

# A-Engrossed Senate Bill 869

Ordered by the Senate April 12  
Including Senate Amendments dated April 12

Sponsored by Senator LIEBER, Representative MARSH

## 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.

*[Requires Department of Consumer and Business Services to study how to build efficiency into buildings. Directs department to submit findings to interim committees of Legislative Assembly related to environment not later than September 15, 2024.]*

**Directs Department of Consumer and Business Services to exercise any and all authority and discretion department has under applicable law to facilitate greenhouse gas emission reductions consistent with statewide goals, to take such actions as are necessary to accelerate reductions in greenhouse gas emissions, including rulemaking, and to consider and integrate into department's planning, budgeting, investment and policy-making decisions prevention or reduction of impacts from climate change.**

**Requires department to set goals for improved energy efficiency in buildings, investigate options for and feasibility of reducing greenhouse gas emissions that result from manufacturing, transporting, installing, disposing of and recovering materials used in building construction, investigate benefits of updating building ventilation standards and take implementing actions.**

**Requires department to report to Legislative Assembly concerning findings, recommendations, evaluations of progress and other matters. Specifies required contents of and deadlines for reports.**

**Takes effect on 91st day following adjournment sine die.**

## A BILL FOR AN ACT

1  
2 Relating to resilient efficient buildings; and prescribing an effective date.

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

4 **SECTION 1. (1) The Department of Consumer and Business Services shall, as the**  
5 **department's responsibilities relate to efficiency or resiliency in buildings:**

6 (a) **Exercise any and all authority and discretion the department has available under ap-**  
7 **plicable law to help to facilitate, at a minimum, emissions reductions consistent with the**  
8 **greenhouse gas emissions reduction goals specified in ORS 468A.205;**

9 (b) **In addition to the department's existing responsibilities, prioritize and take such**  
10 **actions as are necessary to accelerate reductions in greenhouse gas emissions, including but**  
11 **not limited to rulemaking processes; and**

12 (c) **Consider and integrate the prevention or reduction of impacts from climate change**  
13 **and the state's greenhouse gas emissions reduction goals into the department's planning,**  
14 **budgeting, investment and policy-making decisions, which must involve, at a minimum:**

15 (A) **Prioritizing actions that reduce greenhouse gas emissions in a cost-effective manner;**

16 (B) **Prioritizing actions that help vulnerable populations and environmental justice com-**  
17 **munities, as defined in ORS 469A.400, adapt to impacts from climate change; and**

18 (C) **Consulting with the Environmental Justice Council when evaluating priorities the**  
19 **department sets and actions the department takes to adapt to and mitigate the impacts from**

**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 climate change.

2 (2)(a) In addition to the general directives specified in subsection (1) of this section, the  
3 department shall contribute to the state's achievement of greenhouse gas emissions re-  
4 duction goals and the mitigation of impacts from climate change by:

5 (A) Setting goals for improved energy efficiency in buildings;

6 (B) Investigating options for, and the feasibility of, reducing greenhouse gas emissions  
7 that result from manufacturing, transporting, installing, disposing of and recovering mate-  
8 rials used in building construction, based on the findings of the department and the Depart-  
9 ment of Environmental Quality under paragraph (c)(B) of this subsection; and

10 (C) Investigating the potential benefits and the feasibility of updating building ventilation  
11 standards and of specifying standards for air cleaners present in building mechanical systems  
12 and in occupied indoor spaces.

