



**City of
Portland, Oregon**
Bureau of Development Services
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-6983
TTY: (503) 823-6868
www.portlandoregon.gov/bds

DRAFT: Permit Extension, Expiration, Reactivation and Voiding Project
RS, CO, FA, SD, DR, ZP, SG, PT, ET, MT
DRAC, March 15, 2018

Project Goals

1. Comply with state and local codes.
2. Establish a shared language of the stages of the life of a permit.
3. Establish a clear “end of permit validity” stage so that it is clear to staff, applicants, property owners, and others what work is considered legally permitted in order to provide clearer starting points for review of new work and provide certainty for property owners. This stage is “Void”.
4. Establish clear and consistent guidelines for when permits may be extended or reactivated that:
 - a. provide for greater certainty on behalf of applicants and staff
 - b. continue to allow for manager discretion where appropriate
 - c. act as an incentive to keep permits moving through the system, but accounts for delays generally beyond the control of the applicant.
5. Establish consistent documentation protocols for decisions on expirations and reactivations.
6. Be as consistent as possible between permit types for policies and processes.
7. Coordinate with POPS for use in future business requirements and in preparation for data conversion.

Proposed Outcomes

1. Update local codes for consistency with state requirements and local policy decisions.
2. Update Program Guide.
3. Establish clear and consistent definitions of various stages in the life of a permit that are applied across all permit types.
4. Update TRACs so that changes in permit status for all permit types are automated.
5. Establish clear and consistent guidelines for when permits may be extended or reactivated that are less permissive as the time and number of requests progress.
6. Establish standard and consistent practices for documenting decisions.
7. Develop online requests for permit extensions and reactivations.

Definitions

- A. Permit Status Definitions.** The status descriptions below illustrate the stages of the permitting process. The status of each permit will be noted in the electronic permitting system.
1. **Application:** Owner or owner's representative has submitted an application for permit, but review fees have not been paid. The application may or may not have met minimum submittal requirements. Permits remain in application status for up to 180 days at which time they become Void.
 2. **Under Review:** Review fees have been paid and minimum submittal requirements have been satisfied. Permit is being reviewed by necessary departments in relation to the project description. Inactive permit applications remain in Under Review status for 180 days, after which they are Abandoned.
 3. **Approved to Issue:** All technical reviews have been completed, issuance fees have been billed, and permit is ready to be picked up by customer. Inactive permit applications remain in Approved to Issue status for 180 days, after which they are Abandoned.
 4. **Abandoned:** The permit application has not reached Issued status and there has been no activity for 180 days. Abandoned applications may be reactivated within 180 days of abandonment.
 5. **Issued:** Permit has been paid for and inspections have not been requested. Inactive permits remain in Issued status for 180 days, after which they are Expired.
 6. **Under Inspection:** Permit has been paid for and at least one inspection has been requested. Inactive permits remain in Under Inspection status for 180 days, after which they are Expired.
 7. **Expired:** Permit has reached Issued or later status and there has been no activity for 180 days. Expired permits may be reactivated within 180 days of expiration.
 8. **Void:** The application has been in Expired or Abandoned status for 180 days and has not been reactivated. Reactivation of a Voided permit requires a building code appeal. If not reactivated, re-submittal of the project is required, and must be designed to current code(s). New fees will be assessed at the current rates. Other permit fees and surcharges associated with the project e.g. Infrastructure Bureau review fees, System Development Charges (SDC), School Construction Excise Tax, Metro Excise Tax, will be assessed at current rates.
 9. **Final:** The permit has received approval of all final inspections.

10. Cancelled: The permit has been discontinued at the request of the applicant. However, Cancelled status has also been historically used to indicate an Expiration or Voided permit. Therefore, a permit that is NOT cancelled at the request of the applicant may be considered de facto Abandoned, Expired, or Void depending on the prior status and time passed since the cancellation.

B. Procedural Definitions. These definitions express select actions that impact a building permit and change the status of a permit.

