



Permit Extension, Abandonment, Expiration and Reactivation Program Guide

Category: Permitting Services, One and Two Family Dwelling
Construction, Commercial Construction, Trade Permits, Site
Development, Zoning, Enforcement

Revised: March 15, 2019 *[Rebecca Esau]* , Director

Responsible Bureau Sections: Bureau of Development Services
See Section VII of this guide.

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I. PURPOSE AND INTENT

The Bureau of Development Services (BDS) collaborates with its customers to permit work that improves the livability and economic vitality of the city. The purpose of this program guide is to provide a transparent and consistent decision-making process that spans multiple BDS sections and the phases of the development review process. This program guide is intended to provide ample opportunities and clear expectations to customers to complete their projects with as much flexibility as possible. This program guide refers to the code requirements, criteria, and the processes through which the Building Official or delegate may extend or reactivate permits. This guide applies to:

- commercial building permits;
- facilities permit program permits;
- residential building permits;
- field issuance remodel program permits;
- manufactured home permits;
- plumbing permits;
- mechanical permits;
- electrical permits;
- sign permits;
- site development permits;
- development review permits; and
- zoning permits.

II. CODE AUTHORITY

The Building Official is granted authority to extend or cancel permits under the Oregon Structural Specialty Code (OSSC) and the Oregon Residential Specialty Code (ORSC) Sections 105.3 and 105.5, the Oregon Plumbing Specialty Code (OPSC) 103.3, the Oregon Mechanical Specialty Code (OMSC) 106.4, Oregon Manufactured Dwelling Installation Specialty Code (OMDISC) 1-4, Portland City Code (PCC) 24.10.070 (Buildings), 25.05.050 (Plumbing), 26.04.080 (Electrical), 27.03.030 (Heating and Ventilation), 32.62.040 (Signs). Those codes detail requirements related to pursuing permit issuance, commencement of permitted work, and fulfillment of such work.

III. DEFINITIONS

A. Permit Status Definitions. The status descriptions below illustrate the stages of the permitting process. The status of each permit is noted in the electronic permitting system.

1. **Application**: Owner or owner's representative has submitted an application for permit, but review fees have not been paid. The application may or may not have met minimum submittal requirements. Permits remain in application status for up to 180 days at which time they become Void.
2. **Under Review**: Review fees have been paid and minimum submittal requirements have been satisfied. Permit is being reviewed by necessary departments in relation to the project description. Inactive permit applications remain in Under Review status for 180 days, after which they are Abandoned.
3. **Approved to Issue**: All technical reviews have been completed, issuance fees have been billed, and permit is ready to be picked up by customer. Inactive permit applications remain in Approved to Issue status for 180 days, after which they are Abandoned.
4. **Abandoned**: The permit application has not reached Issued status and there has been no activity for 180 days. Abandoned applications may be reactivated within 180 days of abandonment.
5. **Issued**: Permit has been paid for and inspections have not been requested. Inactive permits remain in Issued status for 180 days, after which they are Expired.
6. **Under Inspection**: Permit has been paid for and at least one inspection has been requested. Inactive permits remain in Under Inspection status for 180 days, after which they are Expired.
7. **Expired**: Permit has reached Issued or later status and there has been no activity for 180 days. Expired permits may be reactivated within 180 days of expiration.
8. **Void**: The application has been in Application status for 180 days and fees have not been paid, OR the application has been in Expired or Abandoned status for 180 days and has not been reactivated. If not reactivated, re-submittal of the project is required, and must be designed to current code(s). New fees will be assessed at the current rates. Other permit fees and surcharges associated with the project e.g. Infrastructure Bureau review fees, System Development Charges (SDC), School Construction Excise Tax, Metro Excise Tax, will be assessed at current rates.
9. **Final**: The permit has received approval of all final inspections.
10. **Cancelled**: The permit has been discontinued at the request of the owner or the owner's representative. However, Cancelled status has also historically been used to indicate an Expired or Void permit. Therefore, a permit that is NOT cancelled at the request of the applicant may be considered de facto Abandoned, Expired, or Void depending on the prior status and time passed since the cancellation.

