

D R A F T

SUMMARY

Adds Reach Code to state building code as specialty code and gives power of administration and interpretation of Reach Code to Director of Department of Consumer and Business Services. Requires director to follow same process in adopting or amending Reach Code that director follows in developing residential and commercial building codes and to ensure that statewide Reach Code mandates achievement of not more than 90 percent of site energy use that other statewide residential and commercial building codes require. Requires director to adopt Reach Code at same time director adopts corresponding residential specialty code or corresponding structural specialty code, updating Reach Code at least every three years.

Permits municipality to adopt Reach Code and require adherence to code as minimum construction standard and method within municipality's jurisdiction notwithstanding requirement that state building code be uniform and applicable to all municipalities in state. Provides that municipality's adoption of Reach Code is not amendment to state building code and does not require approval of director. Provides that municipality that does not adopt Reach Code does not need to enforce Reach Code within municipality's jurisdiction.

Declares emergency, effective July 1, 2022.

A BILL FOR AN ACT

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Relating to building codes; amending ORS 455.010, 455.100 and 455.500; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 455.010 is amended to read:

455.010. As used in this chapter, unless the context requires otherwise:

(1)(a) "Advisory board" means the board with responsibility for assisting in the adoption, amendment or administration of a specialty code, specifically:

1 (A) The Building Codes Structures Board established under ORS 455.132;

2 (B) The Electrical and Elevator Board established under ORS 455.138;

3 (C) The State Plumbing Board established under ORS 693.115;

4 (D) The Board of Boiler Rules established under ORS 480.535;

5 (E) The Residential and Manufactured Structures Board established under
6 ORS 455.135;

7 (F) The Mechanical Board established under ORS 455.140; or

8 (G) The Construction Industry Energy Board established under ORS
9 455.492.

10 (b) “Appropriate advisory board” means the advisory board that has ju-
11 risdiction over a particular code, standard, license, certification or matter.

12 (2) “Department” means the Department of Consumer and Business Ser-
13 vices.

14 (3) “Director” means the Director of the Department of Consumer and
15 Business Services.

16 (4) “Low-Rise Residential Dwelling Code” means the adopted specialty
17 code that, subject to section 2, chapter 401, Oregon Laws 2019, prescribes
18 standards for the construction of residential dwellings that are three stories
19 or less above grade and have an exterior door for each dwelling unit, but
20 are not facilities or homes described in ORS 443.400 or transient lodging.

21 (5) “Municipality” means a city, county or other unit of local government
22 otherwise authorized by law to administer a building code.

23 (6) “Prefabricated structure”:

24 (a) Means a building or subassembly that has been in whole or substantial
25 part manufactured or assembled using closed construction at an off-site lo-
26 cation to be wholly or partially assembled on-site.

27 (b) Does not mean a manufactured dwelling or a small home as defined
28 in section 2, chapter 401, Oregon Laws 2019.

29 (7) “Small Home Specialty Code” means the specialty code adopted under
30 section 2, chapter 401, Oregon Laws 2019.

31 (8) “Specialty code”:

1 (a) Means a code of regulations adopted under ORS 446.062, 446.185,
2 447.020 (2), 455.020 (2), 455.496, **455.500**, 455.610, 455.680, 460.085, 460.360,
3 479.730 (1) or 480.545 or section 2, chapter 401, Oregon Laws 2019.

4 (b) Does not mean regulations adopted by the State Fire Marshal pursu-
5 ant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.

6 (9) “State building code” means the combined specialty codes.

7 (10) “Structural code” means the specialty code prescribing structural
8 standards for building construction.

9 (11) “Unsafe condition” means a condition caused by earthquake which
10 is determined by the department or any representative of the department to
11 be dangerous to life and property. “Unsafe condition” includes but is not
12 limited to:

13 (a) Any portion, member or appurtenance of a building that has become
14 detached or dislodged or appears likely to fail or collapse and thereby injure
15 persons or damage property; or

16 (b) Any portion, of a building or structure that has been damaged by
17 earthquake, or by fire or explosion resulting from an earthquake, to the ex-
18 tent that the structural strength or stability of the building is substantially
19 less than it was prior to the earthquake.

