



OREGON  
BUSINESS  
& INDUSTRY



## Opposition to SB 1518 —Mixed State and Local Codes

The Honorable Senator Kate Lieber,

Next year, Oregon will celebrate 50 years of a successful statewide system of building and planning since 1973. Oregon's system of building regulation impacts almost all Oregonians including new and existing building owners, contractors, developers, workers, and remodelers. We have relied on this system to ensure the rules are consistent, that they are not different from one location to another, and more importantly that the rules are not changed retroactively, or arbitrarily. SB 1518 disrupts Oregon's longstanding system of statewide regulation, uniform public safety, and building performance for all our citizens. Furthermore, Oregon's current building code system treats our citizens the same—regardless of where they live or work.

SB 1518 allows local government to adopt new, and separate building codes that would be different between communities and could literally impose a different set of standards for citizens living and working across the street from each other. We are concerned this bill would treat citizens and business differently, which in addition to the broader public policy concerns for equal protection, would also increase confusion, and increase costs.

Because the bill is written so broadly, we believe it impacts more than just energy standards for all new buildings because it creates a mixed system of state and local regulation. We think this will impact existing building owners, building maintenance, routine repair work, and remodeling. As it relates to energy, you will likely see a slowing of statewide energy efficiency in order to meet an arbitrarily elevated outcome of a separate local code. As a policy, this does not make sense because Oregon is already a leader in statewide energy efficiency. We have a proven track record of success in our state, as referenced by a recent report to the Governor:

"BCD and its boards have established Oregon as a national leader for energy efficient building codes by utilizing its statutory authority to adopt uniform statewide building codes that are technically and economically feasible. These mandatory statewide codes provide consistency and predictability for all. This approach also helps Oregon achieve extremely high compliance rates, as designers, building officials, contractors, and other stakeholders are able to train to one standard, regardless of where in the state the project is located."

We encourage you to take the time to find a better way to address climate policy without undermining our statewide system, or in any way adding confusion, or increased risk and cost to the public, or to our members. We would also ask you to review the attached 40-year history of the statewide codes and the positive impact it's had on our state.

We are happy to participate with you and the Legislature to further the state's objectives, while recognizing the value and benefits our current statewide system achieves for all Oregonians.