B. Procedural Definitions. These definitions express select actions that impact a building permit and change the status of a permit.

1. **Extension:** If a permit application or permit is approaching abandonment or expiration, the expiration date of the application or permit may be extended by BDS within the first 180 days of the last activity. Upon approval of an extension, the permit will remain in its current status (i.e. Under Review, Issued, Under Inspection).
2. **Reactivation:** If a permit application or permit has been Abandoned or Expired, the permit may be reactivated upon approval by BDS within the first 180 days from abandonment or expiration as described in Section IV.D of this guide. In rare cases, a permit in Void status may also be reactivated as described in Section IV.F of this guide. Upon approval of a reactivation request, the permit application or permit will return to the status it was prior to abandonment or expiration (i.e. Approved to Issue, Issued, Under Inspection).
3. **Activity:** Activity is a response to a checklist or an approved inspection.

C. Other Definitions.

1. **Change to Scope of Work.** A change to scope of work includes but is not limited to changes to the building envelope, changes to the location of the structure on the site, changes to use or occupancy, changes to mechanical, electrical, or plumbing systems, changes to structural components of the building, and changes to the interior that affect fire/life safety requirements. The supervisor of the responsible section as noted in Section VII of this guide, in consultation with the affected BDS sections and interagency partners, will determine if there has been a change in scope of work.

IV. CRITERIA

This section details criteria used to evaluate when permits are abandoned, expired, extended, reactivated and void. Extensions and reactivations may be granted if the permit has been pursued in good faith, as described in the criteria. Some criteria contain discretion that will be utilized as guidelines in make a balanced decision.

A. Abandonment.

Abandonment occurs to inactive permits that have not reached the Issued status.

1. **Permits in Application status** shall become Void if review fees are not paid within 180 days of application.
2. **Permits in Under Review or Approved to Issue status** shall be deemed Abandoned if no written requests for an extension have been submitted and approved and:

- a. The permit is Under Review and no checksheet responses have been received in 180 days (if within days 151-180, *all* checksheets must have been received); or
- b. The permit is Under Review and any necessary appeals, land use reviews, dedications, etc. have not been acted upon in 180 days; or
- c. The permit is Approved to Issue for more than 180 days.

B. Expiration.

Expiration occurs to inactive permits that have reached the Issued or Under Inspection status. Permits shall expire if:

1. No inspection approvals have been granted in 180 days; and
2. No written requests for an extension have been submitted and approved.

C. Extension.

Applicants may request an extension of permit application or issued permit to prevent them from going into Abandoned or Expired status. Extensions must be requested within the first 180 days after the last activity. Extensions may be granted with justifiable cause, as demonstrated by the circumstances listed below. The decision to extend a permit will be based on the guidelines below.

1. **Prior to Permit Issuance.** For permit applications that are in Under Review or Approved to Issue status, extension requests may be granted if approved by BDS in consideration of the following. Permit applications in Application status may not request an extension. The decision to extend the permit application may be made by any staff delegated by the Division or Section Manager.
 - a. There has been a response to at least one checksheet within the previous 180 days; or
 - b. Delays are caused by pending land use reviews, public works permits, street vacations or other city processes that affect activity on the permit. The associated process must have been acted on within the previous 180 days; or
 - c. A permit in Approved to Issue status may be extended if it is awaiting project funding.
2. **After Permit Issuance.** A permit in Issued or Under Inspection status will automatically be extended an additional 180 days each time it receives an approved inspection. Requests for extensions of permits that are in Issued or Under Inspection status may be granted if approved by BDS in consideration of one or more of the following. The decision to extend the permit will be made by a Division or Section Manager, or senior level staff member when delegated by the Division or Section Manager. These considerations are listed in no particular weighted order.