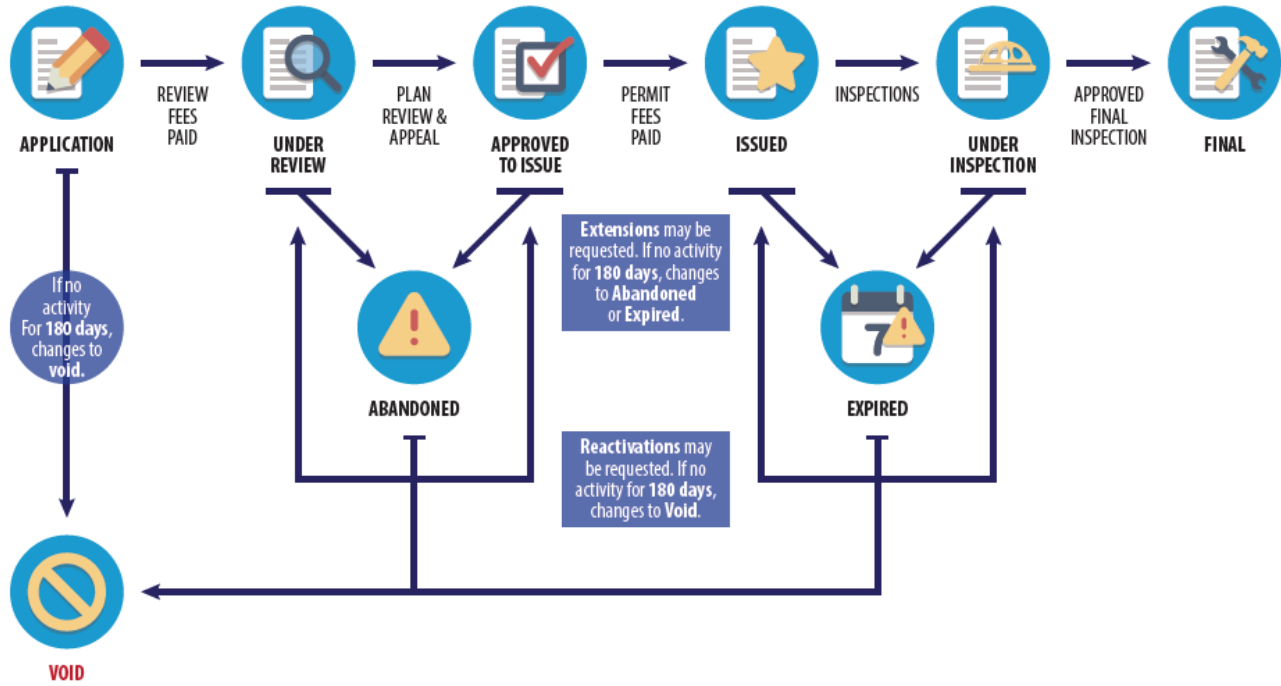
1. **Extension:** If a permit application or permit is approaching abandonment or expiration, the expiration date of the application or permit may be extended by BDS within the first 180 days of the last activity. Upon approval of an extension, the permit will remain in its current status (i.e. Under Review, Issued, Under Inspection).
2. **Reactivation:** If a permit application or permit has been Abandoned or Expired, the permit may be reactivated upon approval by BDS within the first 180 days from abandonment or expiration. In rare cases, a permit in Void status may also be reactivated. Upon approval of a reactivation request, the permit application or permit will return to the status it was prior to abandonment or expiration (i.e. Approved to Issue, Issued, Under Inspection)
3. **Activity:** Activity is a substantive response to a checksheet or an approved inspection.



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LIFE OF A PERMIT



CURRENT TRACs Status' by Permit Type

Not all permits currently utilize all status' in TRACs. The project will allow all permit types to show a uniform set of status' for clarity and consistency. The status' will automatically change with certain triggers.

As a result of this project, all status' will be used for all permit types, including partial permits, child permits, and likely other stand-alone permits associated with construction (i.e. FS, UC).

	CO	RS	FA	SD	DR	ZP	SG	PT	ET	MT
Application										
Under Review										
Abandoned										
Approved to Issue										
Issued										
Under Inspection										
Final										
Expired										
Void										

Timeline and Phasing of Automated Expired and Void Status'

New Permits: Anticipated **“Go Live” date of July 1, 2018**. Everything submitted on that date or after will be subject to the new system of automatic abandoned, expired, and void status'.

