

March 17, 2025

Senate Committee on Housing and Development

900 Court Street NE, HR E

Salem, OR 97301

RE: SB 6-1 Building Permit Application Timeline Requirements

Chair Pham, Vice-Chair Anderson, and Members of the Committee,

Thank you for the opportunity to share feedback on SB 6 and the -1 amendments to the bill. The City of Portland is committed to finding ways to improve our permitting process and to that end we recently transitioned to have our permitting processes consolidated in a single new bureau Portland Permitting and Development. This work is ongoing but it is our hope that this change will help improve permit turnaround time for applicants. We also realize there's always room for more improvement and want to continue to be partners with the state as ways to improve permitting across the state are considered. With that being said, we have serious concerns that SB 6 and the -1 amendments will be detrimental to the permitting process and housing production goals. Below is an overview of our concerns.

### **Public Safety**

One of the most significant concerns is that this bill could require jurisdictions to issue permits that do not comply with building codes or local regulations if the 45-day deadline is missed. That's an enormous risk—not just for the applicants, but for future property owners and the public.

### **Unrealistic & Inflexible Permit Processing Timelines Will Cause the Denial of Permits**

Permits are not denied outright in the current process, which allows applicants the time to respond to corrections and update their plans to meet code. The 45-day shot clock does not consider the time it takes for applicants to make necessary corrections after receiving deficiency notices. In many cases, corrections make up half or more of the total permit review process—especially for complex projects.

Under this bill, instead of going through that process, jurisdictions would be forced to deny more permits upfront, meaning applicants would have to start over, costing them more time and money. This timeline would likely result in many permits being denied simply because an applicant couldn't make corrections fast enough rather than because the project was unapprovable.

The measure also fails to distinguish between simple and complex permits—treating a backyard shed the same as a high-rise development. For more complex projects, it's

unclear how tasks like legal agreements, bond execution, or seismic/structural report reviews could be completed within the strict timeline. Projects that require permits to remain in approved-to-issue status—while financing or other external factors are finalized—would have no flexibility under this bill.

Another major issue is that the proposed timeline does not account for land use review requirements under ORS 92, 197, 215, and 227. These reviews cannot be completed within the bill's rigid 45-day window, meaning permits that require land use approvals would be denied outright, creating unnecessary delays and inefficiencies.

### **Does not Address Applicant-side delays**

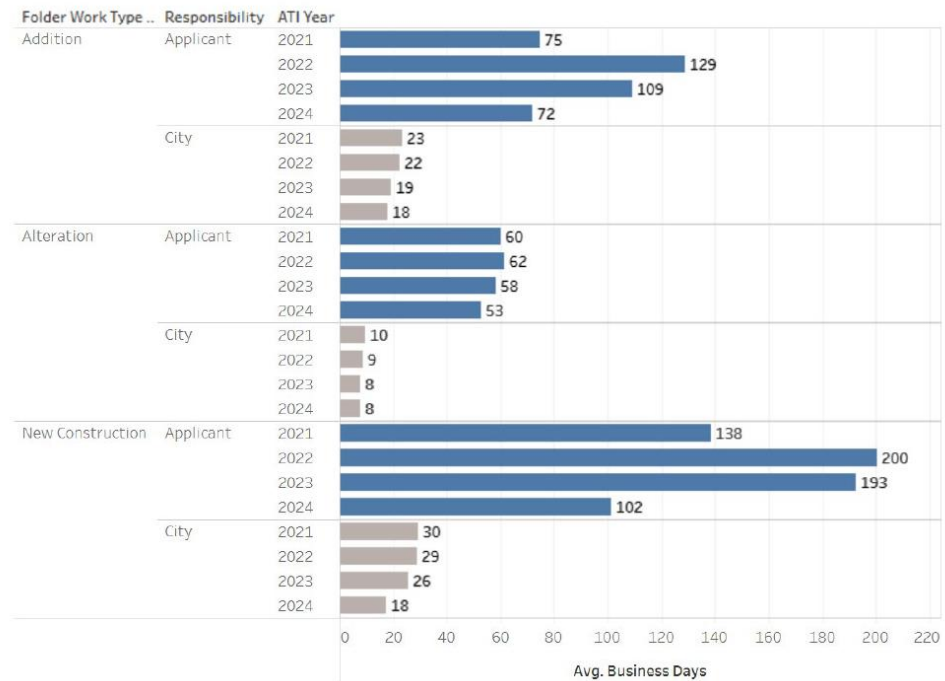
Portland Permitting & Development (PP&D) is responsible for the work that ensures our built environment remains safe, accessible, and compliant with regulatory standards. Before any development can legally proceed, PP&D must verify that all plans meet requirements. This isn't a solo responsibility; it's a collaborative effort involving coordination with the applicant and numerous other bureaus and county offices such as the Fire Bureau, Portland Housing Bureau (PHB), Multnomah County DART, and the Urban Flood Safety & Water Quality District and others who all play vital roles in this interconnected process. Many projects also require associated trade permits. Electrical work, plumbing installations, and mechanical systems often need separate permits, adding another layer to the approval process.