- a. The number of code cycles since the permit was issued (i.e. code changes). Extensions for permits that are older than one code cycle will typically not be granted.
- b. Changes to the zoning code since the permit application. If a change to the zoning code has occurred that relates to the project, the less likely the extension is to be granted.
- c. Status or concerns about related enforcement cases. If a permit helps to resolve enforcement cases, the more likely the extension is to be granted.
- d. Personal circumstances of the customer.
- e. Association/dependence with other permits or partial permits on the site that are under review, under inspection, or final. If approval of the extension will facilitate the completion of other permits, the more likely the extension is to be granted.

D. Reactivation of Abandoned or Expired Permits.

Permits that are in Expired or Abandoned status may be reactivated if the requirements of either Option 1 or Option 2, below, are met. A permit may be reactivated only once.

1. **Option 1.** A permit in Abandoned or Expired status will be reactivated by BDS if the following are met. The decision to reactivate based on these criteria may be made by any staff delegated by the Division or Section Manager.
 - a. The original scope of work has not changed;
 - b. The original approved plans are available; and
 - c. For permits that are in Expired status: If the permit requires more than a final inspection, only the final inspection(s), including final trades inspections remain open. Permits that have more than the final inspection open are subject to the considerations in IV.D.2. Permits that only have one required inspection, and that inspection is open, are subject to the considerations in IV.D.2.
2. **Option 2.** A permit in Abandoned or Expired status may be reactivated if approved by BDS in consideration of the following. The decision to reactivate the permit will be made by a Division or Section Manager, or senior level staff member delegated by the Division or Section Manager. Items 3.a, 3.b, and 3.c must be met. One or more other items are considerations and are listed in no particular weighted order.
 - a. The original scope of work has not changed.
 - b. The original scope of work is discernable given permit descriptions and/or approved plans.
 - c. The permit was applied for within the current code cycle.
 - d. Status or concerns about related enforcement cases. If a permit helps to resolve enforcement cases, the more likely the reactivation is to be granted.

- e. The amount of progress of original permitted work as demonstrated by inspection history of the project. The more progress that has been made, the more likely the reactivation is to be granted.
- f. Level of monetary and time investment expended on the project, in proportion to the resources available to the customer. The more investment, the more likely the reactivation is to be granted.
- g. Personal circumstances of the customer.
- h. Record keeping of prior jurisdictions. If records from the jurisdiction were incomplete through no fault of the applicant, the more likely the reactivation is to be granted.
- i. Whether the use and/or development is still allowed on the site. If the use or development is still allowed on the site, the more likely the reactivation is to be granted.
- j. Whether the applicant is the original permit applicant. If the applicant is the original permit applicant, the more likely the reactivation is to be granted.
- k. Whether ownership of the site or building has changed. If the ownership has not changed, the more likely the reactivation is to be granted.
- l. Whether other permits or partial permits on the site are dependent on the completion of work under the subject permit. If there are dependencies, the more likely the reactivation is to be granted.
- m. Whether other permits at the site are currently under review or inspection, and their review and inspection were based on the assumption that the work in the subject permit did not or will not occur. If there are other active permits at the site, the less likely the reactivation request is to be granted.
- n. Community impact or interest.

E. Void.

Permits will be void if:

1. They have been in Application status for 180 days and no fees have been paid; or
2. They have been in Abandoned or Expired status for 180 days with no activity and no requests for reactivation have been submitted and approved.

F. Reactivation of Void Permits.

Permits that were Issued at one time, but are now in Void status, may be reactivated if the requirements of either Option 1 or Option 2 below, are met. A permit that was never previously Issued, and is now in Void status, may not be reactivated. A permit may be reactivated only once.

1. **Option 1.** A permit in Void status will be reactivated by BDS if the following are met. The decision to reactivate based on these criteria may be made by any staff delegated by the Division or Section Manager.

