

HB 2398 A STAFF MEASURE SUMMARY

House Committee On Energy and Environment

Action Date: 04/12/21
Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)
Vote: 4-3-0-0
Yeas: 4 - Helm, Marsh, Pham, Speaker Kotek
Nays: 3 - Moore-Green, Owens, Smith DB
Fiscal: Fiscal impact issued
Revenue: No revenue impact
Prepared By: Erin Pischke, LPRO Analyst
Meeting Dates: 2/17, 3/1, 3/31, 4/12

WHAT THE MEASURE DOES:

Requires the Director of the Department of Consumer and Business Services (Director) to have general supervision over the administration of the state building code regulations, including providing statewide interpretations for the Reach Code and the plumbing, elevator, electrical, manufactured structures, boiler, amusement ride, structural, mechanical, low-rise residential dwelling, and prefabricated structures codes. Requires the Director, with the approval of the appropriate advisory boards, to adopt, amend, and administer the Reach Code as a specialty code within the state building code. Requires Reach Code to be a set of statewide construction standards and methods that are economically and technically feasible. Requires Director, with the approval of the appropriate advisory boards, to follow the same process the Director follows in developing the residential and commercial building codes to: 1) ensure that standards for energy efficiency in the statewide Reach Code mandate achieving a site energy use of not more than 90 percent of the site energy use that other statewide residential and commercial codes require; 2) adopt the Reach Code no later than October 31, 2021; 3) adopt the residential provisions of the Reach Code at the same time the Director adopts a corresponding residential specialty code and adopt the commercial portions of the Reach Code at the same time the Director adopts a structural specialty code; and 4) requires Director to update the Reach Code at least every three years. Authorizes municipality to adopt the Reach Code and, upon choosing to adopt the Reach Code, may require adherence to the Reach Code as a minimum construction standard and method within the municipality's jurisdiction, notwithstanding the provisions of ORS 455.040 that require the statewide building code to be uniform and applicable to all municipalities. Establishes that a municipality's adoption of the Reach Code is not an amendment to the state building code and does not require the Director to review or approve the adoption. Establishes that a municipality that assumes administration and enforcement of a building inspection program but that does not adopt the Reach Code does not need to enforce the Reach Code as a specialty code within the municipality's jurisdiction. Requires municipalities that adopt the Reach Code and require adherence to the Reach Code as a minimum construction standard and method, measurement of energy efficiency savings, and related incentives must remain subject to the statewide residential and commercial codes, as must measurements of cost effectiveness and payment of incentives under cost-effective energy efficiency resources and demand response resources (ORS 757.054) and requirements for public purpose expenditures (757.612). Requires the Director, when amending the state building code, to consider whether any of the standards and methods contained in the Reach Code should be removed from the Reach Code and adopted into a residential or commercial specialty code. Declares emergency, effective July 1, 2021.

ISSUES DISCUSSED:

- Impact of meeting Reach Code on the cost of construction

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- Impact of Reach Code on homeowners

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

According to the U.S. Department of Energy, Oregon's first energy conservation requirements were developed in 1975 and were limited to residential buildings. This code was upgraded in 1978 and again in 1980 to reflect the new editions of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standards. Since 1980, the residential energy conservation requirements have been amended on a three-year cycle in sequence with the Oregon One- and Two- Family Dwelling Specialty Code. Previous energy conservation requirements became effective on April 1, 2003. New energy conservation requirements for residential buildings became effective April 1, 2005. The energy conservation requirements for commercial buildings were developed in 1978 and upgraded in 1980. Since 1980, the energy conservation requirements have been upgraded in sequence with the Oregon Structural Specialty Code. Previous energy conservation requirements became effective on October 1, 2003. New energy conservation requirements for commercial buildings were adopted and became effective on October 1, 2005. Effective April 1, 2007, nonresidential buildings are subject to the 2007 Oregon Structural Specialty Code (OSSC).

House Bill 2398 A would require the Director of the Department of Consumer and Business Services with the approval of the appropriate advisory boards, to adopt, amend, and administer the Reach Code as part of the state building code and to follow the same process the Director follows in developing the residential and commercial building codes. The measure would ensure that standards for energy efficiency in the statewide Reach Code mandate achievement of not more than 90 percent of site energy use that other statewide residential and commercial building codes require; adopt the Reach Code no later than October 31, 2021; and among other provisions, it would require updating the Reach Code every three years.