

A-Engrossed
House Bill 2398

Ordered by the House April 16
Including House Amendments dated April 16

Sponsored by Representative HELM, Senators DEMBROW, BEYER; Representatives MARSH, POWER, SCHOUTEN, WILDE, Senator TAYLOR (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Adds Reach Code to state building code as specialty code and gives power of administration and interpretation of Reach Code to Director of Department of Consumer and Business Services. Requires director *[of Department of Consumer and Business Services]* to follow same process in adopting or amending Reach Code that director follows in developing residential and commercial building codes and to ensure that statewide Reach Code mandates achievement of not more than 90 percent of site energy use that other statewide residential and commercial building codes require. **Requires director to adopt Reach Code not later than October 31, 2021, and at same time director adopts corresponding residential specialty code or corresponding structural specialty code, updating Reach Code at least every three years.**

Permits municipality to adopt Reach Code and require adherence to code as minimum construction standard and method within municipality's jurisdiction **notwithstanding requirement that state building code be uniform and applicable to all municipalities in state. Provides that municipality's adoption of Reach Code is not amendment to state building code and does not require approval of director. Provides that municipality that does not adopt Reach Code does not need to enforce Reach Code within municipality's jurisdiction.**

Declares emergency, effective July 1, 2021.

A BILL FOR AN ACT

1
2 Relating to building codes; amending ORS 455.010, 455.100 and 455.500; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 455.010 is amended to read:

5 455.010. As used in this chapter, unless the context requires otherwise:

6 (1)(a) "Advisory board" means the board with responsibility for assisting in the adoption,
7 amendment or administration of a specialty code, specifically:

8 (A) The Building Codes Structures Board established under ORS 455.132;

9 (B) The Electrical and Elevator Board established under ORS 455.138;

10 (C) The State Plumbing Board established under ORS 693.115;

11 (D) The Board of Boiler Rules established under ORS 480.535;

12 (E) The Residential and Manufactured Structures Board established under ORS 455.135;

13 (F) The Mechanical Board established under ORS 455.140; or

14 (G) The Construction Industry Energy Board established under ORS 455.492.

15 (b) "Appropriate advisory board" means the advisory board that has jurisdiction over a partic-
16 ular code, standard, license, certification or matter.

17 (2) "Department" means the Department of Consumer and Business Services.

18 (3) "Director" means the Director of the Department of Consumer and Business Services.

19 (4) "Low-Rise Residential Dwelling Code" means the adopted specialty code that, subject to

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 section 2, chapter 401, Oregon Laws 2019, prescribes standards for the construction of residential
2 dwellings that are three stories or less above grade and have an exterior door for each dwelling
3 unit, but are not facilities or homes described in ORS 443.400 or transient lodging.

4 (5) "Municipality" means a city, county or other unit of local government otherwise authorized
5 by law to administer a building code.

6 (6) "Prefabricated structure":

7 (a) Means a building or subassembly that has been in whole or substantial part manufactured
8 or assembled using closed construction at an off-site location to be wholly or partially assembled
9 on-site.

10 (b) Does not mean a manufactured dwelling or a small home as defined in section 2, chapter 401,
11 Oregon Laws 2019.

12 (7) "Small Home Specialty Code" means the specialty code adopted under section 2, chapter 401,
13 Oregon Laws 2019.

14 (8) "Specialty code":

15 (a) Means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2),
16 455.496, **455.500**, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545 or section 2, chapter 401,
17 Oregon Laws 2019.

18 (b) Does not mean regulations adopted by the State Fire Marshal pursuant to ORS chapter 476
19 or ORS 479.015 to 479.200 and 479.210 to 479.220.

20 (9) "State building code" means the combined specialty codes.

21 (10) "Structural code" means the specialty code prescribing structural standards for building
22 construction.

