



Oregon PHCC supports House Bill 2420

By Darrell W. Fuller, Executive Director

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There have been significant discussions on the role of private contractors in the process of government required inspections during construction. On the one hand, this is traditionally a government function, performed by government employees. Someone with enforcement authority – the strong arm of the law – should clearly be a public servant. On the other hand, some small communities simply don't have the tax base or construction activity to financially support full-time public servants in all inspection capacities.

In an effort to solve this conundrum, BCD has engaged in a couple of experiments. The first experiment permits local governments to hire third party, private sector contractors to perform government inspections. We have reluctantly supported this effort to ensure timely responses to inspection requests.

The second experiment was cross-training public employee inspectors so they may inspect in more than one specialty. For example, an electrical inspector would take a crash course in plumbing, and also do plumbing inspections. We have reluctantly supported this effort, too.

To date, we have resisted efforts to allow a combination of experiment one and experiment two into a third experiment, which would allow private contractor inspectors to also cross-train in specialties. We continue to oppose this effort.

Amidst these discussions, a new issue has emerged: whether local governments have the authority to transfer to an independent, private contractor, the authority of the government "building official," which is a significant step above that of an inspector. There is still an unresolved issue as to whether such a delegation of authority is even constitutional. And -- if it is constitutionally permissible -- is it good public policy?

The Oregon State Association of Plumbing-Heating-Cooling Contractors continues to be circumspect about the first and second experiments, opposed to the third experiment, and opposed to permitting local governments to delegate building official authority to anyone who is not a public servant.

Oregon PHCC supports House Bill 2420 and urges the Members of the Oregon Legislative Assembly to deliver it to Governor Brown for her signature.

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