- FA, FIR, MP, Process Managed have additional BDS staff support to manage permits so it is anticipated those permits will be less affected.
- Includes partial permits (i.e. Foundation, Revisions, Deferred Submittals) and Children (i.e. FS, UC, UB). Will also likely include stand-alone permits from IA bureaus associated with development (i.e. FS, UC, UB)

Old Permits: Permits **submitted prior to July 1, 2018** will have their abandoned, expired, and void status' phased in over a 6 month period.

- Two-year date ranges that will automatically expire every 60 days. RS and CO permits may already be expired. Those will move to void at date in table if it has been more than 180 days since expiration date.
- The older the expiration date, the less grace period allowed, except:
 - Permits prior to 2010 will get max grace period (180 days). This is to account for the fact that CO and RS permits did not receive written notice of expiration prior to 2010.
- Also includes partial permits (i.e. Foundation, Revisions, Deferred Submittals) and Children (i.e. FS, UC, UB). Will also likely include stand-alone permits from IA bureaus associated with development (i.e. FS, UC, UB)
- Will exclude approximately 2,750 residential building permits remaining in the R2P2 Program (Residential Building Permits earlier than 2010 in Under Inspection status. Residential Inspections is currently working through those permits to close as many as possible).
- **All permits will be caught up to new system by January 1, 2019.**

SCHEDULE FOR PHASING AUTOMATIC STATUS CHANGES TO ABANDONED, EXPIRED AND VOID

Expiration Date Range	Grace Period	Abandoned or Expired	Void
1/1/19+	none	7/1/19+	1/1/20+
1/1/16-12/31/18	180 days	1/1/19	7/1/19
1/1/13-12/31/15	120 days	11/1/18	5/1/19
1/1/10-12/31/12	60 days	9/1/18	3/1/19
Prior to 2010	180 days	1/1/19	7/1/19

When Extensions May Be Granted

Applicants may request extensions order to prevent them from going into Abandoned or Expired status. Extensions may be granted under certain circumstances listed below. **There is no limit on the number of extensions, but the decision to extend a permit will be based on the guidelines below.**

- 1. Prior to Permit Issuance.** For permit applications that are in **Under Review or Approved to Issue status**, extensions may be granted if approved by BDS in consideration of the following. Permit applications in Application status may not request an extension.
 - a. There has been a substantive response to at least one checksheet within the previous 180 days; or
 - b. Delays cause by pending land use reviews, public works permits, street vacations or other city processes that affect activity on the permit. The associated process must have been acted on within the previous 180 days; or
 - c. A permit in Approved to Issue status may be extended if it is awaiting project funding.

- 2. After Permit Issuance.** For permits that are in **Issued or Under Inspection status** that have not received an inspection approval in the previous 180 days, extensions may be granted if approved by BDS in consideration of the following. These considerations are listed in no particular weighted order.
 - a. The number of code cycles since the permit was issued (i.e. code changes). Extensions for permits that are older than one code cycle will typically not be granted.
 - b. Changes to the zoning code since the permit was applied for.
 - c. Status or concerns about related Enforcement cases.
 - d. Personal circumstances of the customer.
 - e. Association/dependence with other permits or partial permits on the site that are under review, under inspection, or final.
 - f. Level of community impact or interest.

When Reactivations May Be Granted

Applicants may request reactivation of permit applications that are in Expired or Abandoned status as described below. A permit may be **reactivated only once**.

- 1. A permit in Abandoned or Expired status will be reactivated** by BDS if the following are met.
 - a. The original scope of work has not changed;
 - b. The original approved plans are available; and
 - c. For permits that require more than a final inspection, only the final inspection(s), including final trades inspections remain open. Permits that require only a final inspection are subject to the considerations in #2.