- a. The original scope of work has not changed;
 - b. The original approved plans are available; and
 - c. For permits that require more than a final inspection, only the final inspection(s), including final trades inspections remain open. Permits that have more than the final inspection open are subject to the considerations in IV.F.2. Permits that only have one required inspection, and that inspection is open, are subject to the considerations in IV.F.2.
- 2. Option 2.** Reactivation of Void Permits will be considered on a case-by-case basis through the BDS Administrative Appeals process. Consideration for granting an appeal includes one or more of the following items, listed in no particular weighted order:
- a. The original scope of work has not changed.
 - b. The original scope of work is discernable given permit descriptions and/or approved plans.
 - c. The number of code cycles that have passed since the permit was applied for. The less code cycles that have passed, the more likely the appeal is to be granted.
 - d. The ability for inspectors to verify the work conforms to applicable codes. The greater the ability, the more likely the appeal is to be granted.
 - e. Status or concerns about related enforcement cases. If a permit helps to resolve enforcement cases, the more likely the appeal is to be granted.
 - f. The amount of progress of original permitted work as demonstrated by inspection history of the project. The more progress that has been made, the more likely the appeal is to be granted.
 - g. Level of monetary and time investment expended on the project, in proportion to the resources available to the customer. The more investment, the more likely the appeal is to be granted.
 - h. Personal circumstances of the customer.
 - i. Record keeping of prior jurisdictions. If records from the jurisdiction were incomplete through no fault of the appellant, the more likely the appeal is to be granted.
 - j. Whether the use and/or development is still allowed on the site. If the use or development is still allowed on the site, the more likely the appeal is to be granted.
 - k. Whether the appellant is the original permit applicant. If the appellant is the original permit applicant, the more likely appeal is to be granted.
 - j. Whether ownership of the site or building has changed. If the ownership has not changed, the more likely the appeal is to be granted.
 - k. Whether other permits or partial permits on the site are dependent on the completion of work under the subject permit. If there are dependencies, the more likely the appeal is to be granted.
 - l. Community impact or interest.

Note on changes to Scope of Work: Permits may only be reactivated for the originally permitted scope of work. If the scope of work has changed, a new permit must be obtained. Alternately, the original permit may be reactivated for the original scope of work, and a new permit for the additional scope of work may be obtained.

Where the original scope of work is unclear due to lack of clear plans, clear descriptions, or other means, a new permit is required.

V. LENGTH OF PERMIT EXTENSIONS AND REACTIVATIONS

A. Permit Extensions.

The first approved extension shall be for an additional 180 days from the expiration date. Additional approved extensions shall be for a time determined by BDS but shall not exceed an additional 180 days from the expiration date. Permit applications in Application status may not request an extension.

B. Permit Reactivations.

A permit application or permit may be reactivated only once. Reactivations shall move the permit into the most recent active status (i.e. Issued, Under Inspection). The “clock” will restart at that time and the permit will remain active as long as there is an approved inspection within 180 days, or an extension has been requested and granted.

VI. COURTESY NOTICE OF ABANDONMENT OR EXPIRATION

The courtesy notification process of pending and completed abandonment or expiration for all commercial building and residential building permits is described below. Other permit types do not receive notification but may add notification as time and resources allow. Approvals and denials of extension and reactivation requests will be in writing and occur for all commercial building, residential building, zoning, site development, development review, sign, mechanical, plumbing and electrical permits.

- A.** Permit applicants with commercial building or residential building permit application or permit that have not had activity (i.e. Corrections Received, Approved Inspection) in the prior 150 days will be notified within the 30 days prior to the proposed abandonment or expiration of any permit. The notice will contain instructions on how to request an extension. The notification will be in writing and sent to the permit applicant and to the property owner.
- B.** If there is no response to the notice from the property owner, applicant, and/or from BDS Enforcement Section, the permit will become Abandoned or Expired 180 days from the last activity.

- C.** If the commercial building or residential building permit application or permit is Abandoned or Expired, a follow up letter will be sent to the applicant and copy to the property owner advising that the permit is Abandoned or Expired with instructions on how to request reactivation of the permit.
- D.** If the permit is not reactivated, a new permit will be required subject to current codes, current submittal requirements and current fees.

