

# Proposed city rules could change demolition of old Portland homes

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Contractors who use excavators to whack old houses to bits could be required to take extra steps, preventing clouds of dust laden with lead from flying.



Portland Commissioner Chloe Eudaly is considering sweeping new regulations on demolitions of old Portland homes to curb clouds of lead dust that fly onto tens of thousands of residential lots each year.

Eudaly's [draft ordinance](#), which surfaced early this week and could go to the council later this year, is still being finalized. Her chief of staff, Marshall Runkel, and two top officials with the Portland Bureau of Development Services told the Portland Tribune that the proposal needs a full public airing. Portland's builders and developers have yet to weigh in on a measure likely to increase their costs.

The proposed ordinance could dramatically change the way demolitions are done in Portland, where it's common for contractors to use excavators to whack a house to bits, sending clouds of dust laden with lead flying. According to numerous studies, ingesting lead (which doesn't degrade) causes cognitive impairment, particularly among children. Two years ago, Portland Public Schools shut off drinking fountains in its buildings when it discovered lead leaching into the water supply.



### **Balancing needs**

Eudaly's draft ordinance was crafted with technical input from Perry Cabot, a program specialist with the Multnomah County Health Department. It was prompted by Office of the Ombudsman in response to a complaint about Portland's inequitable protection of children from lead poisoning.

Should it be approved, it would require a series of new steps before any home built before 1960 could be demolished.

Under the proposal:

- Windows, doors and their frames would need to be removed.
- All siding would need to be removed.
- All materials removed would need to be wrapped in plastic sheeting and placed in a covered container until it is taken to a landfill or recycling facility.

According to David Greenhill, owner of Good Wood Deconstruction and Salvage, the proposed requirements could cost developers up to \$3,000 in labor costs, plus \$500 for disposal.

The Tribune reached out to numerous builders, plus the local and state homebuilders associations. In an email statement, the Home Builders Association of Metropolitan Portland said it looked "forward to being part of the process moving forward to ensure an effective policy for the city" one "that balances the needs of our community."

In addition to removing and wrapping the building materials the draft ordinance would require that a "fine water or mist shall be applied to the building structure before and during demolition," and "as debris is loaded into disposal containers."

Some builders use garden hoses to spray structures during a demolition. But David Jacobs, of the National Center for Healthy Housing said, such a practice likely doesn't do much to stem the dust. "I doubt it has much efficacy. It's better than nothing," he said, but "it's unlikely to be able to deliver the adequate flowrate" necessary to control the dust.



### **In the vanguard**

Runkel and other proponents are confident an ordinance in some form will pass. Runkel sent the builders a copy Sept. 12 and is hoping revisions can be made in time for a December council vote.

Pushback from builders is likely as they well may point to the increased costs involved. BDS spokesman David Austin said his agency did not have an estimate of what proposed new regulations would cost and is looking to homebuilders to provide that information. Builders are scheduled to meet next week with BDS officials.

Nor did Runkel or BDS officials yet have a handle on fines that could be incorporated to enforce the proposed ordinance. Runkel doesn't think BDS will send city staffers to the field to provide on-site enforcement. Rather, he envisions "citizens with cameras" and the threat of post-demolition fines to keep builders in line with proposed new health-protective measures.

Cabot, the county's community health expert, said some sort of monitoring of demolitions is key. "Without consistent, reliable oversight, which takes time and money, no program will be able to offer effective protections as intended by the rules," he said.

The BDS permit process requires that developers simply sign a certificate attesting that they will conduct lead-paint

abatement. "Our staff have neither the authority nor the knowledge to determine if any violations have occurred," City Commissioners Dan Saltzman and then-BDS Director Paul L. Scarlett wrote in a Dec. 9 letter to this reporter.

Their letter added that though the certification signed "under penalty of perjury" by developers promises remediation of lead-based paint, "it is not a legally binding document."

Eudaly took over the bureau from Saltzman in January, ousted Scarlett in April, and has made tougher regulations a priority.

Cabot is hopeful, if there is way to enforce any new rules. "With an integrated and functioning compliance mechanism, this would place Portland in the vanguard nationally," he said.

**EDITOR'S NOTE:** *This story has been modified to clarify information on crafting the proposed ordinance.*