

House Business and Labor Committee
February 15, 2017



Good Afternoon Chair Holvey and Members of the Committee:

The Oregon Building Officials Association (OBOA) represents more than 1,000 building officials and personnel throughout the state. Its members include a wide range of building officials, both in large, metropolitan cities and counties, as well as small, rural jurisdictions.

As you know, Oregon has statewide a building code, adopted by the State Building Codes Division, which establishes uniform safety and energy standards for all residential and commercial buildings throughout the state. In most jurisdictions, the statewide code is administered and enforced by local city or county building departments. In jurisdictions where neither a city, nor a county assume these responsibilities, the State Building Codes Division must do so.

We appreciate the opportunity to submit comments for your consideration on several bills before you today.

House Bill 2164

In 2007, legislation was passed that enabled the Department of Consumer and Business Services (DCBS) to develop and implement an electronic building permit system on a pilot program basis. During the 2015 session, the legislature passed Senate Bill 133, which removed the sunset of the program, extended the definition to include “construction-related services” and contained express language that use of the state’s e-permitting system is voluntary and a city or county that chooses not to use the state’s electronic permit system may not be sanctioned or disciplined by the state. This provision regarding voluntary use of the state’s e-permitting system without discipline or sanction was heavily negotiated language between many stakeholders, including OBOA and the Building Codes Division.

The department’s e-permitting system is used by, and provides value to, many OBOA members—primarily smaller, rural jurisdictions. It is for that reason that OBOA supports the current e-permitting program for those jurisdictions that choose to use it.

HB 2164 removes the voluntary nature of the program that was negotiated and added to state law just two years ago. The bill would require municipalities to use the department’s e-permitting system, unless the department, in its sole discretion, allowed a municipality to continue to use its own system. Furthermore, the bill explicitly states that a municipality may be sanctioned for not using the department’s system.

OBOA opposes HB 2164 as drafted because it reverses the voluntary nature of the state’s e-permitting system that OBOA, BCD and others agreed to in 2015 and would result in a great deal of uncertainty for jurisdictions that have already or are in the process of spending considerable time, energy and financial resources developing a system that works for them and their customers.

House Bill 2165 & 2737

Both House Bill 2165 and House 2737 relate to “tiny homes.” While OBOA is open to having a broader conversation about “tiny homes” and finding a solution that works for all interested parties, we have concerns about these two bills as drafted. Specifically, HB 2165 would require local building inspectors to inspect a “small home” as defined in the bill for compliance with the recreational vehicle standard. The recreational vehicle standard is not a standard local building officials currently inspect to and do not have a history of doing so. If these structures are meant to be used as “permanent” dwellings, Oregon has a well-established national and statewide vetted building code that establishes **MINIMUM** standards of construction for residential dwellings. Allowing “tiny homes” to be built to a lesser standard and occupied on a permanent basis could be interpreted that it’s acceptable for anyone who occupies them to have a lesser **MINIMUM** standard for life safety than those that have a traditional home built to the Oregon residential specialty code. While we have these concerns, we’re open to continuing the conversation to find a solution to the underlying issue.

House Bill 2168

HB 2168 requires a municipality to provide code inspectors with all equipment required for an inspection. We feel the language is overbroad and would be overly burdensome and costly to implement as written. The bill as drafted would potentially require cities to provide inspectors with necessary scaffolding, 24-foot ladders, scissor-lifts and various other large equipment that is generally already present at the job site. Such a requirement would mean transporting this equipment to multiple job sites per day and require the set up and break down of such equipment. We are concerned with the potential cost to acquire and transport this equipment as well as the potential delays for set up, break down, and loading. Furthermore, the code [**OSSC 110.5**] already requires permit holder (contractors) to provide a means and access for building inspections at the project site. As a result, OBOA has concerns as to how this would work in practice and the potential costs associated with supplying inspectors with any and all necessary equipment to complete inspections in a timely manner.

Thank you for your time and consideration of OBOA’s concerns.

Eric Schmidt, SE CBO
President – Oregon Building Officials Association
503-618-2877