

## **DEMOLITION DELAY FAQ'S**

### **1. What is the Demolition Delay Ordinance?**

*The Demolition Delay Ordinance (Portland City Code section 24.55.200) is administered by the Bureau of Development Services (BDS). When an application for a demolition permit is submitted to BDS, notice of the demolition is posted on the property. In addition, BDS sends notification of the demolition request to any organizations recognized by the Office of Neighborhood Involvement whose boundaries include the site. The building permit for demolition may not be issued during the 35-day delay period. A recognized neighborhood organization can request an extension of the demolition delay for an additional 120 days in order to pursue alternatives to demolition, such as rehabilitating or moving the structure. (Note: there are exceptions to demolition delay; see #'s 7 and 8 below.)*

### **2. To what sites does the Demolition Delay Ordinance apply?**

*The Demolition Delay Ordinance only applies to sites with residential structures in areas designated as residential in the Comprehensive Plan Map. The Ordinance does not apply to accessory structures such as garages or other outbuildings. In addition, the Ordinance does not apply to properties that have a more restrictive demolition review and/or delay process that applies through the City's zoning regulations (Title 33). The Title 33 demolition review and delay process applies to Historic and Conservation Landmark buildings, as well as contributing structures in Historic and Conservation Districts. You can verify the zoning of your site at [www.portlandmaps.com](http://www.portlandmaps.com), or call the Planning and Zoning Hotline for more information at: (503) 823-7526.*

### **3. When was the Demolition Delay Ordinance first enacted?**

*Demolition delay was first included in the Portland City Code in 1975 as part of the City's enforcement relating to dangerous and abandoned buildings. The City Council subsequently enacted the Demolition Delay Ordinance in its current form in 1988. It has since been amended three times: in 1990, 1997 and 2002.*

### **4. What was the purpose of the Demolition Delay Ordinance?**

*The original demolition delay provisions enacted prior to the Demolition Delay Ordinance were intended to bring older apartment buildings and residential hotels up to relevant structural, fire and life safety standards to save them from demolition and to maintain the City's affordable housing stock. Similarly, the Demolition Delay Ordinance was enacted in 1988 to preserve housing and is entitled, "Demolition Delay – Housing Preservation." The Demolition Delay Ordinance balances a property*

*owner's right to develop the property with the desire to preserve viable housing stock by encouraging property owners to move or rehabilitate residential structures that can be preserved as an alternative to demolition.*

**5. What does the Demolition Delay Ordinance require?**

*The site must be posted with a notice indicating that the owner has applied for a demolition permit. The notice is posted for 35 days, during which time no demolition activity may occur. A recognized neighborhood association may request a 120-day extension to be added on to that original 35-day delay. At any time during the demolition delay period, private citizens or the City may pursue alternatives to demolition, including rehabilitating or moving the structure. The owner may appeal the extension, which will be terminated if the owner can show that the party requesting the extension has not made a good faith effort to move the structure, find a purchaser for the site, or agree on an alternative proposal that does not involve demolishing the structure. If the initial 35-day delay period expires without a request for an extension, the owner is free to demolish the residence.*

**6. Why are some projects exempt from the demolition delay requirements?**

*In 1990, the City Council added a provision exempting a demolition permit application from the Demolition Delay Ordinance if the permit is accompanied by an application for a replacement single-family residence. In these cases, neighborhood notification is not required before issuing a permit.*

**7. What is the justification for the exemption?**

*The stated purpose of the Demolition Delay Ordinance is housing preservation. An exemption from the demolition delay notice requirements when the demolished structure is replaced with a single family residence is consistent with the goal of preserving the City's single family housing stock because no housing is lost if the demolished structure is immediately replaced with a new residence.*

**8. What constitutes a demolition?**

*Generally, the entire structure must be razed to be considered a demolition. BDS is in the process of developing more specific criteria to distinguish major and minor remodels/additions and demolitions. Those will be available on the BDS website when they are completed.*

**9. How are air quality impacts of a demolition addressed?**

*The City does not regulate air quality, including asbestos or lead-based paint. The Oregon Department of Environmental Quality (DEQ) regulates asbestos, and they may be contacted at 1-888-997-7888. The Oregon Health Authority*

*(OHA) regulates lead-based paint; their contact number is (971) 673-0440. More contact information and links to the OHA and DEQ websites are available on the BDS website at <http://www.portladoregon.gov/bds/article/408867>.*

**10. How do I request a change in the Demolition Delay Ordinance?**

*The best option for requesting a change to the Demolition Delay Ordinance is to contact the Director of the Bureau of Development Services and the Commissioner in Charge of the Bureau to discuss your concerns and recommended changes. If the Director and Commissioner agree that a change is warranted, they will present the proposed change to the City Council for consideration.*

**11. Where can I obtain more information on the Demolition Delay Ordinance?**

*BDS has prepared a comprehensive memorandum on the history and purpose of the Demolition Delay Ordinance that includes citations to the source material. That memorandum is posted on the BDS website at:*

**[INSERT LINK]**

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