- 2. A permit in Abandoned or Expired status may be reactivated** if approved by BDS in consideration of the following. 3.a, 3.b, and 3.c must be met, other items are considerations and are listed in no particular weighted order.
 - d. The original scope of work has not changed.
 - e. The original scope of work is discernable given permit descriptions and/or approved plans.
 - f. The permit was applied for within the current code cycle.
 - g. Status or concerns about related Enforcement cases. If a permit helps to resolve enforcement cases, the more likely the reactivation is to be granted.
 - h. The amount of progress of original permitted work as demonstrated by inspection history of the project. The more progress that has been made, the more likely the reactivation is to be granted.
 - i. Level of monetary and time investment expended on the project, in proportion to the resources available to the customer. The more investment, the more likely the reactivation is to be granted.
 - j. Personal circumstances of the customer.
 - k. Record keeping of prior jurisdictions. If records from the jurisdiction were incomplete through no fault of the appellant, the more likely the reactivation is to be granted.
 - l. Whether the use and/or development is still allowed on the site. If the use or development is still allowed on the site, the more likely the reactivation is to be granted.
 - m. Whether the applicant is the original permit applicant. If the applicant is the original permit applicant, the more likely the reactivation is to be granted.
 - n. Whether ownership of the site or building has changed. If the ownership has not changed, the more likely the appeal is to be granted.
 - o. Whether other permits or partial permits on the site are dependent on the completion of work under the subject permit. If there are dependencies, the more likely the appeal is to be granted.
 - p. Community impact or interest.

- 3. Reactivation of Void Permits *may be considered* on a case-by-case basis through the **BDS Administrative Appeals process**. Consideration for granting an appeal includes the following items listed in no particular weighted order:**
- a. The original scope of work has not changed.
 - b. The original scope of work is discernable given permit descriptions and/or approved plans.
 - c. The number of code cycles that have passed since the permit was applied for. The less code cycles that have passed, the more likely the appeal is to be granted.
 - d. The ability for inspectors to verify the work conforms to applicable codes. The greater the ability, the more likely the appeal is to be granted.
 - e. Status or concerns about related Enforcement cases. If a permit helps to resolve enforcement cases, the more likely the appeal is to be granted.
 - f. The amount of progress of original permitted work as demonstrated by inspection history of the project. The more progress that has been made, the more likely the appeal is to be granted.
 - g. Level of monetary and time investment expended on the project, in proportion to the resources available to the customer. The more investment, the more likely the reactivation is to be granted.
 - h. Personal circumstances of the customer.
 - i. Record keeping of prior jurisdictions. If records from the jurisdiction were incomplete through no fault of the appellant, the more likely the appeal is to be granted.
 - j. Whether the use and/or development is still allowed on the site. If the use or development is still allowed on the site, the more likely the appeal is to be granted.
 - k. Whether the appellant is the original permit applicant. If the appellant is the original permit applicant, the more likely appeal is to be granted.
 - l. Whether ownership of the site or building has changed. If the ownership has not changed, the more likely the appeal is to be granted.
 - m. Whether other permits or partial permits on the site are dependent on the completion of work under the subject permit. If there are dependencies, the more likely the appeal is to be granted.
 - n. Community impact or interest.

Note on changes to Scope of Work: Permits may only be reactivated for the originally permitted scope of work. If the scope of work has changed, a new permit must be obtained. Alternately, the original permit may be reactivated for the original scope of work, and a new permit for the additional scope of work may be obtained.

A change to scope of work includes but is not limited to changes to the building envelope, changes to the location of the structure on the site, changes to use or occupancy, changes to mechanical, electrical, or plumbing systems, changes to structural components of the building, and changes to the interior that affect fire/life safety requirements.

Notification

CO & RS- Letters will continue to be sent to the applicant and property owner of individual permits both before and after abandonment or expiration.

Other Permits- *May* be able to institute similar mailings for individual permits depending on parallel project. Otherwise, FA, FIR, MP, Process Managed projects have capacity to manually notify applicants with individual open permits.

Website

Customer Notification (Plans Examiner List)

Outreach to Contractors' Associations and other Trade Organizations

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Fees for Extensions and Reactivations

Fees for Extensions and Reactivations are proposed for **FY 2019-2020**.

1. Extensions-

- a. First extension:** No cost.
- b. Subsequent extensions:** Equal to additional checksheet fee.

