

City watchdog says Portland demolition policy undermined by bureaucratic errors

Updated Jul 12;
Posted Jul 12 2018

By **Elliot Njus**, enjus@oregonian.com
The Oregonian/OregonLive



When residents of Northeast Portland's Roseway neighborhood learned a home in the neighborhood was slated to be knocked down, they moved to delay the demolition, as allowed under city code.

But their appeal got lost in the shuffle, an error that they and a city watchdog say exposes loopholes that could undermine a city policy intended to preserve old houses.

The Portland City Council in 2015 passed an ordinance expanding neighborhoods' power to delay home demolitions. The policy was intended to give neighbors time to negotiate with the developer and perhaps save the house, either by buying it outright or moving it to another site.

It's rarely worked out that way. In nearly all cases, homebuilders moved ahead with demolition plans, and a few deals to save a historic home were reached outside of the process.

In the case of the Roseway house, neighborhood land-use chair Margaret Davis -- who has previously bought and renovated homes and said she was willing to buy the house herself -- followed the instructions laid out in a notification sent to the neighborhood association by the Portland Bureau of Development Services.

She filed paperwork requesting the delay and contacted Vantage Homes, the owner listed on much of the demolition paperwork. But Vantage had sold the house to another company, the builder Renaissance Homes, which was moving ahead with the demolition.

The neighborhood's appeal was knocked down by a city hearings officer, who ruled the demolition could proceed because she hadn't been in contact with the property owner. (Even though it had won permission from the city, Renaissance was never notified by the city and waited for the full 90 days.)

"It was just this double whammy," Davis said. "We give you the wrong info, you relied on it, and now we're going to deny your delay because you wrote to the wrong person."

The code also requires contacting the property owner in a certified letter, but the city's notification didn't say that special service was required.

Margie Sollinger, the city ombudsman, said the bureau was effectively allowing developers to obscure the actual owners of properties in order to throw a wrench in the demolition delay process.

In a letter to Commissioner Chloe Eudaly, who oversees the Bureau of Development Services, Sollinger said demolition permits should not be transferable between property owners. She added that the fog of ownership could cause problems as the city begins to enforce new, tougher rules on controlling toxic dust.

"Whoever comes and applies for the demolition permit and certifies they're going to comply with the toxic dust suppression rules needs to be the entity carrying out the demolition," Sollinger said in an interview. "I think you've got an enforcement problem and a public health problem, potentially."

Eudaly's chief of staff, Marshall Runkel, said that despite the transfers, it's clear to regulators who's responsible for following the city's demolition rules, and stuff civil liability will keep contractors from violating the rules.

But he also said that a process that obscures ownership, as illustrated in the Roseway case, was not fair to the neighborhoods.

"What we talked about is straightening up the processes and regulations so that BDS and the owner-developer understands there's an affirmative responsibility for informing the neighbors who the property owner is," Runkel said. "Our office is asking the ombudsman to work with BDS to identify process improvements to fix this problem."

-- Elliot Njus

503-294-5034

enjus@oregonian.com

@[enjus](#)