The permitting process and the timeline rarely follow a predictable schedule due to various complexities that can emerge along the way including projects affecting public right-of-way, requiring site development, or involving street trees face additional scrutiny and coordination. While some straightforward building permit applications gain approval based on initial submissions, most require multiple rounds of corrections and subsequent reviews. As projects increase in complexity, so does the number of necessary plan reviews. This iterative process, though sometimes frustrating, ensures that all development in Portland adheres to the city's standards.

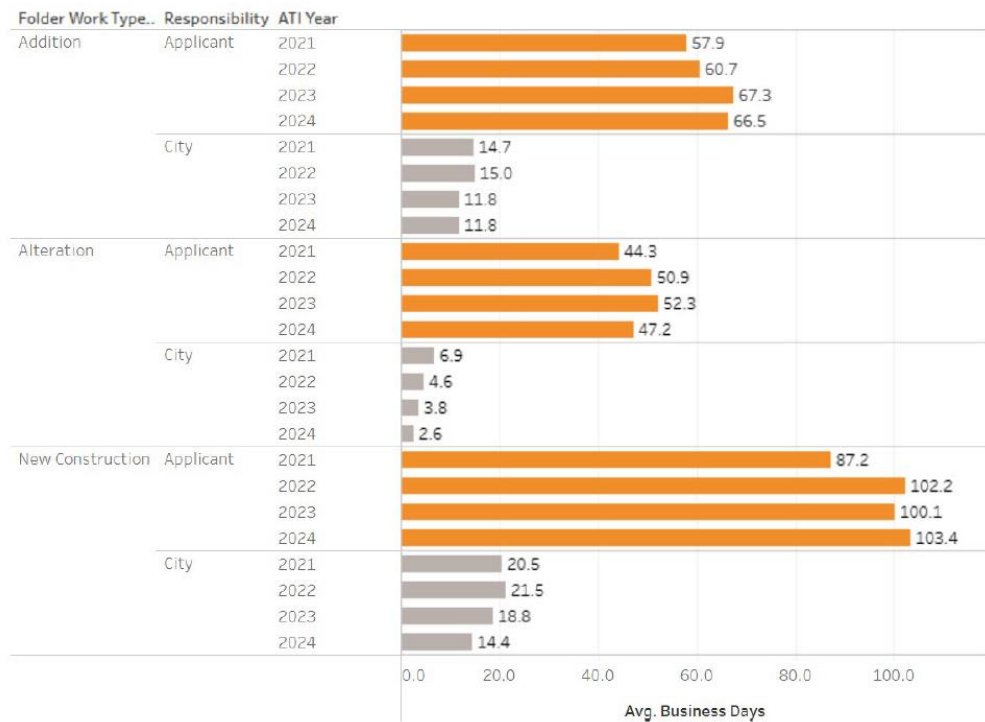
As demonstrated below, these charts showcase how these delays can be represented on average. You will notice that delays can exist for the applicant as well as the city. We use these metrics to focus on our improvements, and as a result of that focus we have

shortened the time delays.

## Commercial Applicant & City Time



## Residential Applicant & City Time



When proposed work doesn't align with City requirements, plan reviewers identify necessary corrections. This initiates what often becomes a cyclical process—applicants submit corrections, reviewers recheck the updated plans, and the cycle continues until all requirements are satisfied. Many elements impact the speed at which an application can move through the system.

- The applicant's responsiveness to checksheets (documents outlining needed corrections) significantly impacts timeline—quick responses speed the process, while delays extend it.
- Changes in scope or plans, tree protection concerns, or changes in project ownership all create ripples that extend the timeline further.
- Staff availability, project complexity, and involvement from other agencies
- Technical issues such as incorrect permit type setup or system limitations.
- Size and scope of projects, ever-evolving building codes, complex zoning regulations
- Staffing levels

### **Does not Address Core Issues & Increased Bureaucracy and Administrative Burden**

Rather than speeding up permitting, this bill would create additional administrative burdens. Instead of focusing on processing permits efficiently, staff would now have to spend countless hours tracking permit shot clocks, reducing the time available for actual permit reviews.

It also fails to address the real problem: permitting jurisdictions need stable funding and adequate staffing to perform timely, thorough reviews. Simply imposing a shorter deadline without addressing resource constraints will not solve the issue—it will only make the process more dysfunctional.