20 **SECTION 2.** ORS 455.010, as amended by section 10, chapter 401, Oregon
21 Laws 2019, is amended to read:

22 455.010. As used in this chapter, unless the context requires otherwise:

23 (1)(a) “Advisory board” means the board with responsibility for assisting
24 in the adoption, amendment or administration of a specialty code, specif-
25 ically:

26 (A) The Building Codes Structures Board established under ORS 455.132;

27 (B) The Electrical and Elevator Board established under ORS 455.138;

28 (C) The State Plumbing Board established under ORS 693.115;

29 (D) The Board of Boiler Rules established under ORS 480.535;

30 (E) The Residential and Manufactured Structures Board established under
31 ORS 455.135;

1 (F) The Mechanical Board established under ORS 455.140; or

2 (G) The Construction Industry Energy Board established under ORS
3 455.492.

4 (b) “Appropriate advisory board” means the advisory board that has ju-
5 risdiction over a particular code, standard, license, certification or matter.

6 (2) “Department” means the Department of Consumer and Business Ser-
7 vices.

8 (3) “Director” means the Director of the Department of Consumer and
9 Business Services.

10 (4) “Low-Rise Residential Dwelling Code” means the adopted specialty
11 code prescribing standards for the construction of residential dwellings that
12 are three stories or less above grade and have an exterior door for each
13 dwelling unit, but are not facilities or homes described in ORS 443.400 or
14 transient lodging.

15 (5) “Municipality” means a city, county or other unit of local government
16 otherwise authorized by law to administer a building code.

17 (6) “Prefabricated structure”:

18 (a) Means a building or subassembly that has been in whole or substantial
19 part manufactured or assembled using closed construction at an off-site lo-
20 cation to be wholly or partially assembled on-site.

21 (b) Does not mean a manufactured dwelling.

22 (7) “Specialty code”:

23 (a) Means a code of regulations adopted under ORS 446.062, 446.185,
24 447.020 (2), 455.020 (2), 455.496, **455.500**, 455.610, 455.680, 460.085, 460.360,
25 479.730 (1) or 480.545.

26 (b) Does not mean regulations adopted by the State Fire Marshal pursu-
27 ant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.

28 (8) “State building code” means the combined specialty codes.

29 (9) “Structural code” means the specialty code prescribing structural
30 standards for building construction.

31 (10) “Unsafe condition” means a condition caused by earthquake which

1 is determined by the department or any representative of the department to
2 be dangerous to life and property. “Unsafe condition” includes but is not
3 limited to:

4 (a) Any portion, member or appurtenance of a building that has become
5 detached or dislodged or appears likely to fail or collapse and thereby injure
6 persons or damage property; or

7 (b) Any portion, of a building or structure that has been damaged by
8 earthquake, or by fire or explosion resulting from an earthquake, to the ex-
9 tent that the structural strength or stability of the building is substantially
10 less than it was prior to the earthquake.

11 **SECTION 3.** ORS 455.100 is amended to read:

12 455.100. The Director of the Department of Consumer and Business Ser-
13 vices shall have general supervision over the administration of the state
14 building code regulations, including providing statewide interpretations for
15 **the Reach Code and** the plumbing, elevator, electrical, manufactured
16 structures, boiler, amusement ride, structural, mechanical, low-rise residen-
17 tial dwelling and prefabricated structures codes.

18 **SECTION 4.** ORS 455.500 is amended to read:

19 455.500. (1) The Director of the Department of Consumer and Business
20 Services, [*in consultation*] with the **approval of the** appropriate advisory
21 boards, shall adopt, amend and administer [*a code separate from*] **the Reach**
22 **Code described in subsection (2) of this section as a specialty code**
23 **within** the state building code[, *to be known as the Reach Code*]. The director
24 shall design the code to increase energy efficiency in buildings that are
25 newly constructed, reconstructed, altered or repaired.