13 (b) To carry out the directives specified in paragraph (a)(A) of this subsection, the De-  
14 partment of Consumer and Business Services shall:

15 (A) Consult with the department's advisory boards and committees and cooperate with  
16 the State Department of Energy to specify energy efficiency goals for new residential and  
17 commercial construction that aim to achieve by 2030, at each new residential or commercial  
18 building site, at least a 60 percent reduction in annual energy consumption from standards  
19 specified in the statewide building code and applicable specialty codes that were in effect in  
20 2006, excluding consumption of electricity in transportation or in powering appliances or  
21 other loads that the statewide building code or specialty codes do not regulate;

22 (B) Cooperate with the State Department of Energy to identify metrics derived from best  
23 practices and academic research to inform updates to the statewide building code and appli-  
24 cable specialty codes specifying a baseline for, and achievable reductions in, energy con-  
25 sumption;

26 (C) Report not later than December 31 of every third year, beginning with December 31,  
27 2023, to an interim committee of the Legislative Assembly related to the environment con-  
28 cerning:

29 (i) The Department of Consumer and Business Services' evaluation of progress toward  
30 achieving the goals the department specifies under subparagraph (A) of this paragraph; and

31 (ii) Options for achieving the goals over the course of the subsequent three updates to  
32 the statewide building code and applicable specialty codes;

33 (D) Outline and evaluate for feasibility in the report described in subparagraph (C) of this  
34 paragraph a range of available options for achieving steady progress toward the goals de-  
35 scribed in subparagraph (A) of this paragraph over the course of scheduled updates to the  
36 statewide building code and applicable specialty codes that occur up until 2030; and

37 (E) Update the Reach Code described in ORS 455.500 to reflect incremental progress to-  
38 ward the goals specified in subparagraph (A) of this paragraph each time the Department  
39 of Consumer and Business Services updates the statewide building code and applicable spe-  
40 cialty codes.

41 (c) To carry out the directives specified in paragraph (a)(B) of this subsection, the de-  
42 partment shall coordinate with the Department of Environmental Quality to:

43 (A) Quantify, to the extent feasible, greenhouse gas emissions that occur as a result of  
44 the manufacture, transport, installation, disposal and recovery of materials used in building  
45 construction; and

1       **(B) To the extent feasible and in cooperation with the Department of Environmental**  
2 **Quality, and taking into account applicable standards that the Department of Transportation**  
3 **has specified for procuring building construction materials, identify options to reduce,**  
4 **through the building code or other means, greenhouse gas emissions attributable to building**  
5 **materials so that lower carbon materials may serve the same function and provide the same**  
6 **level of utility and reliability.**

7       **(3) In carrying out the directives set forth in this section, the Department of Consumer**  
8 **and Business Services shall consider industry standards including, where appropriate, stan-**  
9 **dards promulgated by the American Society of Heating, Refrigerating and Air-Conditioning**  
10 **Engineers.**

11       **SECTION 2. The Department of Consumer and Business Services shall, no later than**  
12 **December 31, 2024, report to an interim committee of the Legislative Assembly related to the**  
13 **environment. The report under this section shall include the department’s findings and rec-**  
14 **ommendations on options for, and the feasibility of, reducing greenhouse gas emissions that**  
15 **result from manufacturing, transporting, installing, disposing of and recovering materials**  
16 **used in building construction, based on the findings of the department and the Department**  
17 **of Environmental Quality under section 1 (2)(c)(B) of this 2023 Act, including:**

18       **(1) Specifying the use of lower carbon materials in the statewide building code or appli-**  
19 **cable specialty code; or**

20       **(2) Other means identified by the Department of Consumer and Business Services and**  
21 **the Department of Environmental Quality for reducing greenhouse gas emissions attribut-**  
22 **able to building materials.**

23       **SECTION 3. (1) Section 1 of this 2023 Act becomes operative on January 1, 2024.**

24       **(2) The Director of the Department of Consumer and Business Services may adopt rules**  
25 **and take any other action before the operative date specified in subsection (1) of this section**  
26 **that is necessary to enable the director, on and after the operative date specified in sub-**  
27 **section (1) of this section, to undertake and exercise all of the duties, functions and powers**  
28 **conferred on the director by section 1 of this 2023 Act.**

29       **SECTION 4. This 2023 Act takes effect on the 91st day after the date on which the 2023**  
30 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

31