

SB 871-3
(LC 1443)
4/17/17 (MBM/ps)

Requested by Senator DEMBROW

**PROPOSED AMENDMENTS TO
SENATE BILL 871**

1 On page 1 of the printed bill, line 2, delete “431A.353, 431A.363 and”.

2 Delete lines 5 through 28 and pages 2 and 3 and insert:

3 **“SECTION 1. (1) Subject to the provisions of this section, a city of**
4 **this state may establish by ordinance or otherwise a program for the**
5 **demolition of residences or residential buildings. A program estab-**
6 **lished under this subsection:**

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

9 **“(b) If a person performing a demolition is a contractor, as defined**
10 **in ORS 701.005 (5)(a), and if the residence or residential building to be**
11 **demolished was built before January 1, 1978, must require the person,**
12 **as a condition of receiving a permit under this subsection, to submit**
13 **proof verifying that the person has been certified under subsection (2)**
14 **of this section;**

15 **“(c) If a residence or residential building was built before January**
16 **1, 1978, must require the person performing the demolition of the res-**
17 **idence or residential building to comport with best practices adopted**
18 **by the Oregon Health Authority by rule for containing lead particles**
19 **that otherwise would be released into the air during a demolition;**

20 **“(d) May require a person performing a demolition to provide a copy**
21 **of the asbestos survey required under ORS 468A.757 and notice of in-**

1 tent to perform asbestos abatement activities to an agency of the city
2 before performing the demolition; and

3 “(e) May provide for the dissemination to the public of a document,
4 developed in coordination with the authority and the Department of
5 Environmental Quality, listing answers to frequently asked questions
6 about:

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

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

10 “(C) The performance of asbestos abatement activities during a
11 demolition.

12 “(2) The authority shall establish a lead containment certification
13 program for the purpose of certifying contractors, as defined in ORS
14 701.005 (5)(a), to perform demolitions of residences or residential
15 buildings built before January 1, 1978, in cities that have established
16 a program under subsection (1) of this section. The authority may
17 charge a fee for certifying contractors under this subsection. The fee
18 must be adopted by rule and must be for an amount reasonably cal-
19 culated to not exceed the costs of the program.

20 “(3) This section does not prevent a city from adopting ordinances
21 or otherwise providing for the further regulation of demolitions of
22 residences and residential buildings.

23 “SECTION 2. ORS 468A.757 is amended to read:

24 “468A.757. (1) The Environmental Quality Commission shall adopt rules
25 prohibiting the demolition of a residence or residential building unless an
26 asbestos survey has been conducted by an inspector accredited in accordance
27 with rules adopted by the commission for the purpose of determining whether
28 asbestos-containing materials are present at the residence or residential
29 building and for other purposes as determined by the commission.

30 “[2) *The commission may, by rule:*]

1 “[(a) *Establish the procedures for conducting the survey described in sub-*
2 *section (1) of this section; and]*

3 “[(b) *Establish exemptions to the prohibition described in subsection (1) of*
4 *this section.*]

5 “(2) **In adopting rules under subsection (1) of this section, the**
6 **commission shall establish procedures for conducting the asbestos**
7 **survey.**

8 “(3) This section does not apply to a residence or residential building
9 constructed on or after a date identified by the commission by rule.

10 “**SECTION 3. (1) Section 1 of this 2017 Act and the amendments to**
11 **ORS 468A.757 by section 2 of this 2017 Act become operative on January**
12 **1, 2018.**

13 “(2) **The Oregon Health Authority and the Department of Environ-**
14 **mental Quality may take any action before the operative date specified**
15 **in subsection (1) of this section that is necessary to enable the au-**
16 **thority and the department to exercise, on and after the operative date**
17 **specified in subsection (1) of this section, all the duties, functions and**
18 **powers conferred on the authority and the department by section 1 of**
19 **this 2017 Act and the amendments to ORS 468A.757 by section 2 of this**
20 **2017 Act.**

21 “**SECTION 4. This 2017 Act takes effect on the 91st day after the**
22 **date on which the 2017 regular session of the Seventy-ninth Legislative**
23 **Assembly adjourns sine die.”.**

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