



# Code Amendment Proposal Application **OSSC 22-20**

**Department of Consumer & Business Services**  
**Building Codes Division**  
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## APPLICANT INFORMATION

Name:	Dusty Andrews
Representing:	Structural Engineers Association of Oregon
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## PROPOSAL INFORMATION

Specialty code:	Oregon Structural Specialty Code (OSSC)
Code section(s):	IEBC 401.2

Briefly explain the subject of your proposal:	The proposal clarifies the structural requirements for repair of existing building damaged by fire, wind, earthquake or other similar natural events. It seeks to clarify apparent contradiction between IEBC sections 401.2 and 405.
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## Code Review Committee Outcomes

Jan. 4, 2021 – [Approved as modified.](#)



## STRUCTURAL ENGINEERS ASSOCIATION OF OREGON

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### PART I – CODE AMENDMENT LANGUAGE

You must provide exact language for your code proposal. Failure to provide language will invalidate the application. Include all code sections that require changes and use the following format to show additions and deletions from the code — strikethrough for deleted text and underline and bold for new text.

Note: Where applicable, the proposed code language should show how the existing Oregon amendments will integrate with the base model code or if the proposal is rescinding an existing Oregon amendment. Any modification to the new model code should note or reflect any current Oregon amendments related to this language.

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**Section 3404.1 General IEBC Section 401** The following provisions replace the indicated sections in the IEBC

**IEBC 401.2 Compliance** The work shall not make the building less complying than it was before the repair was undertaken.

Devices or safeguards that are required by this code shall be repaired in conformance with the code edition under which installed. To determine compliance with this subsection, the building official shall have the authority to require a building or structure to be reinspected.

Work on nondamaged components that is necessary for the required repair of damaged components shall be considered a part of the repair and shall not be subject to the requirements for alterations. Routine maintenance, ordinary repairs exempt from permit in accordance with Section 105.2 of the Building Code, and abatement of wear due to normal service conditions shall not be subject to the requirements for repairs.

Where it becomes necessary to repair all or a portion of a legally existing building that has been damaged by, including but not limited to fire, wind, flood, earthquake or other similar damage, and where prior to the damage, the legally existing building did not contain dangerous conditions, the building may be reconstructed exactly as it existed prior to the damage provided that the building ~~meets the applicable~~ shall be repaired or reconstructed to meet the structural requirements of IEBC Section 405. ~~Such repairs are not required to meet code requirements for new construction.~~ Where dangerous conditions existed prior to the damage occurring, the building may be constructed as it existed prior to the damage provided that the dangerous conditions are corrected, as determined by the building official. The absence of fire-resistance-rated construction, related building components, automatic sprinkler systems and other life safety features shall not be deemed to be an unsafe or dangerous condition where such systems and construction methods were not required at the time the building was originally constructed or modified through permit.

## **PART II – CODE AMENDMENT PROPOSAL REQUIREMENTS**

Generally, proposals should only suggest amending the technical and scientific matters within the scope of the specialty code. Administrative matters are adopted and amended to align with statutes and rules governing the state building code.

Those administrative matters not regulated by a specialty code, include, but are not limited to:

- Licensing or certification requirements, or other qualifications and standards for businesses or workers;
- Structure or equipment maintenance requirements;
- Matters that conflict with federal or state law; and,
- Matters that conflict with other specialty codes or publications adopted by the division.

**Review the statutes and rules governing the state building code and ensure that your proposal is enforceable by the specialty code for which you are proposing an amendment.**

## **PART III – CODE AMENDMENT PROPOSAL CRITERIA**

Code amendment proposals must conform to the requirements in ORS 455.020, ORS 455.030, ORS 455.110, and OAR 918-008-0060. All proposals must provide justification and the particular circumstances requiring the amendments. View the proposal criteria on page 3 of this application.

