

HB 2398-15  
(LC 1207)  
4/6/21 (TSB/ps)

Requested by HOUSE COMMITTEE ON ENERGY AND ENVIRONMENT (at the request of Representative Pam Marsh)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2398**

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

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

5 **“SECTION 1.** ORS 455.010 is amended to read:

6 “455.010. As used in this chapter, unless the context requires otherwise:

7 “(1)(a) ‘Advisory board’ means the board with responsibility for assisting  
8 in the adoption, amendment or administration of a specialty code, specif-  
9 ically:

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

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

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

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

14 “(E) The Residential and Manufactured Structures Board established un-  
15 der ORS 455.135;

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

17 “(G) The Construction Industry Energy Board established under ORS  
18 455.492.

19 “(b) ‘Appropriate advisory board’ means the advisory board that has ju-  
20 risdiction over a particular code, standard, license, certification or matter.

21 “(2) ‘Department’ means the Department of Consumer and Business Ser-

1 vices.

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

4 “(4) ‘Low-Rise Residential Dwelling Code’ means the adopted specialty  
5 code that, subject to section 2, chapter 401, Oregon Laws 2019, prescribes  
6 standards for the construction of residential dwellings that are three stories  
7 or less above grade and have an exterior door for each dwelling unit, but  
8 are not facilities or homes described in ORS 443.400 or transient lodging.

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

11 “(6) ‘Prefabricated structure’:

12 “(a) Means a building or subassembly that has been in whole or sub-  
13 stantial part manufactured or assembled using closed construction at an  
14 off-site location to be wholly or partially assembled on-site.

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

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

19 “(8) ‘Specialty code’:

20 “(a) Means a code of regulations adopted under ORS 446.062, 446.185,  
21 447.020 (2), 455.020 (2), 455.496, **455.500**, 455.610, 455.680, 460.085, 460.360,  
22 479.730 (1) or 480.545 or section 2, chapter 401, Oregon Laws 2019.

23 “(b) Does not mean regulations adopted by the State Fire Marshal pur-  
24 suant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.

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

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

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

1 limited to:

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

5 “(b) Any portion, of a building or structure that has been damaged by  
6 earthquake, or by fire or explosion resulting from an earthquake, to the ex-  
7 tent that the structural strength or stability of the building is substantially  
8 less than it was prior to the earthquake.

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

11 “455.010. As used in this chapter, unless the context requires otherwise:

12 “(1)(a) ‘Advisory board’ means the board with responsibility for assisting  
13 in the adoption, amendment or administration of a specialty code, specif-  
14 ically:

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

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

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

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

19 “(E) The Residential and Manufactured Structures Board established un-  
20 der ORS 455.135;

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

22 “(G) The Construction Industry Energy Board established under ORS  
23 455.492.

24 “(b) ‘Appropriate advisory board’ means the advisory board that has ju-  
25 risdiction over a particular code, standard, license, certification or matter.

26 “(2) ‘Department’ means the Department of Consumer and Business Ser-  
27 vices.

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

30 “(4) ‘Low-Rise Residential Dwelling Code’ means the adopted specialty

1 code prescribing standards for the construction of residential dwellings that  
2 are three stories or less above grade and have an exterior door for each  
3 dwelling unit, but are not facilities or homes described in ORS 443.400 or  
4 transient lodging.

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

7 “(6) ‘Prefabricated structure’:

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

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

12 “(7) ‘Specialty code’:

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

16 “(b) Does not mean regulations adopted by the State Fire Marshal pur-  
17 suant to ORS chapter 476 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  
20 standards for building construction.

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

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

28 “(b) Any portion, of a building or structure that has been damaged by  
29 earthquake, or by fire or explosion resulting from an earthquake, to the ex-  
30 tent that the structural strength or stability of the building is substantially

1 less than it was prior to the earthquake.

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

3 “455.100. The Director of the Department of Consumer and Business Ser-  
4 vices shall have general supervision over the administration of the state  
5 building code regulations, including providing statewide interpretations for  
6 **the Reach Code and** the plumbing, elevator, electrical, manufactured  
7 structures, boiler, amusement ride, structural, mechanical, low-rise residen-  
8 tial dwelling and prefabricated structures codes.

