

## IMPACT STATEMENT

**Legislation title:** \*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)

**Contact name:** Beth Benton, BDS Property Compliance Inspections Manager

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**Presenter name:** Beth Benton

**Purpose of proposed legislation and background information:** The proposed amendments to various sections of Title 29 are promulgated to accomplish several goals, which will:

1. Implement recommendations presented to Council in September of 2008 by the Quality Rental Housing Workgroup (QRHW), which included amending Title 29 to ensure BDS Property Compliance Inspectors could begin addressing specific focus area(s) such as lead-based paint, mold, sanitation, pest elimination;
2. Provide enabling language to create specific Administrative Rules for program processes and requirements regarding lead-based paint, mold, Integrated Pest Management practices, and the Enhanced Rental Inspections Program;
3. Ensure state requirements for carbon monoxide detectors are in place; and
4. Clarify language throughout Title 29 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 Titles including section 29.30.250, where it should not have been changed. Section 29.30.250 is for pre-1973, 3+ story structures only, for on-going Chapter 13 fire safety inspections based on Appendix Chapter 13, Section 1313, of the 1973 edition of the Uniform Building Code only (As previously adopted by Ordinance No. 13526, effective September 7, 1972, and Ordinance No. 139124, effective November 20, 1974).

We intend for these proposed amendments to have a positive impact, ensuring housing units are safe and healthy and improving the quality of life for Portland tenants. We are also hopeful that landlords and property managers will also find our proposed amendments reasonable and a value to them, which in turn will help ensure compliance.

**Financial and budgetary impacts:**

Currently, there are no financial nor budgetary impacts regarding the adoption and enforcement of the proposed amendments to Title 29.

**Community impacts and community involvement:**

Public involvement helped shape the proposed amendments to Title 29, beginning with the extensive work completed by the Quality Rental Housing Workgroup (QRHW) in 2008, which was a cross-section of housing stakeholders from across Portland appointed by

Council to study and provide recommendations to address health and safety problems in Portland's rental housing.

Unfortunately, the housing market crashed only 7 days after the QRHW made their recommendations to Council and as a result, the ability to move many of these proposals forward at that time languished due to subsequent staffing shortages in BDS. In 2018, after a major reorganization at BDS, the Property Compliance staff took the QRHW's previous recommendations and formed a "Technical Advisory Workgroup," which included BDS Inspections and Property Compliance staff and staff from PHB, 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, staff were able to develop a model approach, incorporating best practices with the goal of ensuring the proposed amendments were reasonable and would provide a path for improving housing conditions, which often have a direct impact on occupant health.

BDS Property Compliance staff then contacted housing stakeholders including: Portland Housing Bureau (PHB), the Rental Services Commission, Housing Oregon and the Property Management Asset Working Group (PAMWG) with the Housing Development Center NW (a working group of affordable housing managers) informing them of the proposed amendments to Title 29. In May 2019, the proposed amendments were formally presented to the Rental Services Commission and staff with the PHB, and then with PAMWG. It was fortunate that several of the Commissioners were also part of the prior QRHW. The feedback and dialogue offered by the housing stakeholders was valuable and the BDS Property Compliance team is committed to ensuring that the concerns raised will be incorporated, as able, in the Administrative Rules to be drafted upon the adoption of the amendments to Title 29.

These amendments and most importantly the Administrative Rules that will be created as related to mold, lead-based paint, Integrated Pest Management, and the Enhanced Rental Inspections Program (ERIP), 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. We want to ensure that tenants do not face additional barriers to services or programs and to also ensure that any new or amended inspection programs do not expose or create any greater chance for tenant retaliation. These concerns will be especially valuable as Administrative Rules are created based on these Title 29 amendments. The BDS Property Compliance team intends to vet the forthcoming Administrative Rules with the Rental Services Commission, PAMWG, as well as several tenant and community groups to seek their feedback and support.

### **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



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Office of the Director**  
 FROM CONCEPT TO CONSTRUCTION

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 Rebecca Esau, Director  
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September 25, 2019

**To:** Mayor Wheeler  
 Commissioner Eudaly  
 Commissioner Fish  
 Commissioner Fritz  
 Commissioner Hardesty

**From:** Rebecca Esau, Director *RE*  
 Bureau of Development Services

**Regarding: Proposed amendments to city code Title 29, Property Maintenance Regulations**

**I. RECOMMENDATION**

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

**II. BACKGROUND**

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 Bureau of Development Services (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).

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.

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.

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 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 City Code titles, including section 29.30.250, where it should not have been changed.

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. We want 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.

BDS has also determined that for these Title 29 amendments to be effective regarding mold, lead-based paint, sanitation, pest management, and ERIP, subsequent administrative rules will need to be drafted prior to implementation. To accommodate the above additional requirements, BDS staff are requesting that this ordinance take effect upon approval by Council, so the administrative rule drafting process may begin.