Oregon Concrete  
& Aggregate  
PRODUCERS ASSOCIATION



# A regulatory success story in Oregon

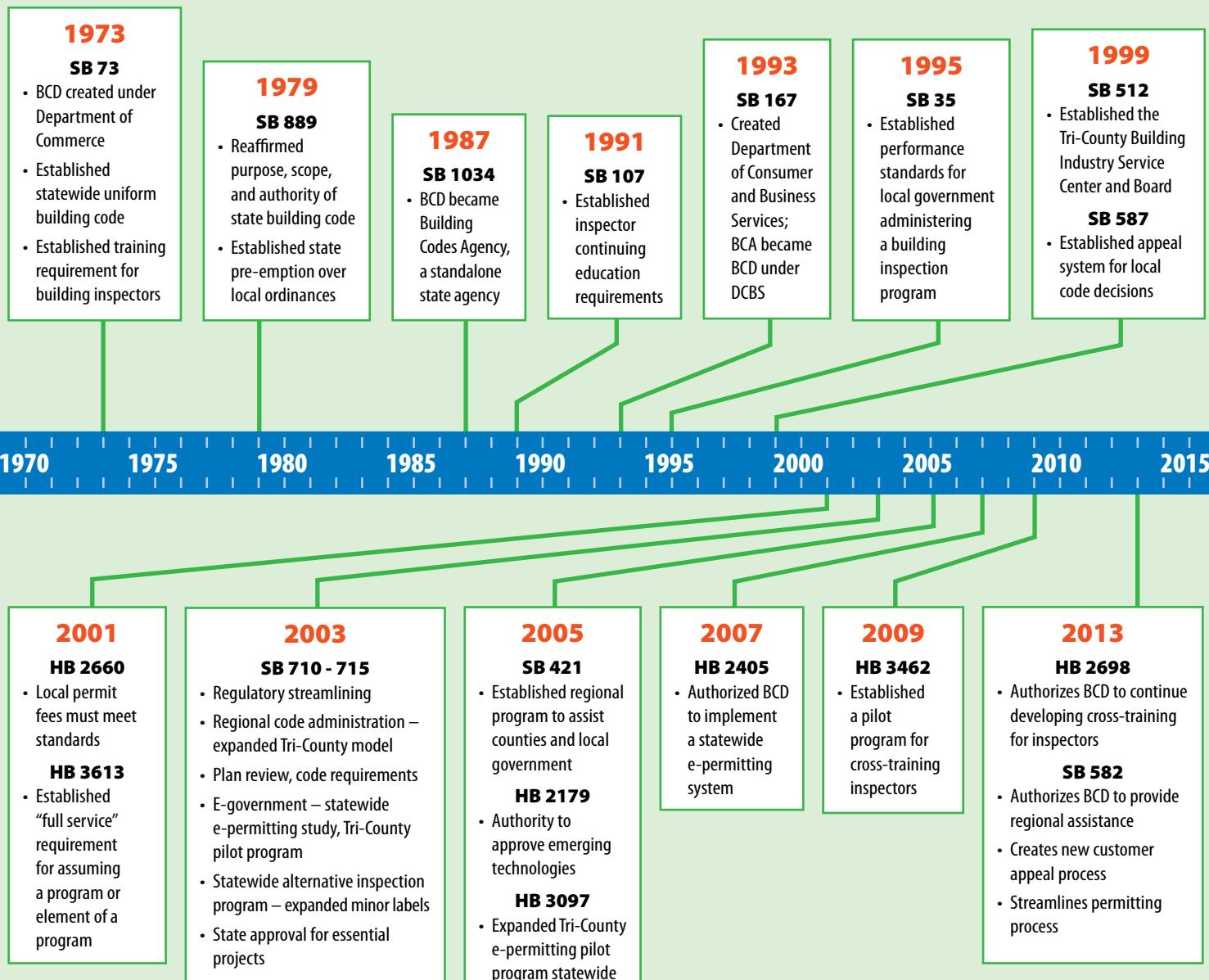


# A time for change...

In 1973, Sen. Dick Groener and Reps. Robert "Bob" Elliot and Roger Martin sponsored Senate Bill 73, which Gov. Tom McCall signed to create Oregon's unique statewide building code system. The issues driving the 1973 bill included consistency of code requirements between municipalities, dispute resolution for decisions made by building inspectors, and establishment of stakeholder advisory boards to help adopt codes.

In 2013, the Oregon Building Codes Division celebrated the 40-year anniversary of the passage of SB 73. Although many changes have occurred over the past 40 years, businesses still want strong statewide uniformity, administrative consistency across the state, and value and service for the fees paid to government. Working with a broad set of industry partners that supported SB 73, BCD celebrated the success of Oregon's unique regulatory model on May 21, 2013, at the Oregon Capitol. This timeline attempts to capture the discussion 40 years ago and fast forward to the issues of today.

## A state building code TIMELINE



# Constructing a uniform building code

## A time of uncertainty – early years

Before 1973, builders in Oregon faced a confusing maze of building code regulations that varied by city and county. In 20 Oregon counties, no building codes existed. In the Portland metro area, 53 different codes were adopted, driving up costs and uncertainty for builders.



1945

### Building Code Meet Called

UNIVERSITY OF OREGON, Eugene, Oct. 20 (Special) — To work out a model building code for Oregon cities with populations of 2000 or less, a committee appointed by the League of Oregon Cities will meet in Portland Wednesday, according to Herman Kehrl, director of the bureau of municipal research at the university and secretary of the league.

Many requests have been made to the bureau by small cities throughout Oregon for assistance in revising their building codes.



**Fred VanNatta**

Represented the Oregon Home Builders Association and worked to pass Senate Bill 73

"There would be different standards for the same thing across Oregon. In one community, the railing had to be so high and the bars had to be so far apart. Maybe you needed an outlet in the attic or maybe you didn't have to have an outlet. We believed there should be a statewide uniform building code."

1926

### BUILDING CODE SOUGHT

#### MEASURE TO BE INTRODUCED AT NEXT LEGISLATURE.

#### Adequate Safety Precautions for Public Primary Object at State - Wide Move.

A uniform building code for the state is the object of a bill drafted by the code committee of the Oregon building congress which will be introduced in the legislature. Robert Ellis Cushman, chairman of the code committee, said that the purpose was to provide a code dealing with fundamental safety precautions only, leaving detailed provisions to the jurisdiction of the respective communities.

