



Bureau of Planning and Sustainability
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Effective Date: March 15, 2018

ADMINISTRATIVE RULES

Deconstruction

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PART 1.0 SCOPE OF RULES

These Administrative Rules describe the standards and expectations for the Deconstruction of Buildings Law as authorized in the City Code, Chapter 17.106.

PART 2.0 AUTHORITY OF DIRECTOR

- A. **Director's Rulemaking Authority.** The Director of the Bureau of Planning and Sustainability [the Director] adopts these Administrative Rules under the authority granted by Portland City Code 17.106.030.B to implement provisions of Chapter 17.106 regulating the deconstruction of older and historic residential buildings in the City of Portland.
- B. **Interim Rules.** The Director may adopt an interim rule without prior notice upon finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, including the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of not longer than 90 days. Within five (5) business days of the adoption of such interim rule, the Bureau of Planning and Sustainability shall send notice of the rule to all Neighborhood Associations and persons on the Bureau of Planning and Sustainability list of parties interested in Deconstruction Rules, giving the language of the rule change, describing the purpose of the rule, and inviting comments to be sent to the Bureau of Planning and Sustainability.

PART 3.0 DEFINITIONS

The following terms have the definitions provided in City Code 17.106.020.

- A. **"Certified Deconstruction Contractor"**
- B. **"Deconstruction"**
- C. **"Director"**
- D. **"Primary Dwelling Structure"**
- E. **"Recycling"**
- F. **"Responsible Party"**
- G. **"Reuse"**

PART 4.0 DECONSTRUCTION REQUIREMENTS

PART 4.1 MATERIALS

- A. **Hierarchy.** The responsible party must fully deconstruct primary dwelling structures that are subject to the Deconstruction of Buildings Law. In performing the deconstruction, the

responsible party must first prioritize salvaging materials for reuse. The second priority must be for recycling.

B. Salvageable Materials. The following materials are generally suitable for reuse; however, material condition, or hazardous materials may limit donation or sale of these materials:

1. Doors
2. Lighting
3. Sinks
4. Tubs
5. Wood flooring
6. Lumber - including framing, trim, sheathing and siding
7. Roofing - including wood shake, metal, fiberglass, tile, masonry
8. Mirrors
9. Windows
10. Appliances, furnaces and wood stoves
11. Kitchen and bathroom cabinets
12. Toilets – 1.6 gallon/flush or less
13. Hardware

C. Non Recyclables. The responsible party must have a garbage container present and available on site for the duration of deconstruction activities for the purpose of discarding non recyclables such as food waste and other putrescibles.

Part 4.2 DEMOLITION PERMIT APPLICATIONS

A. Pre-Deconstruction Form. A pre-deconstruction form must be completed and submitted to the Bureau of Planning and Sustainability as part of a complete application for a demolition permit for demolitions covered by City Code Chapter 17.106. The form must be completed by the Certified Deconstruction Contractor assigned to the project. The form must include responses to all of the following in order to be considered complete:

1. Name of the Certified Deconstruction Contractor.
2. Whether heavy machinery will be used on the deconstruction project (exclusive of foundation removal) and to what extent.
3. List of materials that are intended to be salvaged for reuse.
4. List of materials that are not salvageable and the reason the materials cannot be salvaged.
5. Expected dates for deconstruction activity.
6. Agreement to post the site as required by City Code Section 17.106.040.B.3.

B. Post-Deconstruction Form. A post-deconstruction form must be completed and submitted to the Bureau of Planning and Sustainability no more than thirty (30) days after completion of the deconstruction work. The form must be completed by the Certified Deconstruction Contractor

assigned to the project. The Bureau of Planning and Sustainability staff must review and approve the post-deconstruction form before the demolition permit can be finalized. The form must include responses to all of the following in order to be considered complete:

1. Name of the Certified Deconstruction Contractor
2. List of materials salvaged for reuse.
3. List of materials not salvaged for reuse as indicated on Pre-Deconstruction Form and the reasons materials were not salvaged.

C. Documentation. Documentation identifying the destination for all materials removed from the structure (excluding concrete) must be submitted to the Bureau of Planning and Sustainability no more than thirty (30) days after completion of the deconstruction work. The Bureau of Planning and Sustainability staff must review and approve the documentation before the demolition permit can be finalized. Copies of the following (as applicable) must be provided:

1. Itemized receipt of materials and quantities donated to a non-profit.
2. Itemized receipt of materials and quantities sold.
3. Photos of salvaged material that will be reused on site or at another site.
4. Transaction receipts or weight tickets for all materials taken to a transfer facility or material recovery facility.
5. Transaction receipt or weight tickets for the disposal of hazardous material abated during the course of deconstruction.
6. List and photos of materials given or sold to members of the public.