23 (11) "Unsafe condition" means a condition caused by earthquake which is determined by the
24 department or any representative of the department to be dangerous to life and property. "Unsafe
25 condition" includes but is not limited to:

26 (a) Any portion, member or appurtenance of a building that has become detached or dislodged
27 or appears likely to fail or collapse and thereby injure persons or damage property; or

28 (b) Any portion, of a building or structure that has been damaged by earthquake, or by fire or
29 explosion resulting from an earthquake, to the extent that the structural strength or stability of the
30 building is substantially less than it was prior to the earthquake.

31 **SECTION 2.** ORS 455.010, as amended by section 10, chapter 401, Oregon Laws 2019, is
32 amended to read:

33 455.010. As used in this chapter, unless the context requires otherwise:

34 (1)(a) "Advisory board" means the board with responsibility for assisting in the adoption,
35 amendment or administration of a specialty code, specifically:

36 (A) The Building Codes Structures Board established under ORS 455.132;

37 (B) The Electrical and Elevator Board established under ORS 455.138;

38 (C) The State Plumbing Board established under ORS 693.115;

39 (D) The Board of Boiler Rules established under ORS 480.535;

40 (E) The Residential and Manufactured Structures Board established under ORS 455.135;

41 (F) The Mechanical Board established under ORS 455.140; or

42 (G) The Construction Industry Energy Board established under ORS 455.492.

43 (b) "Appropriate advisory board" means the advisory board that has jurisdiction over a partic-
44 ular code, standard, license, certification or matter.

45 (2) "Department" means the Department of Consumer and Business Services.

1 (3) "Director" means the Director of the Department of Consumer and Business Services.

2 (4) "Low-Rise Residential Dwelling Code" means the adopted specialty code prescribing stan-
3 dards for the construction of residential dwellings that are three stories or less above grade and
4 have an exterior door for each dwelling unit, but are not facilities or homes described in ORS
5 443.400 or transient lodging.

6 (5) "Municipality" means a city, county or other unit of local government otherwise authorized
7 by law to administer a building code.

8 (6) "Prefabricated structure":

9 (a) Means a building or subassembly that has been in whole or substantial part manufactured
10 or assembled using closed construction at an off-site location to be wholly or partially assembled
11 on-site.

12 (b) Does not mean a manufactured dwelling.

13 (7) "Specialty code":

14 (a) Means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2),
15 455.496, **455.500**, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545.

16 (b) Does not mean regulations adopted by the State Fire Marshal pursuant to ORS chapter 476
17 or ORS 479.015 to 479.200 and 479.210 to 479.220.

18 (8) "State building code" means the combined specialty codes.

19 (9) "Structural code" means the specialty code prescribing structural standards for building
20 construction.

21 (10) "Unsafe condition" means a condition caused by earthquake which is determined by the
22 department or any representative of the department to be dangerous to life and property. "Unsafe
23 condition" includes but is not limited to:

24 (a) Any portion, member or appurtenance of a building that has become detached or dislodged
25 or appears likely to fail or collapse and thereby injure persons or damage property; or

26 (b) Any portion, of a building or structure that has been damaged by earthquake, or by fire or
27 explosion resulting from an earthquake, to the extent that the structural strength or stability of the
28 building is substantially less than it was prior to the earthquake.

29 **SECTION 3.** ORS 455.100 is amended to read:

30 455.100. The Director of the Department of Consumer and Business Services shall have general
31 supervision over the administration of the state building code regulations, including providing
32 statewide interpretations for **the Reach Code and** the plumbing, elevator, electrical, manufactured
33 structures, boiler, amusement ride, structural, mechanical, low-rise residential dwelling and prefab-
34 ricated structures codes.

35 **SECTION 4.** ORS 455.500 is amended to read:

36 455.500. (1) The Director of the Department of Consumer and Business Services, [*in*
37 *consultation*] with the **approval of the** appropriate advisory boards, shall adopt, amend and admin-
38 ister [*a code separate from*] **the Reach Code described in subsection (2) of this section as a**
39 **specialty code within** the state building code[, *to be known as the Reach Code*]. The director shall
40 design the code to increase energy efficiency in buildings that are newly constructed, reconstructed,
41 altered or repaired.

