

## HB 4086 -5, -6, -7 STAFF MEASURE SUMMARY

### House Committee On Rules

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**Meeting Dates:** 2/20

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#### WHAT THE MEASURE DOES:

Requires that building official appointed by municipality be an employee of the municipality by January 1, 2020. Removes requirement that building inspector for municipality be an employee of the municipality. Declares emergency, effective on passage.

#### ISSUES DISCUSSED:

- Legal opinion written by Legislative Counsel
- Whether having a private entity provide a municipality's building inspection program is an improper delegation of governmental authority
- Work group that discussed problem and potential solutions
- How state and counties will pick up work if cities do not operate their own building inspection programs
- Whether a council of governments constitutes an "association of counties"

#### EFFECT OF AMENDMENT:

-5 Replaces original measure.

Modifies language regarding relationship municipality has with those who administer or provide services to the building inspection program. Requires municipality that administers a building inspection program to arrange for services of a municipal building official. Requires municipal building official to be an employee of the municipality, employed under an intergovernmental agreement, or employed by a council of governments.

Sets operative date of July 1, 2019, for requirement that municipality arrange for services of a building official who is an employee of the municipality, employed under an intergovernmental agreement, or employed by a council of governments.

Declares emergency, effective on passage.

-6 Replaces original measure.

Modifies language regarding relationship municipality has with those who administer or provide services to the building inspection program. Requires municipality that administers a building inspection program to arrange for services of a municipal building official and a head building inspector, who could also be the building official. Requires municipal building official and head building inspector to be an employee of the municipality, employed under an intergovernmental agreement, or employed by a council of government.

Sets operative date of July 1, 2019, for requirement that municipality arrange for services of a building official and head building inspector who is an employee of the municipality, employed under an intergovernmental agreement, or employed by a council of governments.

Declares emergency, effective on passage.

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-7 (Proposed by Rep. Barreto) Exempts from state building code inspection and licensing requirements structures manufactured in Oregon but intended for delivery out of state. Requires such structure meet inspection and plan review requirements and be installed in compliance with licensing laws if structure is sold, leased, rented, or installed in Oregon. Directs Department of Consumer and Business Services to adopt rules for plan review and inspection of structures that are relocated to Oregon or delivered in Oregon when manufactured with intent to deliver out of state.

### **BACKGROUND:**

House Bill 3462 (2009) created a pilot program with the intent to cross-train building inspectors so an inspector could perform an inspection in more than one specialty code. These inspectors are referred to as specialized building inspectors. The pilot program (which was scheduled to sunset in 2016) was designed to address the shortage, in some regions of the state, of building inspectors in various specialty codes. Subsequent legislation (House Bill 2698, 2013) eliminated the sunset date of the pilot program, thereby continuing the training, qualification, and certification of specialized building inspectors. The 2013 legislation also specified the authority of the Director of Department of Consumer and Business Services to certify building inspectors in multiple specialty codes or parts of specialty code and allowed the certification of building inspectors to perform inspections throughout a building code administrative region. This had the effect of requiring the specialized building code inspector to be an employee of the municipality for which it was performing inspections. Legislation in 2017 (House Bill 2907) would have allowed specialized building inspectors to be appointed rather than employed by a municipality; however, that legislation was not enacted.

A work group met during the 2017 interim to discuss how municipalities operate their building inspection programs. The work group did not reach consensus.