"The code committee has been thoroughly convinced of the urgent need for protecting the public property loss due to construction accidents throughout the state. Fire hazard and unsanitary conditions that now exist in many communities."

Structures designed for human occupancy, such as hotels, theaters, schools, factories and hospitals may be erected in many districts throughout the state and in unincorporated sections without definite regulations as to height, type of construction, type of party walls and other details. Public garages may be built adjacent to other buildings without adequate protective party walls. In short, the public is entirely at the mercy of the thoughtless designer and investor who considers investment and returns in detail, but overlooks the risk to occupants or to the neighboring public.

A state building code commission is provided for by the terms of the proposed measure, the members of which would be appointed by the governor, and consist of one member of the state legislature, a citizen at large, and one member from each of the following organizations: Association of General Contractors; American Institute of Architects; Oregon Technical council; Oregon Loan Board.

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### Coast Building Code To be Pondered Here

The Pacific Coast building code, under which Salem and hundreds of other cities operate, changes so often that it's hard to keep pace with.

So a meeting of building officials has been called here for January 15 to ponder the question whether western Oregon cities should divorce the coast code and make one of their own.

The meeting will start with a luncheon at the Senator Hotel and in the afternoon will meet in City Hall. Arrangements are being made by City Engineer J. H. Davis. Invitations have been sent to over 100 officials from the

1954

including some in New England, the city of New Orleans, many in Canada, some in Mexico and even some cities in Japan. The code is revised every three years. Salem is now operating under the 1946 edition, but has considered adopting the 1952 edition if it continues under the coast code.

The 1953 convention of the League of Oregon Cities appointed a committee to study the question, and the committee will report at the Salem meeting. No decision is to be reached at the Salem meeting, but each delegate will report back to his administration regarding the findings of the

## A uniform regulatory model – 1973

In partnership with trade organizations, the Oregon Legislature passed a statewide building code, Senate Bill 73. The bill established uniform standards for all residential and commercial buildings in Oregon, prohibiting local governments from enacting conflicting regulations.

"I believe, over the years, it saved hundreds of thousands of dollars in administrative costs for the industry," said Fred VanNatta, who represented the Oregon Home Builders Association at the time.

# 1973

## Statewide Building Code Gets Support

By ROBERT E. GANGWARE  
Statesman Business Editor

The bill for a single Oregon statewide building code has attracted plenty of support, no organized opposition and dozens of amendments.

And the Senate Labor Committee is moving it into work session stage after adopting several of the proposed amendments that came out of earlier hearings.

AT A CAPITOL meeting Tuesday the committee heard three local building code officials who liked the idea but had suggestions and suggestions for improvement.

PRINCIPAL PURPOSES of the legislation include making sure all cities and counties have standard codes and enforce them. Where this is not the case the state could appoint building inspectors, or permit the locality to contract with another jurisdiction to provide the required inspection service.

An amendment brought to the committee by Sen. Wallace Carson, R-Salem on behalf of J. R. Kalinoski, who is lobbyist for general contractors, will get committee study at a later meeting.

## W&M Unit Okays Statewide Building Code

Legislation for state building inspection standards was advanced Wednesday by a

committee at the Oregon Capitol.

Senate Bill 73 calls for a

statewide building code, standards for local building inspectors and state inspection in localities without their own building inspec-

tors. It would fall under the Department of Commerce, with an appointed State Structural Advisory

July 1, 1974, and be supported by building permit fees. No general fund money is sought.



## Uniform Building Code Is Passed by Senate

A bill to enact a uniform statewide building code was easily passed Thursday by the Oregon Senate and sent to the House.

SB 73, approved 26-3, would allow the State Commerce Department

But Sen. Lynn Newbry, R-Ashland, said that the aim of the bill is to permit development of low-cost housing by having uniform standards statewide. He said the patchwork of present local standards permitted

to allow higher local standards.

The three votes again passage of the bill were by Ripper and Sens. Ed Fadley, D-Eugene, and Stan Onderkirk, R-Newport.



**Terry Dieter**  
Intel Corporation architect

"Much of my practice is focused on the fire and life safety aspects of Intel's facilities in Oregon and throughout the world. I personally believe a uniform building code is the single most important design tool for architects and engineers."

