December 20, 2019

Mr. Richard Rogers
Chief Building Official
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Dear Mr. Rogers:

This letter provides testimony from the Oregon Chapter of the American Planning Association (OAPA) on the proposed Building Codes Division rulemaking affecting the internal conversion of existing homes. OAPA is an independent, statewide, not-for-profit membership organization of over 950 planners from across the state working for cities, counties, special districts, state agencies, community-based organizations, and private firms. OAPA provides leadership in the development of vital communities by advocating excellence in community planning, promoting education and resident empowerment, and by providing the tools and support necessary to meet the challenges of growth and change.

Our Legislative and Policy Affairs Committee (LPAC) has reviewed these proposed rules and opposes their adoption, as currently drafted. OAPA has prioritized efforts that address housing availability and affordability across Oregon. HB 2001 is directed to achieve that same end. In particular, Section 9 of that bill requires that the Building Code Division adopt rules to encourage the internal conversion of existing homes.

All too often, OAPA planners have seen otherwise structurally-sound homes demolished in favor of new construction simply because new development can provide greater density without the need to satisfy the commercial building code standards that are impossible to achieve through a retrofit. Loss of these existing homes not only increases land and demolition costs, it places building materials that retain a useful life into the landfill. Requiring compliance with the commercial building code for three and four units is the single biggest impediment to conversion that would prolong the use of existing homes increasing housing choices and availability.
Certainly fire and life safety need to be priorities but this rulemaking effort fails to explain why an existing home containing 4 dwelling units serves any greater fire or life safety risk than it would be if it contained the same number of people in its single-family configuration. Further, there needs to be some explanation for treating three dwelling units in a single-family home to the same commercial residential standards as an apartment building that could house dozens of families. This necessary explanation is not provided.

OAPA planners, experienced with drafting and regulating pursuant to “clear and objective” standards, have seen that taking the time to identify specific objectives and then carefully crafting detailed, quantifiable standards responding to that concern saves time for both the property owners, as well as local government staff charged with implementing these rules. The same will be true in this case. As drafted, determining whether a particular deviation in construction method or materials qualifies for approval as an “alternate method,” “modification” or a “waiver” could, in some cases, become a complicated, expensive and time-consuming endeavor. The result could be to deny requests simply because the level of effort required to review subject to such discretionary standards.

HB 2001 requires that the Building Code Division rulemaking effort allow alternate methods of construction as a means of removing a barrier to the re-use of existing homes. The proposed rulemaking fails to remove those barriers. The Building Code Division should table this effort and convene a work group for a recommendation that will actually achieve what the law requires.

Thank you for your time and attention to our testimony.

Sincerely,

Kirsten Tilleman, AICP, President
Board of Directors

Damian Syrnyk, AICP, Chair
Legislative and Policy Affairs Committee