26 [(2)] **(2)(a)** The Reach Code [*shall*] **must** be a set of statewide [*optional*]
27 construction standards and methods that are economically and technically
28 feasible[, *including any published generally accepted codes and standards*
29 *newly developed for construction or for the installation of products, equipment*
30 *and devices*]. When adopting or amending the code, the director, [*in consul-*
31 *tation*] with the **approval of the** appropriate advisory boards, shall **follow**

1 **the same process the director follows in developing the residential and**
2 **commercial building codes and shall:**

3 [(a)] **(A)** Review generally accepted codes and standards that achieve
4 greater energy efficiency than the energy efficiency required by the state
5 building code; [and]

6 [(b)] **(B)** Review technical components of generally accepted construction
7 documents as the director considers necessary to address federal, state and
8 local financial incentives and advances in construction methods, standards
9 and technologies[.];

10 **(C)** Ensure that standards for energy efficiency in the Reach Code
11 mandate achieving a site energy use of not more than 90 percent of
12 the site energy use that other statewide residential and commercial
13 codes require;

14 **(D)** Adopt the residential provisions of the Reach Code at the same
15 time the director adopts a corresponding residential specialty code;
16 and

17 **(E)** Adopt the commercial portions of the Reach Code at the same
18 time the director adopts a structural specialty code.

19 **(b)** Notwithstanding paragraphs (a)(D) and (E) of this subsection,
20 the director shall update the Reach Code at least every three years.

21 **(3)(a)** Notwithstanding the provisions of ORS 455.040 that require
22 the statewide building code to be uniform and applicable to all
23 municipalities, a municipality may choose whether to adopt the Reach
24 Code and, upon choosing to adopt the Reach Code, may require ad-
25 herence to the Reach Code as a minimum construction standard and
26 method within the municipality's jurisdiction.

27 **(b)** A municipality's adoption of the Reach Code under this para-
28 graph is not an amendment to the state building code and does not
29 require the director to review or approve the adoption.

30 **(c)** Notwithstanding ORS 455.148 (1)(a) and 455.150 (1)(a), a munici-
31 pality that assumes administration and enforcement of a building in-

1 **spection program but that does not adopt the Reach Code does not**
2 **need to enforce the Reach Code as a specialty code within the**
3 **municipality’s jurisdiction.**

4 **(d) If a municipality adopts the Reach Code and requires adherence**
5 **to the Reach Code as a minimum construction standard and method,**
6 **measurement of energy efficiency savings and related incentives must**
7 **remain subject to the statewide residential and commercial codes, as**
8 **must measurements of cost effectiveness and payment of incentives**
9 **under ORS 757.054 and 757.612.**

10 **(e) If under this subsection a municipality requires adherence to the**
11 **Reach Code as a minimum construction standard and method within**
12 **the municipality’s jurisdiction, the municipality may amend or modify**
13 **the Reach Code only in accordance with the process set forth in ORS**
14 **455.030.**

15 [(3)] **(4) When amending the state building code under ORS 455.030, the**
16 **director shall consider whether any of the standards and methods contained**
17 **in the Reach Code should be removed from the Reach Code and adopted [*in***
18 ***the state building code*] into a residential or commercial specialty code.**

19 [(4)] **(5) The inclusion of a standard or method for construction or for the**
20 **installation of products, equipment or devices in the Reach Code[:]**

21 [(a) *Does not alter any licensing or certification requirements under ORS*
22 *446.003 to 446.200, 446.225 to 446.285, 447.010 to 447.156, 460.005 to 460.175,*
23 *479.510 to 479.945 or 480.510 to 480.670 or this chapter or ORS chapter 693 or*
24 *Department of Consumer and Business Services rules;*]

25 [(b) *Exempts products, equipment and devices from product certification*
26 *requirements under ORS 447.010 to 447.156 and 479.510 to 479.945 and the state*
27 *building code; and*]

28 [(c)] requires that a municipality administering and enforcing a building
29 inspection program under ORS 455.148 or 455.150 must recognize and accept
30 the standard, method, installation, product, equipment or device if a person
31 applies to construct, reconstruct, alter or repair a building in conformance

1 with the Reach Code.

2 **SECTION 5. This 2022 Act being necessary for the immediate pres-**
3 **ervation of the public peace, health and safety, an emergency is de-**
4 **clared to exist, and this 2022 Act takes effect July 1, 2022.**

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