

## HOUSE AMENDMENTS TO HOUSE BILL 2398

By COMMITTEE ON ENERGY AND ENVIRONMENT

April 16

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest of the line and insert  
2 “amending ORS 455.010, 455.100 and 455.500; and declaring an emergency.”.

3 Delete lines 4 through 29 and delete page 2 and insert:

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

23 “(5) ‘Municipality’ means a city, county or other unit of local government otherwise authorized  
24 by law to administer a building code.

25 “(6) ‘Prefabricated structure’:

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

29 “(b) Does not mean a manufactured dwelling or a small home as defined in section 2, chapter  
30 401, Oregon Laws 2019.

31 “(7) ‘Small Home Specialty Code’ means the specialty code adopted under section 2, chapter 401,  
32 Oregon Laws 2019.

33 “(8) ‘Specialty code’:

34 “(a) Means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2),  
35 455.496, **455.500**, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545 or section 2, chapter 401,

1 Oregon Laws 2019.

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

4 “(9) ‘State building code’ means the combined specialty codes.

5 “(10) ‘Structural code’ means the specialty code prescribing structural standards for building  
6 construction.

7 “(11) ‘Unsafe condition’ means a condition caused by earthquake which is determined by the  
8 department or any representative of the department to be dangerous to life and property. ‘Unsafe  
9 condition’ includes but is not limited to:

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

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

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

17 “455.010. As used in this chapter, unless the context requires otherwise:

18 “(1)(a) ‘Advisory board’ means the board with responsibility for assisting in the adoption,  
19 amendment or administration of a specialty code, specifically:

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

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

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

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

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

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

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

27 “(b) ‘Appropriate advisory board’ means the advisory board that has jurisdiction over a partic-  
28 ular code, standard, license, certification or matter.

29 “(2) ‘Department’ means the Department of Consumer and Business Services.

30 “(3) ‘Director’ means the Director of the Department of Consumer and Business Services.

31 “(4) ‘Low-Rise Residential Dwelling Code’ means the adopted specialty code prescribing stan-  
32 dards for the construction of residential dwellings that are three stories or less above grade and  
33 have an exterior door for each dwelling unit, but are not facilities or homes described in ORS  
34 443.400 or transient lodging.

35 “(5) ‘Municipality’ means a city, county or other unit of local government otherwise authorized  
36 by law to administer a building code.

37 “(6) ‘Prefabricated structure’:

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

41 “(b) Does not mean a manufactured dwelling.

42 “(7) ‘Specialty code’:

43 “(a) Means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2),  
44 455.496, **455.500**, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545.

45 “(b) Does not mean regulations adopted by the State Fire Marshal pursuant to ORS chapter 476

1 or ORS 479.015 to 479.200 and 479.210 to 479.220.

2 “(8) ‘State building code’ means the combined specialty codes.

3 “(9) ‘Structural code’ means the specialty code prescribing structural standards for building  
4 construction.

5 “(10) ‘Unsafe condition’ means a condition caused by earthquake which is determined by the  
6 department or any representative of the department to be dangerous to life and property. ‘Unsafe  
7 condition’ includes but is not limited to:

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

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

13 “**SECTION 3.** ORS 455.100 is amended to read:

14 “455.100. The Director of the Department of Consumer and Business Services shall have general  
15 supervision over the administration of the state building code regulations, including providing  
16 statewide interpretations for **the Reach Code and** the plumbing, elevator, electrical, manufactured  
17 structures, boiler, amusement ride, structural, mechanical, low-rise residential dwelling and prefab-  
18 ricated structures codes.

19 “**SECTION 4.** ORS 455.500 is amended to read:

20 “455.500. (1) The Director of the Department of Consumer and Business Services, [*in*  
21 *consultation*] with the **approval of the** appropriate advisory boards, shall adopt, amend and admin-  
22 ister [*a code separate from*] **the Reach Code described in subsection (2) of this section as a**  
23 **specialty code within** the state building code[, *to be known as the Reach Code*]. The director shall  
24 design the code to increase energy efficiency in buildings that are newly constructed, reconstructed,  
25 altered or repaired.

26 “[*(2)*] **(2)(a)** The Reach Code [*shall*] **must** be a set of statewide [*optional*] construction standards  
27 and methods that are economically and technically feasible[, *including any published generally ac-*  
28 *cepted codes and standards newly developed for construction or for the installation of products, equip-*  
29 *ment and devices*]. When adopting or amending the code, the director, [*in consultation*] with the  
30 **approval of the** appropriate advisory boards, shall **follow the same process the director follows**  
31 **in developing the residential and commercial building codes and shall:**

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

34 “[*(b)*] **(B)** Review technical components of generally accepted construction documents as the  
35 director considers necessary to address federal, state and local financial incentives and advances in  
36 construction methods, standards and technologies[.];

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

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

41 “**(E) Adopt the residential provisions of the Reach Code at the same time the director**  
42 **adopts a corresponding residential specialty code and adopt the commercial portions of the**  
43 **Reach Code at the same time the director adopts a structural specialty code.**

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

1           “(3)(a) Notwithstanding the provisions of ORS 455.040 that require the statewide building  
2 code to be uniform and applicable to all municipalities, a municipality may choose whether  
3 to adopt the Reach Code and, upon choosing to adopt the Reach Code, may require adherence  
4 to the Reach Code as a minimum construction standard and method within the  
5 municipality’s jurisdiction.

6           “(b) A municipality’s adoption of the Reach Code under this paragraph is not an amend-  
7 ment to the state building code and does not require the director to review or approve the  
8 adoption.

9           “(c) Notwithstanding ORS 455.148 (1)(a), a municipality that assumes administration and  
10 enforcement of a building inspection program but that does not adopt the Reach Code does  
11 not need to enforce the Reach Code as a specialty code within the municipality’s jurisdiction.

12           “(d) If a municipality adopts the Reach Code and requires adherence to the Reach Code  
13 as a minimum construction standard and method, measurement of energy efficiency savings  
14 and related incentives must remain subject to the statewide residential and commercial  
15 codes, as must measurements of cost effectiveness and payment of incentives under ORS  
16 757.054 and 757.612.

17           “[(3)] (4) When amending the state building code under ORS 455.030, the director shall consider  
18 whether any of the standards and methods contained in the Reach Code should be removed from the  
19 Reach Code and adopted [*in the state building code*] into a residential or commercial specialty  
20 code.

21           “[(4)] (5) The inclusion of a standard or method for construction or for the installation of prod-  
22 ucts, equipment or devices in the Reach Code:

23           “(a) Does not alter any licensing or certification requirements under ORS 446.003 to 446.200,  
24 446.225 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  
25 this chapter or ORS chapter 693 or Department of Consumer and Business Services rules;

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

28           “(c) Requires that a municipality administering and enforcing a building inspection program  
29 under ORS 455.148 or 455.150 must recognize and accept the standard, method, installation, product,  
30 equipment or device if a person applies to construct, reconstruct, alter or repair a building in con-  
31 formance with the Reach Code.

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