



February 13, 2018

Representative Paul Holvey, Chair  
House Committee on Business and Labor  
900 Court St. NE  
Salem, OR 97301

RE: Clair Company, Inc. Testimony – HB 4086

Thank you, Chair Holvey and members of the House Committee on Business and Labor, for continuing to work on the issue of specialized inspectors. Thank you for your continued leadership in working toward a solution that is best for Oregon.

**HB 4086 -1**

While we are neutral on the -1 amendment, we have concerns with this amendment to the original bill as follows:

1. We believe the entire Building Official issue is a non-issue. We are concerned with passing legislation when:
  - The LC's memo admits that their beliefs that a are not without doubt. We would argue that employing a Building Official through a contract as currently allowed by law, is not ceding control for the program as noted in Mr. Johnson's memo.
  - BCD currently certifies individuals to serve as Building Officials through the third-party process under ORS 455-457. This and related statutes outline the requirements to operate a business providing contracted building department services.
2. We believe an emergency clause should be re-instated in the -1 amendments only for use of the SEI and SPI Certifications. With the current shortage of certified inspectors in the State, especially for plumbing and electrical inspections, it is critical to have this certification re-instated and make certified inspectors available as soon as possible.
3. We believe that the SEI/SPI training should be reinstated as soon as possible and maintained to help provide adequate levels of certified inspectors across the State. Currently BCD has suspended that training program. In his written testimony, Mark Long indicates that there is a current shortage of expert labor to inspect buildings.
4. The new language in Section 9 (9) seems to be in conflict with Section 9 (3). The language in sub-section 9 appears to take away from the authority and responsibility of the municipal building official outlined in sub-section 3. We believe there should be clarification on the record as what the intent behind the language is?



Section 9 (3) gives responsibility to the municipal building official: ***The municipal building official shall be responsible for ensuring the adequate and proper administration and enforcement of building inspection program activities, including but not limited to the issuance of building permits, whether the program activities are carried out by employees of the municipality or by other persons authorized to act on behalf of the municipality.***

Section 9 (9) gives responsibility to the municipal building inspector: ***A municipal inspector who performs routine enforcement services under actual or apparent authority as an agent on behalf of the municipality is responsible for establishing the resources used or needed for the inspector to perform the enforcement services and establishing the method by which the enforcement services are to be performed.***

The text requiring the inspector to establish the resources needed and the method by which enforcement is performed takes away from the building officials responsibility to ensure the adequate and proper administration and enforcement of building inspection program activities

5. We are very concerned with Mark Long's testimony on the -1 amendments where he indicates that the division would need to re-evaluate the technical requirements for certified building officials and adopt rules for the building official only model. BCD, under Mr. Long's direction, recently created the current process of certifying building officials by way of a two-day administrative class. Why would he now need to change the rules on those certified individuals? Nothing in the -1 amendments remove the technical expertise available to a building official who has been certified to conduct building official duties on behalf of a jurisdiction.

**HB 4086-2** – We are strongly opposed to this amendment to the original bill.

We believe that a requirement for a local jurisdiction to employ a Building Official and an A-level Building Inspector will seriously impact budgets of most small jurisdictions (e.g. Clatskanie, Rogue River, Eagle Point, Phoenix, Jacksonville and others); in addition to lack of available staffing due to the current shortage of inspectors available. This will basically remove most of the current opportunities for these smaller jurisdictions to maintain a local building program; effectively preventing them from providing local control and customer service to their citizens.

This language is far reaching beyond any limitations outlined in the Legislative Council's memo and only serves to place un-needed and costly requirements on local jurisdictions resulting in increased permitting fees.

Respectfully,

David Flemings and Millie Hicks