PART 4.3 REQUEST FOR EXEMPTION FROM REQUIREMENTS

A. Unsafe or Hazardous Structure. An applicant may request an exemption from the deconstruction requirements of City Code Chapter 17.106 if a structure is structurally unsafe or otherwise hazardous to human life to the extent that deconstruction activities could not be safely executed. The request shall accompany the application for a demolition permit. Reasons for exemption consideration could include but are not limited to extensive fire damage, drug manufacturing, or severe structural issues that cannot be mitigated without complete mechanical demolition. Requests for an Unsafe or Hazardous Structure exemption must be submitted to the Bureau of Planning and Sustainability and include all of the following:

1. A letter on company or organization letterhead from one of the following professionals stating mechanical demolition as the only safe way to remove the structure.
 - a. Structural Engineer licensed in the state of Oregon.
 - b. Portland Police Bureau.
 - c. Portland Fire & Rescue Bureau.
 - d. Hazardous material professional with credentials to perform work in the state of Oregon.

2. A statement by the professional providing the letter in 4.3.A.1 above indicating that they have no conflict of interest in the property.
3. Supporting evidence documenting the condition of the structure and reasons why deconstruction of the structure is not recommended due to safety concerns.

B. Limited Reuse. An applicant may request an exemption from the deconstruction requirements of Chapter 17.106 if more than fifty (50) percent of the structure's framing (interior and exterior) are not salvageable for reuse. The request must be made at the time the demolition permit application is submitted. Extensive damage from rot or fire, or presence of large quantities of mold are examples of contributing factors that may limit salvage for reuse. A request for Limited Reuse exemption must be submitted to the Bureau of Planning and Sustainability and include all of the following:

1. A letter on company letterhead from a Certified Deconstruction Contractor recommending mechanical demolition as the appropriate method for removing the house due to limited reuse potential. The letter must include photographs and calculations demonstrating that more than fifty (50) percent of the structure's framing (interior and exterior) are not salvageable for reuse.
2. A statement by the Certified Deconstruction Contractor indicating that they have no conflict of interest in the property including but not limited to ownership and that they will not remove the structure mechanically if the exemption is approved.

C. Determination. Upon determining that the request for exemption contains all the required information, the Bureau of Planning and Sustainability will contact the applicant within five (5) business days to request a site visit on a mutually agreed upon date and time. Within five (5) business days of the site visit, the Director of the Bureau of Planning and Sustainability will either approve, deny or request additional information. Receipt of requested additional information will be reviewed and a determination will be made within five (5) days of receipt. Determination of exemption by the Bureau of Planning and Sustainability is final unless appealed in accordance with 17.106.060.B.

PART 5.0 CERTIFICATION OF DECONSTRUCTION CONTRACTORS

A. Curriculum and Credentialing. The Director recognizes the training and curriculum offered by the Building Material Reuse Association (BMRA) as the accepted process for credentialing Certified Deconstruction Contractors under these administrative rules. The Director will accept the training, skills assessments, examination, and experience tracking provided by and coordinated through the BMRA in credentialing Certified Deconstruction Contractors. The Director reserves the authority to revoke this acceptance upon a determination that the BMRA has subsequently amended or modified its standards for training, skills assessments, examinations and experience tracking to a level that is less than what exists upon the adoption of these administrative rules.

- B. Certified Deconstruction Contractor.** All of the following requirements must be completed by individuals seeking certification on or after March 15, 2018, before the Director will approve a contractor as credentialed as a Certified Deconstruction Contractor:
1. **Training.** The individual has completed the BMRA's three-day Project Management Training course.
 2. **Skills Assessment.** The individual has passed a live, on-site evaluation of their deconstruction skills.
 3. **Written Exam.** The individual has passed a written exam on deconstruction practice with a score of at least 80 percent.
 4. **Experience.** The individual has completed and tracked a minimum of 2,000 hours of experience in accordance with the BMRA's core competency requirements for the Designated Deconstructor Credential.
- C. Employees.** A firm is considered certified if at least one current employee has satisfied the requirements in 5.0.B above. If a certified firm finds itself without at least one certified employee, it must notify the Bureau of Planning and Sustainability within ten (10) days and provide a plan for hiring or training an employee to be credentialed. The Bureau of Planning and Sustainability shall respond to the notification with ten (10) days to accept the plan or suspend the firm's certification.
- D. Continuing Education.** The Bureau of Planning and Sustainability may on occasion require Certified Deconstruction Contractors to attend meetings or review information pertaining to the Deconstruction of Buildings Law or these Administrative Rules. Failure of contractors to attend meetings or review information may result in temporary suspension of certification.