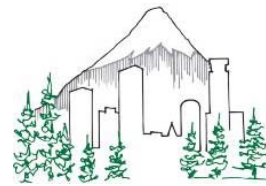




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February 20, 2019

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

RE: Clair Company, Inc. and Northwest Code Professionals Testimony – HB 2420

Thank you, Chair Holvey and members of the House Committee on Rules, for your time dedicated to the ongoing discussions regarding Oregon building officials, including the previous workgroup on specialized inspectors, the legislative concept and HB 4086 that followed during last session in House Committee on Business and Labor. Thank you for your continued leadership in working toward a solution that is best for Oregon.

Clair Company, Inc. (located in Corvallis, Oregon) and Northwest Code Professionals (located in Eugene, Oregon) are licensed Building Inspection & Plan Review Providers under ORS 455.457. Both companies have been providing building inspection and plan review services to jurisdictions and municipalities across Oregon for a combination of over 70 years. Between the two companies, we currently provide full and partial services to 54 Oregon jurisdictions (41 cities and 13 counties), which increases and decreases as the needs in the jurisdictions change with the economy, construction season, municipality staffing levels (retirements, medical leave), etc.

We oppose HB 2420 as currently written. We want to allow cities and counties to contract for specialized electrical or plumbing inspectors, but are gravely concerned with the application of provisions requiring the building official to be employed directly by a municipality. We believe this bill addresses the specialized inspector issue appropriately. However, the bill, as introduced, will have a significant adverse impact on Oregon jurisdictions, municipalities, homeowners and businesses with the additional requirements to have a municipal building official employed directly by the jurisdiction, and likely result in project delays for and increased costs of affordable housing.

The current model of third party professional technical assistance to jurisdictions has worked in Oregon for nearly 40 years, and shouldn't be changed without a clear understanding of the policy goals of the proposed legislation and how application of the proposed statute changes will affect local jurisdictions.

While we agree that municipalities need to maintain control over all of their programs, this can be accomplished through appropriate contract language and administration. In each jurisdiction we serve, either full service or overflow, we report through one or more employees to assure appropriate oversight and direction for all portions of the program. We are concerned that if the current bill language were to go into effect, smaller, more rural jurisdictions who lack budget or the workload to support a full time certified and qualified building official position would be robbed of having a highly qualified building official providing guidance at a local level. This is currently happening through Temporary rule adopted by the Building Codes Division of the Department of Consumer and Business Services. They will in turn be forced to appoint another staff member to act in the capacity of the



Building Official and sit through the four-day class to obtain State certification. Without a complete understanding of the complexities and safety issues of construction codes, the Planner, Public Works Director or other designated staff member now appointed as the Building Official will be susceptible to issuing decisions and direction to staff based on public and political pressures instead of a sound code and life safety basis.

When decisions that are inconsistent or conflicts with adopted codes are made, it places the personally certified inspector or plans examiner in a position of either following the State Code as required by their certification and risking personnel action for not following the direction of the Building Official, or following that direction and risking investigation and sanctions by BCD that will end their career. This is not a fair or tenable position for any certified person, but will be reality for many inspectors and plans examiners across the State whether employed by the jurisdiction or through a contract should the bill pass as written.

With so many questions still unanswered, regarding potential AG opinion and no stakeholder agreement as to the unconstitutionality of our services, why would we pass legislation that cripples a system that is working and providing highly trained and qualified staff to local jurisdictions across the State? There are plenty of safeguards available to address the issue of program control through appropriate contract language and administration.

Clair Company, Inc., together with Northwest Code Professionals, worked with legislators to introduce HB 2907 during the 2017 legislative session in order to address the shortage of available qualified specialized electrical and plumbing inspectors, a simple fix to a real issue for many jurisdictions across the State. HB 2907 died in 2017, primarily due to questions raised about a jurisdiction's constitutional authority to contract for services – an issue entirely unrelated to the bill we introduced. The follow-up workgroup confirmed that allowing local governments to contract for specialized building inspectors is good policy – a concept which has been fully explored and vetted by this committee and the work group. Testimony and feedback from the stakeholders and participants regarding that issue are in agreement. The narrow issue regarding the shortage of specialized inspectors has been vetted, and is ready for to be fixed today. We would ask that only the language found in Section 2 (Item 3(c)) of this bill be moved forward and that it be remain under the emergency declaration with implementation not delayed to 2021.

We oppose HB 2420 as introduced. We are pleading for your help, and ask for your support in the simple fix regarding specialized electrical and plumbing inspectors, and ask that the committee adopt an amendment to HB 2420 to address only that issue and make it effective upon passage during this session. A number of rule making changes and the statutory change in 2013 have slowly forced other companies like ours out of business. We provide a great service to cities and counties, and have for decades with a stellar record. Please don't pass any more bills that might jeopardize our business and the critical service our clients rely on. Our employees are just like the contractors, tradespeople or government workers weighing in on this bill... we want to keep doing the good work we do. Please do not pass legislation that cripples a system that is working and providing highly trained and qualified staff to local jurisdictions across the State based alleged problems or without substantiated legal analysis.

Respectfully,

Clair Company, Inc. and Northwest Code Professionals