

Senate Committee on Rules  
900 Court Street NE  
Salem, Oregon 97301

May 25, 2021

**RE: Support Senate Bill 866**

Dear Chair Wagner and Members of the Committee,



Thank you for the opportunity to provide comments in support of SB 866. The Oregon Building Officials Association (OBOA) represents more than 1,000 building officials and personnel throughout the state. Its members include a wide range of building officials, both in large, metropolitan cities and counties, as well as small, rural jurisdictions and includes third-party building inspectors.

As you know, Oregon has a statewide building code, adopted by the State Building Codes Division, which establishes uniform safety and energy standards for all residential and commercial buildings throughout the state. In most jurisdictions, the statewide code is administered and enforced by local city or county building departments. In jurisdictions where neither a city, nor a county assume these responsibilities, the State Building Codes Division must do so.

In 2019, the Attorney General issued an opinion finding that contracting out entire building departments, including building official discretionary decisions, was not constitutional. The Building Codes Division (BCD) formed an advisory committee made up of impacted stakeholders in 2020 to identify possible pathways to resolve the legal issues identified by the DOJ and OBOA was a part of that group. The purpose of SB 866 is to address the legal issues identified in the DOJ opinion by putting in adequate procedural safeguards for municipalities that use contracted building official services and resolve this long-standing issue. In short, the bill does the following:

- Requires cities with contracted building officials to put in place adequate procedural safeguards;
- Audits the use of funds every two years;
- Narrows the use of a contracted building official to cities that are currently using the services (or who were using one as of January 2018);
- Adds flexibility to all cities and counties to prepare and IGA with other cities/counties and hire a Building Official for their collective building and permitting program;
- Makes contracted building officials and inspectors subject to ORS Chapter 244, and gives the director the ability to enforce ethics violations in ORS Chapter 244 for all inspectors and building officials; and
- Addresses permit validity by allowing ratification of past decisions and creating specific statute of limitations.

OBOA believes this bill will provide necessary certainty for local governments, third-party building officials and industry to adequately resolve this long-standing legal issue. We urge your support of this bill.

Thank you again for this opportunity to support SB 866

Sincerely,

Eric Schmidt

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