

A-Engrossed
Senate Bill 871

Ordered by the Senate April 26
Including Senate Amendments dated April 26

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

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.

Makes changes to program requiring asbestos survey to have been conducted before demolishing residence or residential building.

[Creates program requiring lead-based paint survey to have been conducted before demolishing residence or residential building.]

Authorizes establishment of programs by cities for demolition of residences or residential buildings. Provides guidelines for programs related to lead containment and asbestos abatement. Requires Oregon Health Authority to certify contractors for programs established by cities.

Becomes operative January 1, 2018.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to demolitions; creating new provisions; amending ORS 468A.757; and prescribing an effective date.

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

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

7 **A program established under this subsection:**

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

9
10 (b) **If a person performing a demolition is a contractor, as defined in ORS 701.005 (5)(a), and if the 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 under subsection (2) of this section;**

11
12 (c) **If a residence or residential building was built before January 1, 1978, must require the person performing the demolition of the residence or residential building to comport with best practices adopted by the Oregon Health Authority by rule for containing lead particles that otherwise would be released into the air during a demolition;**

13
14 (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 asbestos abatement activities to an agency of the city before performing the demolition; and**

15
16 (e) **May provide for the dissemination to the public of a document, developed in coordination with the authority and the Department of Environmental Quality, listing answers to frequently asked questions about:**
17
18
19
20
21
22
23

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

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

4 (C) The performance of asbestos abatement activities during a demolition.

5 (2) The authority shall establish a lead containment certification program for the purpose
6 of certifying contractors, as defined in ORS 701.005 (5)(a), to perform demolitions of resi-
7 dences or residential buildings built before January 1, 1978, in cities that have established a
8 program under subsection (1) of this section. The authority may charge a fee for certifying
9 contractors under this subsection. The fee must be adopted by rule and must be for an
10 amount reasonably calculated to not exceed the costs of the program.

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

13 **SECTION 2.** ORS 468A.757 is amended to read:

14 468A.757. (1) The Environmental Quality Commission shall adopt rules prohibiting the demoli-
15 tion of a residence or residential building unless an asbestos survey has been conducted by an in-
16 spector accredited in accordance with rules adopted by the commission for the purpose of
17 determining whether asbestos-containing materials are present at the residence or residential
18 building and for other purposes as determined by the commission.

19 [(2) *The commission may, by rule:*]

20 [(a) *Establish the procedures for conducting the survey described in subsection (1) of this section;*
21 *and]*

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

23 (2) In adopting rules under subsection (1) of this section, the commission shall establish
24 procedures for conducting the asbestos survey.

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

27 **SECTION 3.** (1) Section 1 of this 2017 Act and the amendments to ORS 468A.757 by sec-
28 tion 2 of this 2017 Act become operative on January 1, 2018.

29 (2) The Oregon Health Authority and the Department of Environmental Quality may take
30 any action before the operative date specified in subsection (1) of this section that is neces-
31 sary to enable the authority and the department to exercise, on and after the operative date
32 specified in subsection (1) of this section, all the duties, functions and powers conferred on
33 the authority and the department by section 1 of this 2017 Act and the amendments to ORS
34 468A.757 by section 2 of this 2017 Act.

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

37