# Celebrating 40 Years of Regulatory Success: A Working Model

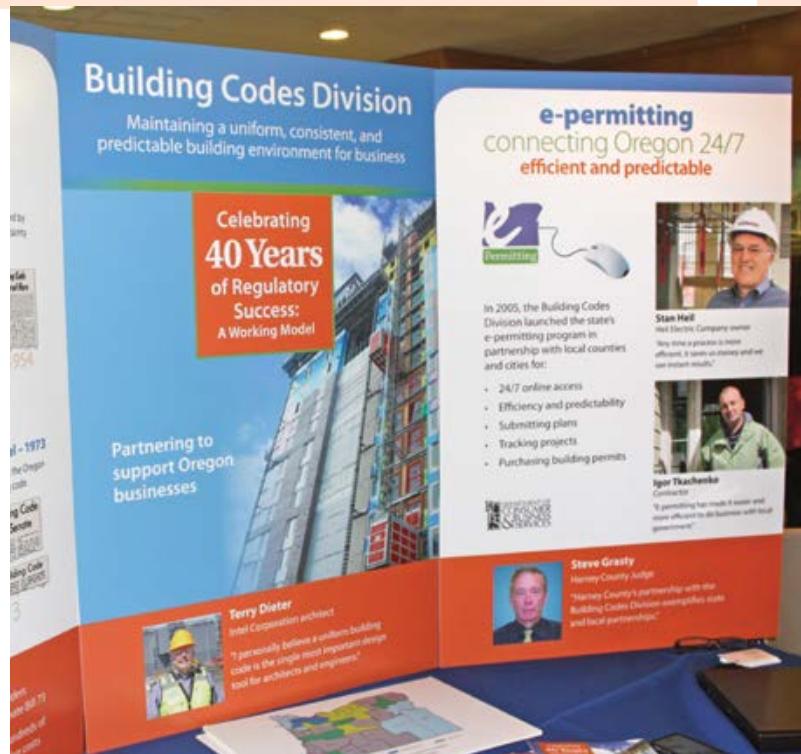
The Building Codes Division partnered with stakeholders at the Oregon State Capitol to highlight the success of the uniform regulatory model. Industry groups shared their perspective of Oregon's system with each other and with members of the Oregon Legislature during an all-day event on May 21, 2013.

“ The National Electrical Contractors Association and the IBEW have worked for the last 100 years to promote safe and effective development. We appreciate Building Codes Division efforts to foster a fertile business climate in Oregon and look forward to setting the example of strong, statewide standards for the rest of the country. ”

— Tim Gauthier and Gary Young



Tim Gauthier, executive manager, National Electrical Contractors Association – Oregon Columbia Chapter and Gary Young, business manager, International Brotherhood of Electrical Workers – Local 48



## Connecting Oregon

As part of the 40-year code celebration, BCD also highlighted the statewide e-permitting system and its success. In 2007, contractors supported creating a single, statewide system to provide 24/7 access to apply for, pay for, and receive building permits online.



Rep. Dennis Richardson, Rep. Greg Smith, DCBS Director Pat Allen, BCD Administrator Mark Long, and Rep. Jessica Vega Pederson

“ A system that encourages strong regulatory consistency helps protect consumers and also benefits small businesses by reducing the unnecessary costs of trying to figure out complex requirements. Small businesses benefit from the uniformity and predictability. ”

— Rep. Jessica Vega Pederson, D-Dist. 47

“ Safety and innovation in the state building code has led to more efficiency in the construction industry. In turn, consistent standards keep families safe and more tradespeople employed. ”

— Rep. Brad Witt, D-Dist. 31



Rep. Brad Witt and Mark Long

“ As a longtime builder in Oregon, I have seen first hand the importance of a strong statewide building code and consistency in enforcing it. Through streamlining and consistency efforts, the state Building Codes Division has created a safe and business-friendly working environment. ”

— **Sen. Alan Olsen, R-Dist. 20**



Sen. Alan Olsen and Mark Long

“ Our partnership with the state has always been important to PMCA. A single source for contractors to receive help and get questions answered has saved our contractors time and money. ”

— **Frank Wall, executive director, Plumbing and Mechanical Contractors Association**



