

## DIRECTOR'S ORDER

The Director of the Oregon Department of Consumer and Business Services (“Director”), pursuant to OAR 918-098-4002, has determined that the COVID-19 state of emergency may cause a workforce shortage among building codes inspectors or plans examiners. Therefore, the Director issues this Order (“Order”) to all inspectors and plans examiners subject to the Building Codes Division’s rules, to invoke the flexibility of OAR 918-098-4002(2).

This Order is directed to all building codes inspectors, plan reviewers, and building officials in the State of Oregon. This Order applies to all persons with an Oregon Inspector Certification or code certification issued by the Oregon Building Codes Division.

This Order ratifies any conduct in compliance with this Order that occurred from December 29, 2020, through the date of this order. This Order will be in effect until Executive Order 20-03 and the COVID-19 state of emergency expires, is terminated by the Governor, or until this order is otherwise terminated by the Director.

The Director FINDS that:

1. On March 8, 2020, Oregon Governor Kate Brown signed Executive Order 20-03, declaring a statewide state of emergency due to the COVID-19 outbreak in Oregon under ORS 401.165. This Executive Order was stated to exist for sixty days from the date of the order, unless extended or terminated earlier by the Governor.
2. Governor Brown subsequently extended Executive Order 20-03 and the COVID-19 state of emergency five times, each time finding that the virus continues to threaten public health and safety.
  - a. On May 1, 2020, Governor Brown issued Executive Order 20-24, extending the state of emergency through July 6, 2020.
  - b. On June 30, 2020, Governor Brown issued Executive Order 20-30, extending the state of emergency through September 4, 2020.
  - c. On September 1, 2020, Governor Brown issued Executive Order 20-38, extending the state of emergency through November 3, 2020.
  - d. On October 27, 2020, Governor Brown issued Executive Order 20-59, extending the state of emergency through January 2, 2021.
  - e. On December 17, 2020, Governor Brown issued Executive Order 20-67, extending the state of emergency through March 3, 2021, unless extended or terminated earlier by the Governor.
3. On March 20, 2020, the Oregon Building Codes Division enacted temporary rule OAR 918-098-4000 to provide greater flexibility to building departments to meet demand and provide services to Oregonians during the COVID-19 emergency without compromising safety. Under section (2) of this rule, a person with an Oregon Inspector Certification and a code certification issued by the Building Codes Division may perform inspections and review plans beyond the scope of work for their code certification if (1) the relevant building official determines the person has the skills necessary to perform the specific

inspection or plan review without compromising safety; and (2) the relevant building official authorizes the person, in writing, to perform the inspection or plan review. This rule expired on July 1, 2020.

4. On July 2, 2020, the Oregon Building Codes Division enacted temporary rule OAR 918-098-4001, extending the flexibility that was offered in OAR 918-098-4000. This rule expired on December 28, 2020.
5. Effective January 1, 2021, the Building Codes Division adopted permanent rule OAR 918-098-4002. Section (2) of this rule extended the flexibility that was offered in OAR 918-098-4000(2) and OAR 918-098-4001(2). But, in order for OAR 918-098-4002(2) to be invoked, the Governor must declare a State of Emergency, and the director must issue an order that the emergency may cause a workforce shortage among inspectors or plans examiners. This section of the rule is retroactive to December 29, 2020.

The Director CONCLUDES that:

6. The Oregon Building Codes Division adopted permanent rule OAR 918-098-4002, effective January 1, 2021.
7. OAR 918-098-4002(2) is retroactive to December 29, 2020.
8. Under OAR 918-098-4002(2), when the governor declares a state of emergency, the director may issue an order that the emergency may cause a workforce shortage among inspectors or plans examiners.
9. Governor Brown declared a statewide state of emergency for COVID-19 (“COVID-19 state of emergency”), and this COVID-19 state of emergency is currently in effect, and has been in effect since March 8, 2020.
10. The COVID-19 state of emergency may cause a workforce shortage among inspectors or plans examiners.

Now therefore, the Director ORDERS:

11. The Director hereby finds the COVID-19 state of emergency may cause a workforce shortage among inspectors or plans examiners.

This Order ratifies any conduct in compliance with this Order that occurred from December 29, 2020, through the date of this order. This Order remains in force until Executive Order 20-03 and the COVID-19 state of emergency expires, is terminated by the Governor, or until this order is otherwise terminated by the Director.

SO ORDERED this 15<sup>th</sup> day of January 2021

  
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Andrew Stolfi, Director and Insurance Commissioner  
Department of Consumer and Business Services