



Chair Holvey, Vice-chairs Bynum and Barreto, Members of the Committee:

Oregon AFSCME represents 27,000 workers statewide including the hard working folks at the Building Codes division. We are testifying today to share our thoughts on House Bill 4086 as written and think that there are some issues around financial oversight, technical proficiency and public accountability.

On the issue of oversight, we are concerned about the current systems lack of accountability for third party providers. In some jurisdictions, the third party provider has become, for all intents and purposes, the entire building code staff. It is our understanding that in some programs, they also handle the processing and accounting of the fees and costs. We are concerned that this creates a system that makes it much more challenging for accountability and transparency in the system. Last week there was a press release from the DCBS that was the result of a four-year investigation by BCD into a third party provider who had been charging excessive fees. We are concerned that this type of problem is occurring elsewhere especially in programs where there is no municipal staff to direct the program or individuals without technical proficiencies overseeing such programs. Last session, Oregon AFSCME came to the legislature asking for more positions for building code staff. We think that is warranted not only due to the increase in permit but also because we think there should be more staff for oversight and auditing of the third party providers. By statute, the fees and permit collected should only be going to the enforcement of building codes and we as a state have an obligation to make sure that is happening. The bill currently as written does not give me the impression that this would be remedied and would like to see that addressed at some point.

Our second major concern deals with technical proficiency. While we think this bill is in the right direction of requiring a municipal employee to be the building official, but we are worried about the lack of knowledge based requirements. Building code inspection and plan reviewing is a very technical, highly knowledge based function. Currently we see an issue in the system where there are municipalities who have zero technically proficient staff who can act as experts in these areas. We see this as problematic for two reasons. First, is the issue of dispute resolution. If there is a concern or an issue with a plan or inspection or a challenge, the only knowledgeable person is the third party contractor. While I assume they will always act in the public good, as we see from the BCD action mentioned above, there are occasionally bad actors. We want to make sure there is a municipal employee who is able to check the work and also act as the decider when it comes to any disputes. This brings me to the second concern with lack of specified proficiency which could help the official weigh in to protect the public interest. We know that building codes and their enforcement is an extremely important role that keeps thousands of Oregonians safe on a daily basis. Our hopes would be to have building officials or inspectors on staff who carry the proficiencies necessary to be experts.

The bill has some positive movement regarding the employer of the building official but we still do feel our concerns brought up earlier need to be addressed in this bill or in future efforts and look forward to continuing this conversation.

Dan Torres  
Political Coordinator  
Oregon AFSCME Council 75