### **Code Amendment Proposal Criteria**

#### **Proposal**

1. Describe the concept and purpose of this proposal.

**This proposal clarifies the apparent contradiction in section 401.2 and 405.2.1.**

2. What problem in the existing Oregon code or national model code is this proposal solving? How does this amendment address the issue? If you have evidence demonstrating the problem, submit that information.
  - a) If this proposal corrects any unforeseen or probable outcomes resulting from the application of a code section, explain how.
  - b) If this proposal corrects inadequate application by a code section to a method, material or design, explain how.
  - c) If this proposal eliminates conflicting, obsolete, or duplicative code provisions or standards between Oregon-adopted codes, statutes or regulations, explain why.
  - d) If this proposal is for a fire or life safety matter, or is it otherwise needed to protect the health, safety, welfare, comfort and security of occupants and the public, explain why.
  - e) If this proposal is necessary to address unique geographic or climatic conditions within Oregon, explain why.
  - f) If there are alternatives to this proposal that solve the problem, explain why this proposal is the best or a necessary solution.
  - g) If this proposal provides for the use of unique or emerging technologies, or promotes advances in construction methods, devices, materials and techniques, explain how.
  - h) If this proposal meets any energy conservation or indoor air quality requirements, explain how.
  - i) If this proposal involves the adoption of an electrical or plumbing building product, note if the appropriate advisory board approved the product.

**There is a contradiction between 401.2 and 405.2.1. Section 401.2 on one hand says you have to meet section 405 which requires you to meet the building code for structural requirements, but in the next sentence it says that you do not have to meet code requirements for new construction. This is a point of confusion and the proposed change clarifies the intent.**

3. Has this been proposed at the national model code level. If so, explain when it was proposed, what happened, and why it was not adopted. Provide all associated national model code hearing information and background.

**The proposed amendment is to the provisions specific to OSSC and are not part of the model code. To our knowledge has not been discussed at the national level.**

### **Implementation And Fiscal Impact**

1. Explain how the proposed provisions would be enforced? Are additional inspections or permits required? Describe any necessary equipment, training, tests or special certifications.

**This will be enforced by the plans examiner reviewing the repairs for code compliance. No additional inspections, equipment or training is required.**

2. What is the fiscal impact of this proposal? Provide a cost benefit analysis and include the resources or methods you used to determine the fiscal impact.
  - a) If this proposal adds to the cost of construction, explain how the added cost contributes to the health and safety of occupants, or is necessary to conserve scarce resources.
  - b) If there are any other adverse fiscal impacts or cost savings passed on to the general public, the construction industry, local and state governments, and small businesses, an interested person must describe the added or reduced cost of a proposed code amendment, and describe the adverse fiscal impact or cost savings in relation to the current Oregon specialty code.
  - c) If this proposal will affect the cost of development of a detached single-family dwelling, please indicate the cost. For the purposes of illustrating the change on the cost, please use a 6,000-square-foot parcel and the construction of a 1,200-square-foot detached single-family dwelling on that parcel. The information on the cost must be sufficient to assist the division in preparing a housing cost impact statement.

**The proposal provides clarity to the intent of existing provisions and should not have any fiscal impact to already existing requirements.**

### **Impacted Stakeholders and Other Specialty Codes**

1. It is important that proposals be shared with stakeholders that will be impacted by them. Was this proposal developed with people or organizations likely to be affected by it? Has it been reviewed or shared with people or organizations likely to be affected by it? If so, who, and if not, why not?

**This was not discussed with any stake holders as the intent is to provide clarity to existing provisions only.**

2. Does this proposal impact other specialty codes or statewide programs?

**No**

**3404.1.2 Compliance.** The work shall not make the building less complying than it was before the *repair* was undertaken.

Devices or safeguards required by this code shall be repaired in accordance with the edition of code under which the device or safeguard was installed. To determine compliance with this subsection, the *building official* shall have the authority to require a building or structure to be reinspected.

Work on nondamaged components that is necessary for the required *repair* of damaged components shall be considered a part of the *repair* and shall not be subject to the requirements for *alterations*. *Repairs* exempt from *permit* in accordance with Section 105.2 or 3401 are not required to comply with Section 3404.

Where it becomes necessary to *repair* all or a portion of a legally *existing building* that has been damaged by a cause outside of the control of the building owner including but not limited to fire, wind, flood, earthquake and other similar damage where, prior to the damage, the legally *existing building* did not contain *unsafe* conditions, the building may be reconstructed exactly as it existed prior to the damage, where the requirements of this subsection are met. **Structural repairs shall comply with the requirements of Section 3404.5.** Where *unsafe* conditions existed prior to the damage occurring, the building may be constructed as it existed prior to the damage provided the *unsafe* conditions are corrected, as determined by the *building official*. The absence of fire-resistance-rated construction, related building components, *automatic sprinkler systems* and other life-safety features shall not be deemed to be an *unsafe* condition where such systems and construction methods were not required at the time the building was originally constructed or modified through *permit*.