

SENATE AMENDMENTS TO SENATE BILL 871

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 26

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

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

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

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

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

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

16 **“(d) May require a person performing a demolition to provide a copy of the asbestos**
17 **survey required under ORS 468A.757 and notice of intent to perform asbestos abatement ac-**
18 **tivities to an agency of the city before performing the demolition; and**

19 **“(e) May provide for the dissemination to the public of a document, developed in coordi-**
20 **nation with the authority and the Department of Environmental Quality, listing answers to**
21 **frequently asked questions about:**

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

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

25 **“(C) The performance of asbestos abatement activities during a demolition.**

26 **“(2) The authority shall establish a lead containment certification program for the pur-**
27 **pose of certifying contractors, as defined in ORS 701.005 (5)(a), to perform demolitions of**
28 **residences or residential buildings built before January 1, 1978, in cities that have established**
29 **a program under subsection (1) of this section. The authority may charge a fee for certifying**
30 **contractors under this subsection. The fee must be adopted by rule and must be for an**
31 **amount reasonably calculated to not exceed the costs of the program.**

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

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

35 **“468A.757. (1) The Environmental Quality Commission shall adopt rules prohibiting the demoli-**

1 tion of a residence or residential building unless an asbestos survey has been conducted by an in-
2 spector accredited in accordance with rules adopted by the commission for the purpose of
3 determining whether asbestos-containing materials are present at the residence or residential
4 building and for other purposes as determined by the commission.

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

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

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

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

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

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

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

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

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