42 [(2)] **(2)(a)** The Reach Code [*shall*] **must** be a set of statewide [*optional*] construction standards
43 and methods that are economically and technically feasible[, *including any published generally ac-*
44 *cepted codes and standards newly developed for construction or for the installation of products, equip-*
45 *ment and devices*]. When adopting or amending the code, the director, [*in consultation*] with the

1 **approval of the** appropriate advisory boards, shall **follow the same process the director follows**
2 **in developing the residential and commercial building codes and shall:**

3 [(a)] (A) Review generally accepted codes and standards that achieve greater energy efficiency
4 than the energy efficiency required by the state building code; [and]

5 [(b)] (B) Review technical components of generally accepted construction documents as the di-
6 rector considers necessary to address federal, state and local financial incentives and advances in
7 construction methods, standards and technologies[.];

8 (C) **Ensure that standards for energy efficiency in the Reach Code mandate achieving a**
9 **site energy use of not more than 90 percent of the site energy use that other statewide**
10 **residential and commercial codes require;**

11 (D) **Adopt the Reach Code not later than October 31, 2021; and**

12 (E) **Adopt the residential provisions of the Reach Code at the same time the director**
13 **adopts a corresponding residential specialty code and adopt the commercial portions of the**
14 **Reach Code at the same time the director adopts a structural specialty code.**

15 (b) **Notwithstanding paragraph (a)(E) of this subsection, the director shall update the**
16 **Reach Code at least every three years.**

17 (3)(a) **Notwithstanding the provisions of ORS 455.040 that require the statewide building**
18 **code to be uniform and applicable to all municipalities, a municipality may choose whether**
19 **to adopt the Reach Code and, upon choosing to adopt the Reach Code, may require adherence**
20 **to the Reach Code as a minimum construction standard and method within the**
21 **municipality's jurisdiction.**

22 (b) **A municipality's adoption of the Reach Code under this paragraph is not an amend-**
23 **ment to the state building code and does not require the director to review or approve the**
24 **adoption.**

25 (c) **Notwithstanding ORS 455.148 (1)(a), a municipality that assumes administration and**
26 **enforcement of a building inspection program but that does not adopt the Reach Code does**
27 **not need to enforce the Reach Code as a specialty code within the municipality's jurisdiction.**

28 (d) **If a municipality adopts the Reach Code and requires adherence to the Reach Code**
29 **as a minimum construction standard and method, measurement of energy efficiency savings**
30 **and related incentives must remain subject to the statewide residential and commercial**
31 **codes, as must measurements of cost effectiveness and payment of incentives under ORS**
32 **757.054 and 757.612.**

33 [(3)] (4) When amending the state building code under ORS 455.030, the director shall consider
34 whether any of the standards and methods contained in the Reach Code should be removed from the
35 Reach Code and adopted [*in the state building code*] **into a residential or commercial specialty**
36 **code.**

37 [(4)] (5) The inclusion of a standard or method for construction or for the installation of pro-
38 ducts, equipment or devices in the Reach Code:

39 (a) Does not alter any licensing or certification requirements under ORS 446.003 to 446.200,
40 446.225 to 446.285, 447.010 to 447.156, 460.005 to 460.175, 479.510 to 479.945 or 480.510 to 480.670 or
41 this chapter or ORS chapter 693 or Department of Consumer and Business Services rules;

42 (b) Exempts products, equipment and devices from product certification requirements under ORS
43 447.010 to 447.156 and 479.510 to 479.945 and the state building code; and

44 (c) Requires that a municipality administering and enforcing a building inspection program un-
45 der ORS 455.148 or 455.150 must recognize and accept the standard, method, installation, product,

1 equipment or device if a person applies to construct, reconstruct, alter or repair a building in con-
2 formance with the Reach Code.

3 **SECTION 5. This 2021 Act being necessary for the immediate preservation of the public**
4 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
5 **July 1, 2021.”**

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