



April 4, 2013

Senate Committee on Rural Communities &  
Economic Development  
Oregon State Capitol Building  
900 Court St NE  
Salem, Oregon 97301

**RE: Opposition to SB 582(-1) – Relating to the State Building Code**

Hon. Chair Roblan and Committee Members:

The Oregon Building Officials Association strongly opposes the passage of SB 582 in its current form as it would create uncertainty and confusion for municipalities in delivering building safety services, would make it more difficult for municipalities to enforce the statewide building code, and would create delays and added expense for customers. Additionally, it grants the State Building Codes Division a level of municipal oversight that it already possesses.

SB 582 creates a great deal of uncertainty at the local level because it gives contractors and developers the ability to, without cause, bypass a municipal building safety program. Municipalities, regardless of size, location, or services, would be unable to predict future workloads and would thus struggle to retain the quality staff and services that are so critical to keeping construction on-time and on-budget. Municipalities would have limited say, if at all, in when or how the State would override a local, State-approved building program, with no opportunity for the municipality to appeal.

SB 582 will make it difficult for municipalities to enforce the statewide building code. A municipality's ability to enforce building safety, efficiency, and accessibility requirements is largely dependent upon the fact that Oregon has a uniform, statewide minimum building code for all new construction. Oregon's statewide building code is based on model codes used throughout the world, which have codified decades of research and experience in building safety, efficiency, and accessibility. These model codes are regularly refined and customized to the unique needs of Oregonians – both urban and rural – through a collaborative stakeholder process. SB 582 removes the valuable consistency provided by a single statewide set of expectations that apply to everyone, and communicates to stakeholders in the code development process that collaborative consensus decisions may be unilaterally overturned at any time by the Building Codes Director.

SB 582 would create delays and added expense to the development process. Municipal building departments typically provide streamlined and expedited services to their customers. By giving customers the ability to self-select State building safety services, this bill would take away the ability for local building departments to continue providing streamlined services for projects that greatly benefit from this local coordination. The result of sending building safety oversight to the State would

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ultimately be counter to the goals and objectives of this bill: projects would take much longer to be approved and would cost more to build.

SB 582 is redundant and overly burdensome in that it authorizes the State Building Codes Division a level of oversight that it already possesses. Municipalities must go through a rigorous program assumption process with the State prior to being granted the authority to enforce the state building code on a local level. In order to assume authority to regulate building safety locally, a municipality must demonstrate to the State that it has the ability to provide a consistent, acceptable level of service to its citizens (ORS 455.150). And once a municipality has been granted this local authority, it must then periodically provide documentation to the State that service levels are being maintained and that the municipality is adhering to state law. Additionally, all building officials, inspectors, and plans reviewers in Oregon are subject to oversight and regulation by the State in the form of certifications and licensure. The State, therefore, currently has significant ability to exercise oversight over the services delivered by municipalities to their citizens.

The Oregon Building Officials Association would welcome the opportunity to engage in discussion about the expectations our customers and stakeholders have of municipal building departments, and the consequences that should be imposed for failure to deliver efficient and effective services at the municipal level. SB 582, however, is not the appropriate mechanism to resolve these concerns. For these reasons, we cannot support this bill.

Thank you for considering this testimony.

Respectfully submitted:

Melanie Adams, President  
Oregon Building Officials Association  
[president@oregonbuildingofficials.com](mailto:president@oregonbuildingofficials.com)  
ph: (503)681-6132