

House Bill 2540

Sponsored by COMMITTEE ON BUSINESS AND LABOR

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes Director of Department of Consumer and Business Services to adopt code for rehabilitation of commercial and multifamily residential structures located in vintage downtown districts. Provides for rehabilitation code to waive, or provide for waiver of, state building code provisions.

A BILL FOR AN ACT

1
2 Relating to the rehabilitation of downtown structures.

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

4 **SECTION 1. Sections 2 and 3 of this 2007 Act are added to and made a part of ORS**
5 **chapter 455.**

6 **SECTION 2. (1) As used in this section and section 3 of this 2007 Act, "vintage downtown**
7 **district" means an area that:**

8 (a) **Is identified or described in an adopted city comprehensive plan or a land use regu-**
9 **lation as being the downtown area of the city; and**

10 (b) **Was identified or described as a downtown area in official records or maps prior to**
11 **January 1, 1950.**

12 (2) **Notwithstanding ORS 455.020 and 455.040, the Director of the Department of Con-**
13 **sumer and Business Services may adopt a vintage downtown rehabilitation code that waives,**
14 **or allows the waiver of, one or more state building code standards when a commercial or**
15 **multifamily residential structure located in a vintage downtown district is rehabilitated. If**
16 **the director adopts a vintage downtown rehabilitation code under this section, the director**
17 **shall give consideration to the 1997 Nationally Applicable Recommended Rehabilitation Pro-**
18 **visions published by the United States Department of Housing and Urban Development. The**
19 **director may make a vintage downtown rehabilitation code applicable to the repair, reno-**
20 **vation, alteration, reconstruction and changes of use of and additions to a commercial or**
21 **multifamily residential structure and to the equipment and fixtures of or appurtenances to**
22 **the structure. A vintage downtown rehabilitation code may not be applied to a structure, or**
23 **a distinct portion of a structure, that has not previously been occupied.**

24 (3) **Notwithstanding subsection (2) of this section and section 3 of this 2007 Act, if a state**
25 **building code standard involves fire or life safety, as defined by the State Fire Marshal by**
26 **rule, a structure located in a vintage downtown district is required to meet that standard**
27 **unless the State Fire Marshal approves the use of alternative means for ensuring fire or life**
28 **safety in the structure.**

29 (4) **The director may amend the vintage downtown rehabilitation code as provided under**
30 **ORS chapter 183. Any person may propose an amendment to the rehabilitation code. The**
31 **purpose of an amendment must be stated in the amendment proposal. The director shall re-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 fer any proposed amendment to the appropriate advisory boards for review. An advisory
 2 board shall report to the director with recommendations within 180 days after receiving the
 3 proposed amendment from the director. If the amendment was proposed by a person other
 4 than the Department of Consumer and Business Services, the director shall adopt, modify
 5 or deny the proposed amendment within 30 days after receiving the recommendations of all
 6 advisory boards reviewing the proposed amendment.

7 **SECTION 3.** (1) A vintage downtown rehabilitation code adopted under section 2 of this
 8 2007 Act may expressly waive one or more state building code standards and may grant the
 9 Department of Consumer and Business Services and local building officials discretion to al-
 10 low additional waivers of state building code standards. If a vintage downtown rehabilitation
 11 code grants the department or a local building official discretion to allow additional waivers
 12 of state building code standards, in determining whether to grant a discretionary waiver the
 13 department or the local building official:

14 (a) Shall consider the relationship between the work that would be required in order to
 15 meet the state building code standard and the work being performed on the structural,
 16 electrical, plumbing, mechanical and fire and life safety components of the structure.

17 (b) Shall consider the cost of bringing the structure into compliance with the state
 18 building code standard in comparison with the nature and extent of the benefit that would
 19 be derived from the structure being in compliance with the standard.

20 (c) May not consider the extent or total cost of the rehabilitation project.

21 (2) If the department or a local building official allows a discretionary waiver of one or
 22 more provisions of the state building code, the department or the local building official may
 23 waive any review, inspection or other process intended to ensure compliance with the waived
 24 provision.

25 (3) If a person submits a plan for a project that may qualify under a vintage downtown
 26 rehabilitation code, upon request of the person submitting the plan the department or local
 27 building officials shall determine whether the project proposed by the plan qualifies under the
 28 vintage downtown rehabilitation code and whether to grant any discretionary waiver pro-
 29 posed in the plan. This subsection does not limit the ability of the department or a local
 30 building official to grant or withdraw a discretionary waiver subsequent to plan approval.

31 (4) A structure in a vintage downtown district is subject to all applicable provisions of
 32 the state building code except as provided in a vintage downtown rehabilitation code adopted
 33 under section 2 of this 2007 Act or as provided in a discretionary waiver allowed under that
 34 rehabilitation code.

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