

HB 2398-14  
(LC 1207)  
3/29/21 (TSB/ps)

Requested by HOUSE COMMITTEE ON ENERGY AND ENVIRONMENT (at the request of Representative Pam Marsh)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2398**

1 On page 1 of the printed bill, line 2, after “455.500” insert “; and declaring  
2 an emergency”.

3 Delete lines 4 through 29 and delete page 2 and insert:

4 **“SECTION 1.** ORS 455.500 is amended to read:

5 “455.500. (1) The Director of the Department of Consumer and Business  
6 Services, [*in consultation*] with the **approval of the** appropriate advisory  
7 boards, shall adopt, amend and administer [*a code separate from*] **the Reach**  
8 **Code described in subsection (2) of this section as part of** the state  
9 building code[, *to be known as the Reach Code*]. The director shall design the  
10 code to increase energy efficiency in buildings that are newly constructed,  
11 reconstructed, altered or repaired.

12 “[~~(2)~~] **(2)(a)** The Reach Code [*shall*] **must** be a set of statewide  
13 [*optional*] construction standards and methods that are economically and  
14 technically feasible[, *including any published generally accepted codes and*  
15 *standards newly developed for construction or for the installation of products,*  
16 *equipment and devices*]. When adopting or amending the code, the director,  
17 [*in consultation*] with the **approval of the** appropriate advisory boards, shall  
18 **follow the same process the director follows in developing the resi-**  
19 **dential and commercial building codes and shall:**

20 “[~~(a)~~] **(A)** Review generally accepted codes and standards that achieve  
21 greater energy efficiency than the energy efficiency required by the state

1 building code; *[and]*

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

6 **“(C) Ensure that standards for energy efficiency in the Reach Code  
7 mandate achieving a site energy use of not more than 90 percent of  
8 the site energy use that other statewide residential and commercial  
9 codes require;**

10 **“(D) Adopt the Reach Code not later than October 31, 2021; and**

11 **“(E) Adopt the residential provisions of the Reach Code at the same  
12 time the director adopts a corresponding residential specialty code and  
13 adopt the commercial portions of the Reach Code at the same time the  
14 director adopts a structural specialty code.**

15 **“(b) Notwithstanding paragraph (a)(E) of this subsection, the di-  
16 rector shall update the Reach Code at least every three years.**

17 **“(3)(a) Notwithstanding ORS 455.040, a municipality may adopt the  
18 Reach Code and may require adherence to the Reach Code as a mini-  
19 mum construction standard and method within the municipality’s ju-  
20 risdiction. A municipality’s adoption of the Reach Code under this  
21 paragraph is not an amendment to the state building code and does  
22 not require the director to review or approve the adoption.**

23 **“(b) If a municipality adopts the Reach Code and requires adherence  
24 to the Reach Code as a minimum construction standard and method,  
25 measurement of energy efficiency savings and related incentives must  
26 remain subject to the statewide residential and commercial codes.  
27 Notwithstanding the provisions of this paragraph, adoption of the  
28 Reach Code does not affect determinations of cost effectiveness and  
29 payment of incentives under ORS 757.054 and 757.612.**

30 *“(3) When amending the state building code under ORS 455.030, the di-*

1 *rector shall consider whether any of the standards and methods contained in*  
2 *the Reach Code should be removed from the Reach Code and adopted in the*  
3 *state building code.]*

4 “(4) The inclusion of a standard or method for construction or for the  
5 installation of products, equipment or devices in the Reach Code:

6 “(a) Does not alter any licensing or certification requirements under ORS  
7 446.003 to 446.200, 446.225 to 446.285, 447.010 to 447.156, 460.005 to 460.175,  
8 479.510 to 479.945 or 480.510 to 480.670 or this chapter or ORS chapter 693  
9 or Department of Consumer and Business Services rules;

10 “(b) Exempts products, equipment and devices from product certification  
11 requirements under ORS 447.010 to 447.156 and 479.510 to 479.945 and the  
12 state building code; and

13 “(c) Requires that a municipality administering and enforcing a building  
14 inspection program under ORS 455.148 or 455.150 must recognize and accept  
15 the standard, method, installation, product, equipment or device if a person  
16 applies to construct, reconstruct, alter or repair a building in conformance  
17 with the Reach Code.

18 **“SECTION 2. This 2021 Act being necessary for the immediate**  
19 **preservation of the public peace, health and safety, an emergency is**  
20 **declared to exist, and this 2021 Act takes effect July 1, 2021.”.**

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