



144 E 14<sup>th</sup> Ave, Eugene, Oregon

February 14, 2018

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

RE: **Northwest Code Professionals** 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 amendments, 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

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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 This will negatively affect **all full service small cities** in rural areas where we provide services including: **Florence, Lakeside, Reedsport, Dunes City, Veneta, Aurora, Estacada, Vernonia, Clatskanie, Lebanon, Oakridge, Lowell, Phoenix, Eagle Point, Jacksonville, Rogue River and Coburg** 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 much better customer service to their citizens. The Counties that we alone serve; **Lane County, Marion County, Josephine County, Tillamook County, Lincoln County** we feel would be severely impacted in areas of inspection and plan review we currently provide in Oregon as we would no longer have employees serving in close by adjacent cities in those regions, so preliminarily it appears costs could go up as much as 65-80% to serve those remote county areas. This type of fiscal impact should be reviewed careful in decision making.

**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.

NWCP is an employee owned small business founded in Eugene Oregon in 1973 that has been providing valuable, necessary, highly technical and much needed third-party, Building Official, permit and inspection services in Oregon, Washington, Wyoming and Idaho for more than 43 years. With Oregon Offices in Eugene, Florence and Southern Oregon, NWCP has been assisting city and county jurisdictions with key services predating the existence of both the Oregon statewide building code and the Oregon Building Codes Division itself. NWCP has provided much needed services on a full time and/or part time basis to more than 38 Cities and 6 Counties in Oregon. We have had multiple requests from other City and County jurisdictions this past month alone whom we cannot help until these rules are fixed for specialized inspector certifications.

In my travels this past year as the Executive Board President of the International Code Council, Region II, I have had the honor to meet with the regional and State building code officials I represent from Alaska, Idaho, Montana, Oregon, Washington and Wyoming. In each of these States it was very clear that Third party private Building Officials, Building Inspectors and Plans Examiners have been a vital key to government jurisdictions ability to reduce costly delays and save money for their budgets while serving the public interest with some of the most respected and qualified code professionals in the country. Oregon is not alone. The use of third party inspection businesses is common practice across the United States and throughout the world.

Respectfully,

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Manager

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