Frank Wall



Rep. Mark Johnson, Mark Long, and Howard Asch, Oregon Home Builders Association

“ The system encourages economic development by creating a uniform regulatory system that reduces cost. ”

— **Rep. Mark Johnson, R-Dist. 52**

“ Oregon’s high standards of construction and safety have served as a model for the entire country to follow. Working together with the Building Codes Division, contractors have been able to partner on key projects such as e-permitting. ”

— Sen. Tim Knopp, R-Dist. 27



Sen. Tim Knopp and Mark Long



Ralph Groener, Fred VanNatta, and Mark Long

Ralph Groener, political coordinator for Oregon AFSCME, with Fred VanNatta and Mark Long. VanNatta represented the Oregon Home Builders Association and worked to pass Senate Bill 73. Ralph Groener's uncle, Dick Groener, was the chair of the Senate Committee on Labor, which was in charge of passing SB 73.



Kate Newhall

“ Oregon’s uniform statewide building code lets our contractors and skilled tradespeople work more efficiently and safely throughout the state, allows us to have consistency in training our workforce, and provides methods for fair resolutions of code interpretation. ”

— **Kate Newhall (FocusPoint Communications)** exhibiting at **Building Codes Day** on behalf of **Sheet Metal and Air Conditioning Contractors' National Association and Sheet Metal Workers Local #16.**



Shawn Miller, Independent Electrical Contractors of Oregon lobbyist; Carl Redman, Bear Electric; Irene Weber, program director, Area I Electrical Joint Apprenticeship and Training Committee; and Cindy Regier, apprenticeship director

“ We value the state’s commitment to a highly trained workforce. They’ve proven themselves a driving force toward improving code consistency and ensuring quality training for craftspeople and inspectors alike. ”

— **Carl Redman, Independent Electrical Contractors of Oregon**

# Legislation builds on 40 years of success

With an emphasis on improving the building regulatory system, the Building Codes Division and its partners moved several pieces of legislation to continue the work of SB 73 from 40 years ago. The building industry remains committed to a uniform, predictable regulatory model that promotes a positive business environment while ensuring statewide safety standards are achieved for Oregon residents. In 2013, the 77th Legislative Assembly affirmed the state's role by passing SB 582, HB 2698, and HB 2978. SB 582, the signature work of BCD, its partners, and the legislature, provides new tools to assist local government, especially in rural areas, and provide timely, efficient building inspection services.

