

BOMA Oregon 2014 Advocacy Agenda

The Building Owners and Managers Association of Oregon is part of a federation of 93 BOMA U.S. associations, BOMA Canada and its 11 regional associations and 13 BOMA international affiliates.

Founded in 1915, BOMA Oregon represents over 40 million square feet of office space that supports over 37,000 jobs and contributes almost \$2 billion to the Oregon economy. Our mission is to promote commercial real estate through leadership, networking, advocacy and professional development.

BOMA Oregon is the premier real estate advocacy group in Oregon. We are your watchdog for all issues impacting the commercial real estate industry. The following are our 2014 priorities:

AMERICANS WITH DISABILITIES ACT (ADA)

BOMA Oregon supports the updated accessibility requirements in new buildings, and "grandfathering" conditions in existing buildings that meet current ADA standards. Updated requirements can be found in the BOMA International "Guide to the 2010 ADA Standards"

CARBON TAX

BOMA Oregon opposes carbon tax options that do not reinvest funds raised into energy efficiency and will increase costs to business.

Background: HB 2792 would institute a carbon tax while repealing the state's renewable portfolio standard - the rule requires utilities to generate 25% of power from renewable resources by 2025. The City of Portland is looking into whether there is a "local appetite" for a carbon tax.

E-CIGARETTES

BOMA Oregon supports efforts to treat e-cigarettes the same as other tobacco products, and banning them in buildings as part of the Oregon Indoor Clean Air Act. HB 4115 will prohibit the sale of e-cigarettes to minors and to regulate them under the indoor smoking bans. Because of the unknown health concerns associated both with the safety of e-cigarettes and the potential ill-effects from their second-hand vapor smoke, BOMA Oregon supports the inclusion of e-cigarettes into the Oregon Indoor Clean Air Act. Additionally, approving HB 4115 helps remove building owners and managers from the role of "policing" their tenants and helps shield them from any potential liability that may result from exposure to second-hand smoke.

ENERGY STAR SCORE DISCLOSURE

BOMA believes a mandatory scoring system at either the statewide or local government level would impose an unfair and extremely costly and time-consuming burden on commercial building owners and managers. The costs to property owners and government agencies, combined with privacy issues and the negative effects on property values outweigh the benefits of a statewide mandatory energy performance scoring system

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EV CHARGING STATIONS

BOMA fully supports energy efficient alternatives in transportation. With a growing number of electric vehicles (EV) on the road, a marketplace need is developing for EV charging stations. BOMA supports the rights of building owners to decide whether or not to install EV charging stations in parking facilities and opposes any mandates for the provision of EV charging stations or "EV-ready" infrastructure. BOMA believes the free market will meet the growing demand.

FACILITY PERMIT PROGRAM (FPP) AND THE MAJOR PROJECTS GROUP (MPG), CITY OF PORTLAND

Both the FPP and MPG programs are very effective and of significant benefit to participants. BOMA would like to see the city expand the FPP program and reconvene the FPP advisory committee. BOMA supports, and would like to partner with the Bureau of Development Services to work to enhance understanding of ADA, UBC/IBC codes, Seismic, Non-conforming use issues through education.

Currently, structural inspections are not under FPP. BOMA strongly encourages the City to add structural to the Facility Permit Program.

FATS OILS AND GREASE (FOG), CITY OF PORTLAND

BOMA believes that all food service establishments should be subject to FOG requirements. Food carts and other currently exempt organizations should be included. Currently, establishments with a fixed address are bearing the total financial impact of FOG. All food service establishments, fixed or mobile must be required to participate in the program

Background: On January 1, 2012, the city began phasing in new rates for food service establishments based on the volume of food waste discharged. Rates can be decreased by installing and maintaining grease interceptors, removing food grinders under sinks, and donating or composting other food waste.

To date, BES has inspected and set up accounts for approximately 75% of the customers, or 2,500 food service establishments. The program has brought in over \$4 million since its inception; however, this is not increased revenue for BES. There has been reduction in base rate revenue as costs have shifted.

HOUSE BILL 2801 (2013 Oregon Legislative Session)

BOMA is opposed to this bill that authorizes public purpose charge moneys invested in cost-effective local energy conservation that involves updating energy efficiency of residential or nonresidential building to be used for the purpose of conducting whole building assessment of energy efficiency of building.

INDUSTRIAL LAND SHORTAGE (WEST HAYDEN ISLAND)

Portland and the Metropolitan area have a significant shortage of industrial land. The Port of Portland's proposed annexation of West Hayden Island would have cut that shortage by half. The lack of industrial land puts Portland at a disadvantage when it comes to recruiting large companies - and encouraging existing companies to expand. BOMA supports Metro's expansion of the Urban Growth Boundary.