VII. REQUESTING EXTENSIONS AND REACTIVATIONS

The table below shows the BDS sections for making decisions regarding permit abandonment, expiration, extension and reactivation by permit type and permit status.

- A.** Extension and Reactivation requests must be submitted in writing. To submit a written request, contact the appropriate section listed in the table on page 11, below, for instructions. Permit extension or reactivation requests may also be submitted online at [the BDS website at portlandoregon.gov/bds](http://portlandoregon.gov/bds).
- B.** A written request for extension or reactivations will be reviewed by the appropriate section in BDS as noted in the table.
- C.** Approvals and denials of extension and reactivation requests will be in writing and sent to the requestor.
- D.** BDS may initiate and approve an extension if the requirements of this program guide for extensions are met.

Type of Permit(s)	Folder Status	Responsible BDS Section/Division
All permit types associated with active violation; Dangerous Building; Code Compliance; Fire Damage cases	All Statuses	Property Compliance 503-823-2633 bdsenforcpermitexts@portlandoregon.gov
Residential Building Permits	Application, Under Review, Approved to Issue	Permitting Services 503-823-7357 permittingservices@portlandoregon.gov
	Issued, Under Inspection, Expired, Void	Residential Inspections 503-823-7388 bdsinspections@portlandoregon.gov
Commercial Building Permits, Mechanical Permits over \$2,000 valuation	Application, Under Review, Approved to Issue	Permitting Services 503-823-7357 permittingservices@portlandoregon.gov
	Issued, Under Inspection, Expired, Void	Commercial Inspections 503-823-7303 bdsinspections@portlandoregon.gov
Sign Permits Electrical Permits Plumbing Permits Mechanical Permits under \$2,000 valuation	Application, Under Review, Approved to Issue	Permitting Services-Trade Permit Section 503-823-7363 permittingservices@portlandoregon.gov
	Issued, Under Inspection, Expired, Void	Residential Inspections 503-823-7388 Commercial Inspections: 503-823-7303 bdsinspections@portlandoregon.gov
A-Board Sign Permits	All Statuses	Property Compliance 503-823-2633 bdsenforcpermitexts@portlandoregon.gov
Site Development Permits	Application, Under Review, Approved to Issue	Permitting Services 503-823-7357 permittingservices@portlandoregon.gov
	Issued, Under Inspection, Expired, Void	Site Development 503-823-6892 bdssitedev@portlandoregon.gov
Development Review Permits	Application, Under Review, Approved to Issue	Permitting Services 503-823-7357 permittingservices@portlandoregon.gov
	Issued, Under Inspection, Expired, Void	Property Compliance 503-823-2633 bdsenforcpermitexts@portlandoregon.gov
Zoning Permits	Application, Under Review, Approved to Issue	Permitting Services 503-823-7357 permittingservices@portlandoregon.gov
	Issued, Under Inspection, Expired, Void	Property Compliance 503-823-2633 bdsenforcepermitexts@portlandoregon.gov
Facilities Permit Program	All Statuses	Assigned Facility Permit Program Inspector
Field Issuance Remodel Program	All Statuses	Assigned Field Issuance and Remodel Program (FIR) Inspector
Major Project Group	Application, Under Review, Approved to Issue	Assigned Process Manager
	Issued, Under Inspection, Expired, Void	Commercial Inspections 503-823-7303 bdsinspections@portlandoregon.gov

VIII. FEES FOR EXTENSION OR REACTIVATION

Fees for extensions and reactivations shall be as shown in the current BDS fee schedule. The BDS fee schedule can be found at www.portlandoregon.gov/bds.

IX. ENFORCEMENT

If a permit has become Expired or Void, and depending on the status of the project, the appropriate BDS section will determine if the case should be referred to the BDS Property Compliance Division for enforcement action to compel the progress of the permitted work. This is to ensure no fire and life safety issues exist that will endanger the welfare of the community.