management Asset Working Group (PAMWG) with the Housing Development Center NW, informing them of the proposed amendments to Title 29. In May 2019, the proposed amendments were formally presented to the Rental Services Commission and in June 2019, to PAMWG, a group of housing stakeholders that included representatives from NW Housing Alternatives, Cascadia Behavioral Healthcare, Community Partners for Affordable Housing, Human Solutions, REACH Community

Development, and Innovative Housing.

6. The proposed amendments to Title 29 drafted by BDS are based on the recommendations of the Technical Advisory Workgroup and the various housing stakeholders and will:
- allow Property Compliance Inspectors to begin addressing specific focus area(s), such as lead-based paint, mold, sanitation, pest elimination, and ERIP;
 - provide enabling language to create specific administrative rules for these specific program processes and compliance requirements;
 - ensure state requirements for carbon monoxide detectors are in place;
 - amend language throughout Title 29 for clarity; and
 - correct a previous error created when the adoption of a new State Building Code publication resulted in that new code reference being replaced throughout several PCC titles, including section 29.30.250, where it should not have been changed.
7. These amendments will have a direct impact on Portland's older housing stock, and more specifically rental houses and apartment units. These are often the properties available and accessible to under-served populations and those with various barriers to accessing affordable, safe, and healthy housing, such as our immigrant and refugee populations, as well as those residents with low, limited, and fixed incomes. The intent is to ensure that tenants do not face additional barriers to services or programs and that any new or amended inspection programs do not expose or create any greater chance for tenant retaliation and ultimately ensure the proposed amendments both protect the health and safety of all Portland residents and are enforceable.


NOW, THEREFORE, the Council directs:

- a. Portland City Code Title 29 is amended as set forth in Exhibit A.

Section 2. The Council declares that an emergency exists because it is in the public interest for these health and safety regulations to be enacted as soon as possible. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: **SEP 25 2019**

Mayor Ted Wheeler
Prepared by: Beth Benton, BDS
Date Prepared: September 25, 2019

Mary Hull Caballero
Auditor of the City of Portland
By 
Deputy

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler</p>	<p style="text-align: right;">CLERK USE: DATE FILED <u>SEP 17 2019</u></p>
<p>COMMISSIONER APPROVAL </p> <p>Mayor—Finance & Administration - Wheeler</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p>
<p>Position 1/Utilities - Fritz</p>	<p>By: Deputy</p>
<p>Position 2/Works - Fish</p>	
<p>Position 3/Affairs - Hardesty</p>	
<p>Position 4/Safety - Eudaly</p>	
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau of Development Services Rebecca Esau, Director</p>	
<p>Prepared by: Leanne Torgerson Date Prepared: August 26, 2019</p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	
<p><input checked="" type="checkbox"/> City Auditor Office Approval: required for Code Ordinances <i>Toni/pu</i></p>	
<p><input checked="" type="checkbox"/> City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>WJ</i></p>	
<p>Council Meeting Date September 25, 2019, 10:00 TC</p>	

AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: 10:00</p> <p>Total amount of time needed: 30 minutes (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<u> </u>	<u> </u>
2. Fish	2. Fish	✓	
3. Hardesty	3. Hardesty	✓	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	