

House Bill 2821

Sponsored by Representative EVANS (at the request of Deb Boone)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Director of Department of Consumer and Business Services to make structural specialty code requirements for seismic force resistance applicable retroactively to existing unreinforced masonry structures two or more stories above grade. Requires program for Department of Consumer and Business Services enforcement of standards in areas not served by municipal building inspection program.

Requires municipality administering and enforcing building inspection programs to establish seismic rehabilitation program for unreinforced masonry structures two or more stories above grade. Provides for department or municipality to offer seismic rehabilitation agreement to property owner unless seismic rehabilitation is technically infeasible. Provides for treating structure as not conforming to structural specialty code if property owner declines agreement.

A BILL FOR AN ACT

1
2 Relating to unreinforced masonry structures.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 455.**

5 **SECTION 2. (1) As used in this section:**

6 (a) **“Seismic rehabilitation,” “seismic rehabilitation agreement” and “seismic rehabili-**
7 **tation program” have the meanings given those terms in ORS 455.390.**

8 (b) **“Technically infeasible” means that a structure cannot be brought into full and strict**
9 **compliance with the minimum requirements for seismic force resistance applicable to new**
10 **construction because the process or result of bringing the structure into compliance:**

11 (A) **Would require removing a load-bearing component of the building that is essential**
12 **to structural stability; or**

13 (B) **Would require structural alterations or access to structure components that cannot**
14 **be accomplished due to site-specific conditions.**

15 (2) **The Director of the Department of Consumer and Business Services shall adopt**
16 **amendments to the structural specialty code to make seismic force resistance standards for**
17 **new construction applicable retroactively to existing unreinforced masonry structures that**
18 **are two or more stories above grade. The director shall establish a program within the De-**
19 **partment of Consumer and Business Services to enforce the standards. The department shall**
20 **administer and enforce the standards in those areas not served by a municipal building in-**
21 **spection program meeting the requirement in subsection (3) of this section.**

22 (3) **A municipality that administers a building inspection program under ORS 455.148 or**
23 **455.150 shall establish a seismic rehabilitation program for unreinforced masonry structures**
24 **two or more stories above grade. A municipality that notifies the director under ORS 455.148**
25 **or 455.150 that the municipality will continue administration and enforcement of a municipal**
26 **building program after expiration of a four-year period must, in addition to meeting any**
27 **other requirements, provide the director with proof that the municipality has adopted an**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 ordinance establishing the program required under this subsection.

2 (4) The department, or a municipality that has a seismic rehabilitation program described
 3 in subsection (3) of this section, shall contact the owner of any structure that the depart-
 4 ment or municipality identifies as an unreinforced masonry structure two or more stories
 5 above grade. Unless the department or the building official for the municipality determines
 6 that seismic rehabilitation of the structure is technically infeasible, the department or the
 7 municipality shall offer the property owner the opportunity to enter into a seismic rehabili-
 8 tation agreement. The seismic rehabilitation agreement shall require the property owner to
 9 bring the structure into compliance with state building code seismic force resistance stan-
 10 dards applicable for the new construction of masonry structures two or more stories above
 11 grade.

12 (5) Except as provided in this subsection, if the department or the municipality offers the
 13 property owner the opportunity to enter into a seismic rehabilitation agreement for an un-
 14 reinforced masonry structure that is two or more stories above grade, and the property
 15 owner declines to enter into the agreement, the department or the municipality may treat
 16 the unreinforced masonry structure in the same manner as a new construction that does
 17 not conform to structural specialty code requirements. The department or municipality may
 18 not treat a structure as nonconforming if the property owner successfully challenges the
 19 feasibility determination made by the department or municipality under subsection (4) of this
 20 section.

21 (6) Except as provided in this subsection, a seismic rehabilitation agreement described in
 22 this section may not authorize a phased-in rehabilitation to extend beyond January 1, 2050.
 23 If a property owner has entered into a seismic rehabilitation agreement for an unreinforced
 24 structure, and rehabilitation of the structure is in progress on January 1, 2050, the property
 25 owner may apply to the department or the municipality for an amendment to the agreement
 26 that extends the time allowed for completing the rehabilitation. An extension granted by a
 27 municipality under this subsection may not allow the rehabilitation period to end later than
 28 January 1, 2055.

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