

HB 2420 A STAFF MEASURE SUMMARY

Carrier: Rep. Holvey

House Committee On Rules**Action Date:** 04/15/19**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 6-1-0-0**Yeas:** 6 - Boles, Holvey, Nosse, Smith Warner, Sprenger, Williamson**Nays:** 1 - Wilson**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Josh Nasbe, Counsel**Meeting Dates:** 2/20, 4/8, 4/10, 4/15**WHAT THE MEASURE DOES:**

Requires municipal building official, responsible for administering and enforcing building inspection program, to be government employee. Establishes minimum qualifications. Authorizes municipalities to hire contractor for building inspection services, subject to supervision by building official. Allows multiple municipalities to jointly employ building official and inspector, if all municipalities located within three adjacent counties and Department of Consumer and Business Services determines timely service can be provided. Subjects building officials and building inspectors to government ethics laws. Requires municipality operating program to establish administrative appeal process. Provides municipalities with 90 days to declare intention to comply with Act or intention to relinquish program, on or before July 1, 2020. Validates historical actions of municipalities, if actions would have been lawful if performed by Department of Consumer Business and Services. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Legal opinions issued by Department of Justice and Legislative Counsel
- Government services and private sector contractors
- Cost and quality of service

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Oregon law establishes a state building code to govern the construction, reconstruction, alteration, and repair of buildings and other structures. Much of the code is adopted by rule of the Department of Consumer and Business Services (DCBS). DCBS is, in the first instance, required to administer and enforce building codes across the state. State law, however, authorizes local governments to choose to administer and enforce the program, for a period of four years at a time. When a local government assumes this responsibility, the government is required to appoint a "building official," who is charged with attending to all aspects of code enforcement, including the issuance of all building permits. Recent legal opinions issued by the Office of Legislative Counsel and the Department of Justice have questioned, on both statutory and constitutional grounds, the ability of a local government to outsource these services.

House Bill 2420 A requires a building official to be a government employee, while authorizing the use of independent contractors for building inspection services. The bill establishes minimum qualifications for building officials, allows multiple local governments to jointly employ building officials and inspectors under certain circumstances, and subjects all of these individuals, regardless of how or by whom they are employed, to government ethics laws. In addition, the bill requires local governments to establish an administrative appeal

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process. House Bill 2420 A declares an emergency, effective on passage, while delaying the operation of the substantive provisions in the bill until July 1, 2020. The bill requires local governments to determine, within 90 days of passage, whether to comply with the bill in advance of July 1, 2020, or whether to return the operation of the program to the county or the state.