



Testimony by City of Wilsonville Mayor Julie Fitzgerald Amending HB 4063:

Proposed Legislation Modifying Current Substantial Completion Law Is Unnecessary and Carries Unintended Consequences

Scheduled for public hearing on Feb. 7, 2022,
before the House Committee on Housing

Chair Fahey, Vice-Chairs Campos and Morgan, and Members of the Committee:

I am testifying in support of an amended HB 4063. The study components of the proposed legislation may be fine; however, the City opposes any modifications to the existing substantial completion law that was adopted fairly recently and is being implemented in the time of COVID.

Specific issues of concern with the proposed legislation sections include problematic provisions for substantial completion that carry substantial risks of unintended consequences detrimental to the public and homebuyers:

- (1)(c)(G): Some jurisdictions have Public Works standards that require the acceptance testing of infrastructure (water, sewer and storm) to occur *after paving* to assure that paving operations do not damage the underground infrastructure. This proposed modification may be in conflict with the upper sections found in (c).
- (1)(c)(H): This modification is unnecessary as the above requirements do not specify *onsite infrastructure only*, and are likely interpreted to include all required improvements for the project, whether onsite or offsite.
- (5): Temporary addressing creates problems: Online building-permit systems generally are databases that connect the address-of-record to other property information, including ownership records. Some databases, such as the State's online system Accela, do not allow a jurisdiction to add a temporary address as this link to other information would then be broken, thus removing some of the search and reporting functions of the database and losing some of the efficiencies gained from moving to an electronic-permitting system.

Additionally, setting addresses can involve multiple departments and personnel in a jurisdiction. When an address is set, it ultimately gets placed in a database that is shared with emergency-medical services (EMS), but that can take some time to get

those databases updated. For emergency-response purposes, the address must be posted on the site. Having a change in address after a permit is issued may cause potential issues with the ability of EMS to quickly respond to emergencies at that construction site. Additionally, having the wrong address posted may delay the ability to receive timely building inspections.

- (3): This section is already existing in the current substantial completion law. It is problematic for jurisdictions to hold up temporary occupancy permits for items not related to fire/life safety. Most jurisdictions rely upon the financial guarantee and not occupancy permits. City staff are aware of instances when residents with no other housing option have moved into homes that do not have occupancy permits. This has caused many issues, including having to move furniture to complete inspections for fire/life safety issues. A jurisdiction does not want to be put into this kind of position – especially when the items may not even be related to that specific site or builder but the overall developer.

Cumulatively, these issues demonstrate that proposed legislation modifying current substantial completion law is unnecessary and carries unintended and potentially detrimental consequences. These kinds of policy modifications without consensus are inappropriate for the 35-day “short session,” and should be one of many issues for the proposed study to consider.

The City appreciates your consideration this testimony and urges that the committee amend to HB 4063 to remove all proposed amendments in Section 3. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Julie Fitzgerald". The signature is written in a cursive, flowing style.

Julie Fitzgerald, Mayor
City of Wilsonville