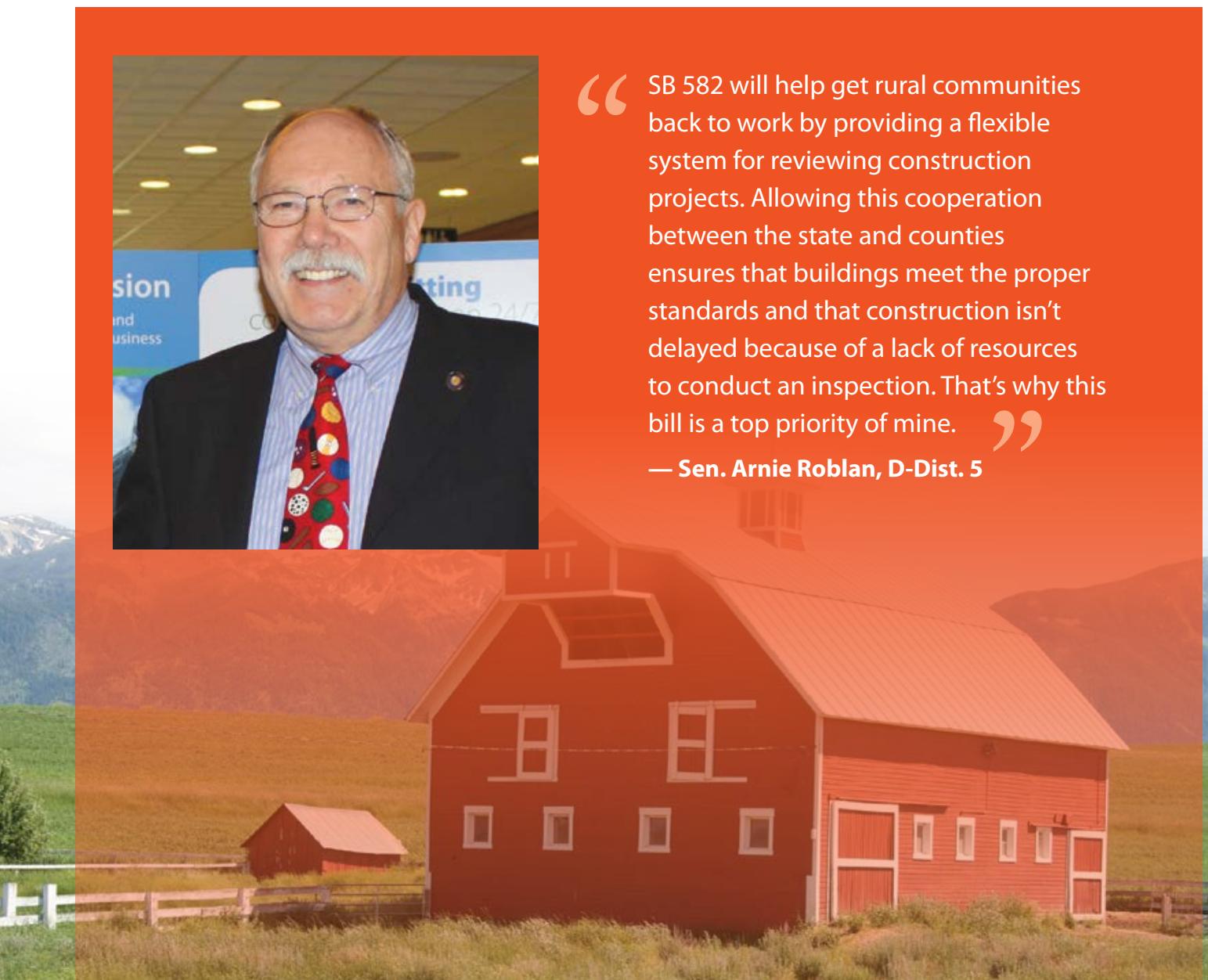
SB 582 also contained several provisions to encourage local economic development and reduce costs to business and government. Sen. Arnie Roblan (D-5), chair of the Senate Rural Communities and Economic Development Committee, led a workgroup of stakeholders to develop the concept around SB 582.

BCD also partnered with the Association of Oregon Counties (AOC) to improve the delivery of training and instruction for building inspectors. HB 2698 returns flexibility to the state to develop comprehensive and customized training requirements carried out through state instructors.



“ SB 582 will help get rural communities back to work by providing a flexible system for reviewing construction projects. Allowing this cooperation between the state and counties ensures that buildings meet the proper standards and that construction isn't delayed because of a lack of resources to conduct an inspection. That's why this bill is a top priority of mine. ”

— **Sen. Arnie Roblan, D-Dist. 5**



# Moving forward by building on success

With continued focus on customer service, the Building Codes Division strives to create more consistency in the application of code requirements and the permitting process across local programs. Part of preparing for the next 40 years will be a new emphasis on inspector training and education. The division will strengthen its training resources, building strong partnerships with industry groups to develop a highly trained and efficient workforce. Through realigned certification requirements, the division will be preparing the inspection workforce for the future.

The Building Codes Division is also working to become a resource for Oregon's construction industry on information and trends. By collecting and organizing relevant construction data for customers, the state can improve efficiency, reduce costs, and respond to trends. Utilizing technology is another important priority for the division, with the goals of standardizing administrative processes, reducing unnecessary regulation, and improving access through statewide e-permitting for the contractor and homeowner. Technology will drive many future changes in building regulation.

Finally, the construction economy in Oregon declined significantly over the past several years. Many local programs have struggled to maintain staff and provide services to local businesses. The legislature provided new tools in 2013 to strengthen local/state partnerships. New opportunities will exist to increase efficiency and meet the changing needs of local government. BCD is committed to working with communities to explore innovative ways to improve service.

Now, more than ever, BCD is moving forward to meet the results that stakeholders sought 40 years ago.



# Thank You!

2013 reaffirmed the state's commitment to a strong set of uniform standards and a predictable, efficient regulatory model.

The following groups provide countless volunteer hours serving on boards, committees, and workgroups to improve Oregon's one-of-a-kind set of statewide building codes.



Pacific Northwest Chapter



Department of Consumer and Business Services

## Building Codes Division

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