2. Reactivations-

Tentatively, these fees would include BDS fees as well as Inter-Agency fees except as noted.

a. Prior to Permit Issuance (Permits in Abandoned Status)

- i. $\frac{1}{2}$ plan review fees.

b. After Permit Issuance (Permits in Expiration Status)

- i. issuance fees If re-inspections are required (more for very old permits), can charge applicable re-inspection fees.
- ii. Reinspection fees: If re-inspections are required (more applicable for very old permits), applicable re-inspection fees may be charged at manager discretion.
- iii. Other fees: No state surcharge, SDCs, CETs or other fees that are based off the end built product.

Data through January 1, 2018

COMMERCIAL BUILDING PERMITS

Abandoned (prior to permit issuance) and Expired (after permit issuance) status' were added to permits in 2010. This shows the rate of permits that do not get to Final stage since 2010.

	Total #	# Expired	% Expired	# Abandoned	% Abandoned	# Abandoned or Expired	% Abandoned or Expired
2016	4309	180	4.18%	96	2.23%	276	6.41%
2015	4170	204	4.89%	103	2.47%	307	7.36%
2014	3720	157	4.22%	63	1.69%	220	5.91%
2013	3544	190	5.36%	102	2.88%	292	8.24%
2012	3218	200	6.22%	92	2.86%	292	9.07%
2011	2782	201	7.23%	66	2.37%	267	9.60%
2010	2386	149	6.24%	82	3.44%	231	9.68%
Total	24,129	1,281	5.31%	604	2.50%	1,885	7.81%

RESIDENTIAL BUILDING PERMITS

Abandoned (prior to permit issuance) and Expired (after permit issuance) status' were added to permits in 2010. This shows the rate of permits that do not get to Final stage since 2010.

	Total #	# Expired	% Expired	# Abandoned	% Abandoned	# Abandoned or Expired	% Abandoned or Expired
2016	8,883	271	3.05%	86	0.97%	357	4.02%
2015	7,951	322	4.05%	122	1.53%	444	5.58%
2014	6,876	275	4.00%	102	1.48%	377	5.48%
2013	6,043	187	3.09%	135	2.23%	322	5.33%
2012	5,426	234	4.31%	143	2.64%	377	6.95%
2011	4,620	221	4.78%	92	1.99%	313	6.77%
2010	4,764	238	5.00%	112	2.35%	350	7.35%
Total	44,563	1,748	3.92%	792	1.78%	2,540	5.70%

TRADE PERMITS

Includes Mechanical, Electrical, Plumbing, both Commercial and Residential. Expired and Void status' were added to permits in February 2017. This shows the rate of trade permits that do not get to final stage for permits 2010 and later.

	Total #	#Expired	%Expired	#Void	%Void	#Expired or Void	%Expired or Void
2017	37,386	4,052	10.84%	1,447	3.87%	5,499	14.71%
2016	35,444	359	1.01%	7,599	21.44%	7,958	22.45%
2015	31,416	138	0.44%	5,739	18.27%	5,877	18.71%
2014	29,179	32	0.11%	4,127	14.14%	4,159	14.25%
2013	27,418	3	0.01%	4,018	14.65%	4,021	14.67%
2012	26,513	4	0.02%	3,765	14.20%	3,769	14.22%
2011	25,497	3	0.01%	4,046	15.87%	4,049	15.88%
2010	26,090	1	0.00%	4,602	17.64%	4,603	17.64%
Total	238,943	4,592	1.92%	35,343	14.79%	39,935	16.71%

PERMITS WITH EXPIRATION DATES PRIOR TO JULY 1, 2017

These are the numbers of permits potentially affected by the automatic change to Expired and Void status.

Permit Type	Issued or Under Inspection	Under Review or Approved to Issue	Expired	Abandoned	Total
SD	17	1	--	--	18
ZP	614	6	--	--	620
DR	74	0	--	--	74
SG	4,683	13	--	--	4,696
CO	4,235	27	1,269	207	5,738
RS	10,925	39	3,175	227	14,366
FA	19	0	--	--	19
Total	20,567	86	4,444	434	25,531