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RIGHT 2 DREAM TOO (R2D2TOO)

A camp for the homeless in the downtown core is illegal, unfair, and a poor policy decision. It is undeniable that for those property owners located adjacent to and near a homeless camp, their property values are adversely impacted. Homelessness is a serious issue that must be addressed. Solutions must be carefully considered and well-crafted to not only address the homelessness issue, but also to do so in a way that does not illegally and unfairly burden the property owners and businesses that have invested their time, money, and resources in our City, and who share a great deal of the responsibility for making Portland a great place to live.

ROAD DIET, CITY OF PORTLAND (Transportation)

BOMA Oregon is supportive of bike lanes when it makes sense, and does not impede traffic. There are numerous examples throughout the state of bike lanes that are logically placed and do not impact automobile traffic. As a result of these successes, BOMA advocates for City of Portland Transportation Systems Development Charges (TSDC) to be spent on maintenance and improving existing infrastructure.

BOMA opposes the elimination of any travel lanes in Oregon for the purpose of replacing a travel lane with a bike lane. Certain special interest groups want a car lane removed to make space for buffered bike lanes in both directions. Removing a travel lane would divert a significant amount of traffic to local streets and, according to the Oregon Department of Transportation will increase travel time by as much as 15%.

Background: A road diet takes an undivided four-lane roadway and, with new striping or crossing islands, reallocates one auto lane for a center left turn lane or bicycle and pedestrian facilities in both directions.

SEISMIC UPGRADES. MANDATORY

BOMA strongly opposes the City of Portland's proposal, making seismic upgrades of Unreinforced Masonry Buildings (URM's) mandatory. BOMA would like to work with building owners and the city to create effective tools for cost effective seismic upgrades.

SIDEWALKS

We are very supportive of efforts that prohibit the state from preempting a city's authority to control the use of its sidewalks. The City of Portland must protect the rights of the business community and address the social service needs of the homeless. BOMA would like to work with the City to find a solution.

Background: A sit-lie ordinance prohibits sitting or lying on the sidewalk. Multiple attempts to enact a "sit-lie" ordinance have initially succeeded, only to eventually be challenged and fail in the courts.

SUPERFUND, PORTLAND HARBOR

The city of Portland has stated they will work with stakeholders to develop a plan to deal with cleaning up the Portland Harbor. The city must take a leadership role. BOMA would like to participate in developing a workable solution.

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Background: The City of Portland owns over 20 stormwater or combined sewer outfall pipes that drain into Portland Harbor. The City may be a responsible party because of the potential of the City's stormwater system to carry contamination from upland areas to the river. Portland Harbor was added to the EPA's National Priorities List in December 2000. The current study area extends from the Columbia Slough to the Broadway Bridge. 14 of 150 Potentially Responsible Parties (PRP) have started paying for the clean-up and 10 of the 14 have agreed to bear the initial cost of planning the overall cleanup. These 14 parties are known as the Lower Willamette Group (LWG). The LWG is in a dispute with the EPA over the ultimate standard for a clean site.

SYSTEM DEVELOPMENT CHARGES, CITY OF PORTLAND

System Development Charges are one of the most significant costs to new development. BOMA would like the State of Oregon to revise the 2011 ORS 223.302/Policy 223.7, and not require local jurisdictions to limit the use of SDC fees to capital improvements.

Background: System Development Charges (SDC's) are one time fees charged to new development to help pay a portion of the costs associated with building capital facilities to meet growth related needs. Oregon local governments are authorized to enact SDC's for capital facilities for transportation, water, wastewater, stormwater drainage and parks and recreation facilities.

TREE CODE, CITY OF PORTLAND

Trees currently shade a quarter of the city of Portland. BOMA does not support the mandatory expansion of tree canopy. Owners should not have the increased liability and responsibility for maintenance and operations costs, including the costs to care or repair to sidewalk. The increase in land use review fees is unacceptable (between \$30 and \$300).

Background: The plan calls for canopy to cover about a third of the city, averaged all across Portland. The city's goal is to add 100 additional acres of tree canopy per year.

WATER AND SEWER, CITY OF PORTLAND

The City of Portland must address the ongoing problems with the Bureau of Environmental Services and Water. The annual increases in water and sewer rates and System Development Charges are unacceptable and detrimental to doing business in Portland. BOMA is not supportive of the Portland Water Users proposal to establish a Portland Public Water District.