

Enrolled Senate Bill 871

Sponsored by Senator DEMBROW, Representative KENY-GUYER; Senators FREDERICK, TAYLOR,
Representatives GREENLICK, HELM, KOTEK, MALSTROM, NOSSE, POWER, REARDON,
SANCHEZ

CHAPTER

AN ACT

Relating to demolitions; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) **Subject to the provisions of this section, a city of this state may establish by ordinance or otherwise a program for the demolition of residences or residential buildings. A program established under this subsection:**

(a) Must require a person performing a demolition to acquire a permit from the city authorizing the person to perform the demolition;

(b) If a person performing a demolition is a contractor, as defined in ORS 701.005 (5)(a), and if a residence or residential building to be demolished was built before January 1, 1978, must require the person, as a condition of receiving a permit under this subsection, to submit proof verifying that the person has been certified to engage in lead-based paint activities in accordance with rules adopted by the Oregon Health Authority;

(c) If a residence or residential building to be demolished was built before January 1, 1978, must require the person performing the demolition to comport with some or all of a list of best practices developed and periodically updated by the authority, in consultation with the Department of Environmental Quality, the Construction Contractors Board and other interested stakeholders, for the purpose of containing lead particles that otherwise would be released into the air during a demolition;

(d) May require a person performing a demolition to provide a copy of the asbestos survey required under ORS 468A.757 and notice of intent to perform activities related to asbestos abatement to an agency of the city before performing the demolition; and

(e) May provide for the dissemination to the public of a document, developed in coordination with the authority and the department, listing answers to frequently asked questions about:

(A) Best practices for containing lead particles that otherwise would be released into the air during a demolition;

(B) The asbestos survey required under ORS 468A.757; and

(C) Asbestos abatement activities that must be conducted before a demolition.

(2) Subsection (1)(b) and (c) of this section does not apply to the demolition of a residence or residential building built before January 1, 1978, if a person certified to inspect or assess structures for the presence of lead-based paint in accordance with rules adopted by the au-

thority has determined that the residence or residential building does not contain lead-based paint.

(3)(a) Except as provided in paragraph (b) of this subsection, this section does not prevent a city from adopting ordinances or otherwise providing for the further regulation of demolitions of residences and residential buildings.

(b) After any best practices are developed as described in subsection (1)(c) of this section, a city may not adopt ordinances regarding, or otherwise provide for, best practices for the purpose of containing lead particles that otherwise would be released into the air during a demolition that are in addition to any best practices developed and updated as described in subsection (1)(c) of this section.

SECTION 2. (1) Section 1 of this 2017 Act becomes operative on January 1, 2018.

(2) The Oregon Health Authority, the Department of Environmental Quality and the cities of this state may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the authority, the department and the cities of this state to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the authority, the department and the cities of this state by section 1 of this 2017 Act.

SECTION 3. This 2017 Act takes effect on the 91st day after the date on which the 2017 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.

Passed by Senate July 4, 2017

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Lori L. Brockert, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House July 7, 2017

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

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Dennis Richardson, Secretary of State