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

10 “455.500. (1) The Director of the Department of Consumer and Business  
11 Services, [*in consultation*] with the **approval of the** appropriate advisory  
12 boards, shall adopt, amend and administer [*a code separate from*] **the Reach**  
13 **Code described in subsection (2) of this section as a specialty code**  
14 **within** the state building code[, *to be known as the Reach Code*]. The director  
15 shall design the code to increase energy efficiency in buildings that are  
16 newly constructed, reconstructed, altered or repaired.

17 “[~~(2)~~] **(2)(a)** The Reach Code [*shall*] **must** be a set of statewide  
18 [*optional*] construction standards and methods that are economically and  
19 technically feasible[, *including any published generally accepted codes and*  
20 *standards newly developed for construction or for the installation of products,*  
21 *equipment and devices*]. When adopting or amending the code, the director,  
22 [*in consultation*] with the **approval of the** appropriate advisory boards, shall  
23 **follow the same process the director follows in developing the resi-**  
24 **dential and commercial building codes and shall:**

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

28 “[~~(b)~~] **(B)** Review technical components of generally accepted construction  
29 documents as the director considers necessary to address federal, state and  
30 local financial incentives and advances in construction methods, standards

1 and technologies[.];

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

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

7 **“(E) Adopt the residential provisions of the Reach Code at the same**  
8 **time the director adopts a corresponding residential specialty code and**  
9 **adopt the commercial portions of the Reach Code at the same time the**  
10 **director adopts a structural specialty code.**

11 **“(b) Notwithstanding paragraph (a)(E) of this subsection, the di-**  
12 **rector shall update the Reach Code at least every three years.**

13 **“(3)(a) Notwithstanding the provisions of ORS 455.040 that require**  
14 **the statewide building code to be uniform and applicable to all**  
15 **municipalities, a municipality may choose whether to adopt the Reach**  
16 **Code and, upon choosing to adopt the Reach Code, may require ad-**  
17 **herence to the Reach Code as a minimum construction standard and**  
18 **method within the municipality’s jurisdiction.**

19 **“(b) A municipality’s adoption of the Reach Code under this para-**  
20 **graph is not an amendment to the state building code and does not**  
21 **require the director to review or approve the adoption.**

22 **“(c) Notwithstanding ORS 455.148 (1)(a), a municipality that as-**  
23 **sumes administration and enforcement of a building inspection pro-**  
24 **gram but that does not adopt the Reach Code does not need to enforce**  
25 **the Reach Code as a specialty code within the municipality’s jurisdic-**  
26 **tion.**

27 **“(d) If a municipality adopts the Reach Code and requires adherence**  
28 **to the Reach Code as a minimum construction standard and method,**  
29 **measurement of energy efficiency savings and related incentives must**  
30 **remain subject to the statewide residential and commercial codes, as**

1 **must measurements of cost effectiveness and payment of incentives**  
2 **under ORS 757.054 and 757.612.**

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

7 “[4] (5) The inclusion of a standard or method for construction or for  
8 the installation of products, equipment or devices in the Reach Code:

9 “(a) Does not alter any licensing or certification requirements under ORS  
10 446.003 to 446.200, 446.225 to 446.285, 447.010 to 447.156, 460.005 to 460.175,  
11 479.510 to 479.945 or 480.510 to 480.670 or this chapter or ORS chapter 693  
12 or Department of Consumer and Business Services rules;

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

16 “(c) Requires that a municipality administering and enforcing a building  
17 inspection program under ORS 455.148 or 455.150 must recognize and accept  
18 the standard, method, installation, product, equipment or device if a person  
19 applies to construct, reconstruct, alter or repair a building in conformance  
20 with the Reach Code.

21 **“SECTION 5. Section 2 of this 2021 Act becomes operative on Jan-**  
22 **uary 1, 2026.**

23 **“SECTION 6. This 2021 Act being necessary for the immediate**  
24 **preservation of the public peace, health and safety, an emergency is**  
25 **declared to exist, and this 2021 Act takes effect July 1, 2021.”.**

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