

Comments Submitted for Amended SB871 Hearing in the Senate Committee
on Environment and Natural Resources on April 10, 2017

My name is Andrine de la Rocha and I live in North Portland. Thank you Senator Dembrow, Representative Keny- Guyer and others for sponsoring SB871. I am submitting the following comments for consideration while this crucial bill is being finalized:

First, we need to indicate clearly in this bill that a residence includes “a structure with four units or less, including a single family home.” Since most of the demolitions that are occurring in Portland right now are single family homes, it needs to be clear that these demolitions are INCLUDED in this bill. Currently, there is a DEQ fact sheet posted at their website titled Asbestos Building Survey Requirements, dated 07/2012, that states in paragraph three, “The survey rule does not apply to residential buildings with four or fewer dwelling units or a single private residence that is not used as a commercial business.” Here is the link: <http://www.deq.state.or.us/aq/factsheets/06-NWR-008-ASBSurvey.pdf>. This DEQ language is in conflict with the survey requirement intended in SB 871 for a single family home demolition. Please resolve this discrepancy by including language in SB 871 that corrects this problem.

Secondly, please include the state definition of a demolition or its ORS citation, ORS340-248-0010(19), which defines a demolition as “removal of any load supporting structural member of a facility...” The city of Portland defines a demolition as removal of an entire superstructure taken down (completely) to the sub floor. However, according to <https://www.portlandoregon.gov/bds/67326> the City of Portland, defines a project where only one post or one wall is left standing of a house as a “major residential alteration or addition (MRAA)” which is virtually a demolition. The state’s demolition definition is more inclusive, so it would be preferable that SB871 requirements would apply to MRAAs, or these virtual demolitions in Portland.

Additionally, the civil penalty clause found in the introduced version of this bill should be reinstated and the penalty amount should be increased from \$5,000 to a much larger amount, perhaps \$25,000 or more, to possibly deter developers from not complying with this bill’s requirements. Developers in Portland often sell their new structures, which replace viable older homes, for well over \$1,000,000. A fine of \$5,000 may not be much of a deterrent.

As regards notifying neighbors, this bill should include notification requirements of residential demolitions to oversight agencies (DEQ, OHA, CCB and OSHA) from those cities issuing demolition permits. This requirement could help solve some of the lack of abatement verification and enforcement issues that exist. As the Oregonian has reported numerous times, alarming asbestos abatement discrepancies exist based upon DEQ data.

The current citizen complaint based system is insufficient and must be changed to better protect the environment and public health. Please explicitly indicate which agency should verify and enforce asbestos and lead based paint surveys and abatements prior to residential demolitions.

DEQ gives a conservative prediction is that 750 houses will be demolished across the state. More than one house per day continues to be demolished in Portland. There have been 376 residential demolitions in Portland in just the past year, which does not include the hundreds of virtual demolitions or MRAAs.

Thank you for considering these issues and helping us to have better regulations with regards to environmental quality in our fair city.

Sincerely,

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