



City of Florence

250 Hwy 101, Florence, OR 97439

www.ci.florence.or.us

April 6, 2019

Representative Caddy McKeown
Rep.CaddyMcKeown@oregonlegislature.gov
State Representative, District 9
900 Court Street NE, H-376
Salem, OR 97301

Senator Arnie Roblan
Sen.ArnieRoblan@oregonlegislature.gov
State Senator, District 5
900 Court Street NE, S-417
Salem, OR 97301

Dear Representative McKeown and Senator Roblan:

Re: HB 2420

The City of Florence was informed that on Monday the House is deciding whether a Local Jurisdiction will retain the ability to provide building program services through a 3rd party arrangement. **The out-right banishing of one method of deploying services doesn't eliminate the risk of corruption.** Florence has long understood the benefits of using outside services to tackle the technical aspects of providing building inspection services. We have contracted with the founder of Northwest Code Professionals, a family run business since 1994---25 years. All but 8 of those years the company provided Building Official (BO) services to our community. The City reverted back to contracted BO services because it became too expensive to keep the position in house and maintain a fully staffed program.

While the City contracts out BO and inspection services it maintains an in-house building program. The City provides dedicated program offices for consultation, plan review, communication, and permit processing and a library for research. There are local processes and policies in place for appealing a BO decision. The City employs a Full-Time Building Permit Tech who oversees and manages the Florence Building Program with a vigilant eye. He works closely with contactors, property and business owners and performs all but two of the state identified BO responsibilities—approving alternative methods, materials, and equipment and granting modifications and testing procedures. All other responsibilities that our in-house Building Permit Tech manages:

- Receive and review applications for code compliance and completeness
- Enter applications into the state's permitting system, asses all fees and issue all permits
- Receive requests and maintain the scheduling of inspections

Public Works
989 Spruce St.
(541) 997-4106

**City Manager/
City Recorder**
(541) 997-3437

**Community Development:
Planning & Building**
(541) 997-8237

**Finance/
Utility Billing**
(541) 997-3436

Justice Center
900 Greenwood St.
(541) 997-3515

Florence Events Center
715 Quince St.
(541) 997-1994



- Draft and issue abatement and stop work orders (by direction)
- Maintain records per retention requirements & perform required census and state reporting
- Ensures that inspections and other procedures are done on timelines determined in code
- Provides for consistent and reliable level of service

The City maintains a strong stance that local presence and availability of services for our residents, business owners, contractors and developers be provided. Reverting to County control would be devastating to our community. The county offices are 2 hours away and are understaffed. Illegal construction in the unincorporated areas is rampant due to unacceptable delays in permitting—6 or more months out for a house. For the City of Florence, we issue the same permit in 10 days or less.

The City of Florence is surrounded by unincorporated Lane County and can see the consequences of a County Program that is two hours away. Lane County doesn't have an annex in West Lane County. We see firsthand what the lack of a local government oversight looks like in exchange for one Building Official employed by the County.

The cost and burden of the proposed rules in HB2420 will be passed down to builders and homeowners. This will slow housing growth even more in a rural-tourist community where recovery has been slow to begin with. Why demand a certain way to comply, when we have proven to provide an excellent, rule following, financially feasible, timely, and consistent local building program. Let us prove that to you on an individual program review basis. **Please do not make it even more difficult to build in rural Oregon!**

DOJ Opinion No. 8296 references having adequate safeguards. **I implore you to not pass HB 2420 because it so strictly defines what an adequate safeguard is** and is based on conforming to a legal opinion from legislative counsel that has since been invalidated by the DOJ Opinion No. 8296. Requiring the direct employment of Building Official and other specialty certified inspectors doesn't fix anything. It only adds an unnecessary cost burden that must be recuperated by the taxpayer. We need a solution that allows us to hire the level of service that meets the current demand for service. There are not enough BO's or structural specialty code inspectors to go around the state. We need more homes built, not more rules that cripple an already struggling system.

The Department of Justice states the non-delegation doctrine does not prohibit the hiring of private entities to perform governmental functions **as long as adequate safeguards exist**. There is significant City oversight of Florence' Building Program. Florence has retained sufficient control of the program to ensure there are adequate safeguards in place to both protect the safety of our residents and guard against an unaccountable exercise of power. Solve the problem do not make new ones!

In conclusion, **we encourage the members of the House to not pass HB 2420**. The options to revert to County Control is not possible and a further reversion to the State would be financially unsustainable and devastating to our city's housing growth. Instead we request that you direct the Building Codes Division to perform a case by case analysis of each jurisdiction's local program. We welcome a review of the standards of our local program to be able to prove that there are adequate safeguards in place to mitigate the risk of self-interested actors.

Respectfully,



Erin Reynolds
City Manager