### **Increased Risk to Building Safety & Code Compliance**

This bill would require the issuance of a permit that does not comply with building codes and local codes if the deadline is missed. This puts a high level of risk on:

- The applicant and/or general contractor, as their development may not meet building and other code requirements, which could result in serial permit inspection correction notices, additional costs to redo work, and construction timeline delays.
- Future owners, who may take on significant liability, fire and life safety hazards, or Code Compliance Correction cases, along with associated costs and penalties.

Additionally, we have had technical staff review the bill to flag specific language and parts of the draft that have raised the above concerns as raise questions that came up while we were analyzing this draft:

SB 6 (intro)

**Section 1(2)(a) –**

- Line 17 - What does “disapprove and deny” an application mean? Permits are not denied outright in the current process, which allows applicants the time to respond to corrections and update their plans to meet code. Would completing the initial plan reviews and providing written comments of code deficiencies to the applicant be considered a denial? Would the applicant then submit corrections with a new 45-day window to approve or disapprove, and so on? It’s unclear if the 45-day shot clock considers the time it takes for applicants to make necessary corrections after receiving deficiency notices. If such a comment and resubmit cycle cannot be followed, jurisdictions are likely to deny many more applications upfront, meaning applicants would need to start over and reapply for a permit. This will result in more bureaucratic administration, cost and time for all involved. Rather than speeding up permitting, this bill would create additional administrative burdens. Instead of focusing on processing permits efficiently, staff would now have to spend countless hours tracking permit shot clocks, reducing the time available for actual permit reviews.
- Line 17 - The application timeline should not be based on issued. After city requirements are met for a permit to be approved, it will be moved to an “approved to issue status” where it waits for the applicant to pay final fees and have the permit issued. The bill doesn’t seem to acknowledge this step and potential period of delay. Projects that require permits to remain in approved-to-issue status—while financing or other external factors are finalized—would have no flexibility under this bill. Rather, it should be issued upon request of the applicant. Line 17 could be revised thusly: “...shall issue the building permit to the applicant no more than X days after receiving a written request from the applicant.”
- Line 19 - Since the mandatory timeline starts with a “complete application”, another adverse effect would be the incentive for jurisdictions to require all non-building code reviews to be complete prior to acceptance of the application. Concurrent reviews (Portland’s current process) benefit the applicants in time and coordination.
- The measure fails to distinguish between simple and complex permits—treating a backyard shed the same as a high-rise development. For more complex projects, it’s

unclear how tasks like legal agreements, bond execution, or seismic/structural report reviews could be completed within the strict timeline.

- The proposed timeline does not account for land use review requirements under ORS 92, 197, 215, and 227. There is often concurrent land use review and permit review. These reviews cannot be completed within the bill's rigid 45-day window, meaning permits that require land use approvals would be denied outright, creating unnecessary delays and inefficiencies.

**Section 1(2)(b) –**

- Lines 25: Jurisdictions will be liable to applicants for fees expenses if an application is not issued “promptly”. As such, “promptly” needs a clearer definition.
- When an application is automatically issued without a proper plan review, and code violations are found during construction inspection, then what? Do the violations need to be corrected? Is a revised application required? Can the jurisdiction deny occupancy? This will cause great confusion. If not corrected, who is liable for damages owing to the code deficient construction?
- This bill would require the issuance of a permit that does not comply with building codes and local codes if the deadline is missed. This puts a high level of risk on:
  - The applicant and/or general contractor, as their development may not meet building and other code requirements, which could result in serial permit inspection correction notices, additional costs to redo work, and construction timeline delays.
  - Future owners, who may take on significant liability, fire and life safety hazards, or Code Compliance Correction cases, along with associated costs and penalties.
  - Other state agencies require Land Use Compatibility Statements to be signed by local jurisdictions confirming that the use is allowed and regulations will be met for a project. It's unclear on what a state agency would do related to financing or their permitting if projects receive permits that do not meet local codes.

The City of Portland wants to find ways to continue to improve permitting in our own community and across the state, but as drafted SB 6 and the -1 amendments could cause greater confusion and challenges in issuing permits. Given the complexity of this issue it is critical that we get any changes correct. The City is concerned that there has not been

sufficient time and engagement with stakeholders to ensure this bill will function in the way it is intended and it comes at a time when local jurisdictions are already grappling to implement numerous changes to our housing production processes. We ask that the committee not move SB 6 forward for the reasons we listed above and we thank you for your time and consideration on this matter.

Sincerely,

A handwritten signature in blue ink that reads "DAVID KUHNHAUSEN". The signature is written in a cursive, slightly stylized font.

David Kuhnhausen

Interim Director Portland Permitting and Development