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7550 SW Tech Center Drive
Suite 220, Tigard, OR 97223
P (971) 205-4242 F (971) 205-4268 CCB72942

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Patrick Brennan
State of Oregon

April 3, 2013

Re: Yes on SB 625-1

The Oregon Building Codes Division (BCD) is charged with establishing and maintaining regulations and standards related to building construction in order to protect the safety and lives of building occupants, in both commercial and residential structures. These standards include structural, electrical, plumbing, fire protection, seismic reinforcement, moisture barriers and life safety, among many others. The purpose of BCD, the building code and the building official who enforces the code is to protect the safety of building occupants.

At the beginning of any project, building plans are submitted to governing agencies and contractors pay a fee to the fire marshal to conduct a plan review that is intended to assure that the proposed building meets all requirements for fire and safety. Occasionally, the fire marshal makes additional changes to the approved plan – even after the facility has been built to the previously approved specifications and is expecting to open its doors. These changes are sometimes in direct contradiction to the building code.

Conflicts can delay construction schedules and approval of occupancy which dramatically increases costs and strain relationships between contractors and their customers. When NECA contractors receive conflicting direction from the Fire Marshal and the BCD days before a new building is to be opened, customers understandably become upset because delays cost money. Contractors are put in an untenable situation, because it is unclear what they need to do in order to finish the job. This puts an unnecessary strain on the good working relationship we typically have with developers, building officials, and the Fire Marshal.

When a state or local government plan review authority interprets the code in a manner that differs from the state interpretation promulgated by the Building Codes Division, unnecessary costs and delays are the result. This is problematic when discrepancies are brought to a contractor's attention for the first time when they are seeking final approval of occupancy.

This confusion over jurisdiction has been a problem for decades. It was addressed in a 1985 Attorney General's opinion, which states that the BCD (then known as the Director of Commerce) has jurisdiction over interpretation of the building code. In an effort to clarify the matter again, the BCD and Fire Marshal agreed in a 2001 joint document, that final authority lies with the Building Codes Division.



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Over the years, turnover in BCD and at the Fire Marshal has caused this issue to come into question again and again. If passed, SB 625 would clarify in statue, a question that has been a problem for developers, contractors, business owners, and others for years.

Please vote YES on SB 625-1.

- Keep building plan review process consistent and predictable.
- Remove confusion for contractors by placing final review authority solely in the hands of the Building Codes Division.
- Codifies the Attorney General's opinion; Honors 2001 agreement between the Fire Marshal and the Building Codes Division.

Thank you.

Sincerely
Cochran, Inc.

A handwritten signature in blue ink, appearing to read "Jeffrey Holmes". The signature is fluid and cursive.

Jeffrey Holmes
VP Operations