



**City of Sweet Home**  
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May 20, 2020

Rulemaking Advisory Committee  
Department of Consumer and Business Services  
Building Codes Division  
Re: Program Delegation

Dear Members of the Committee,

The City of Sweet Home has been using a third-party inspection service provider for over 10 years. This arrangement has been a financial necessity for the City—due to our size, we are unable to attract and afford the qualified personnel necessary for the quality building inspection program that safety demands. As you know, building construction is not normally consistent from year to year, with boom years far outpacing the demand of leaner years. An in-house inspection program in our City would quickly be overwhelmed during booms and become a financial liability for the City during low years.

Our Building Program is a part of our Community and Economic Development Department—oversight is provided through the Department Director and a dedicated Building Permit Technician, who are both City employees. Actual inspections are conducted by Northwest Code Professionals, under a contract with the City. We evaluate the quality of the services provided under the contract and have a system in place to handle complaints and appeals. Valid complaints and appeals are very rare. Plan reviews are completed well within the required time frame, and inspections take place within 24 hours of a request.

As a City, we are very concerned about the path that the Building Codes Division has taken on this issue. While we understand the concerns that the Department of Justice has brought up in its opinion, we believe that the suggested alternatives are not workable for our community. Sharing a building official with other local governments adds a level of complexity and risk and does nothing to address the natural fluctuations of building construction activity. We need an arrangement that can expand, and contract based on these fluctuations. We are legally obligated to meet inspection and permit timelines. The third-party model is the only way we can do that while still providing high-quality, timely service. By only paying for the services provided, we are able to operate a healthy building inspection program that ensures safe construction, including specialty inspections that we otherwise could not afford.

If we are forced into Linn County's program, residents would be required to make a long trip to Albany, which would increase incidences of non-compliance and decrease the quality and safety of construction activity in Sweet Home. This would do the exact opposite of achieving what the BCD has proposed to "protect the integrity" of the Building Program. This move would force Linn County to expand their program, which is also limited by the same staffing challenges, and would result in increased delays and intermittent service.

Our community is growing, and the statewide housing shortage is resulting in increased development. Our building program, as currently constituted with a third-party building inspection contract, has been able to meet the increased demand and provide timely, reliable inspection and plan review service. Even during the COVID-19 pandemic, we have seen construction activity and the demand for housing continue. We expect activity to increase even more this summer as restrictions loosen. Changing this system, in the middle of a housing

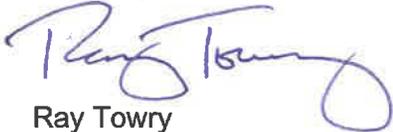
shortage and rising housing costs, would slow down development and spike housing costs even higher. Eliminating the ability of cities to contract for third-party inspection services is just not good policy.

The City of Sweet Home believes that other options are available under the Oregon Department of Justice's opinion. We would be happy to adjust our program by appointing an Administrative Building Official, and strengthening our oversight processes. We believe that we can meet reasonable requirements that bring our program in line with the DOJ's opinion, utilizing existing City staff, and our current contract for building inspection services.

We hope that the BCD is open to hearing about the reality of construction activity in our community, and cities like us, rather than focus on a few infractions. We encourage you to look at other ways to hold any potential violators accountable, instead of a burdensome rule that would slow down inspections, decrease the inspection expertise available in our community, and increase unpermitted activity.

We appreciate your consideration of our testimony.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ray Towry". The signature is fluid and cursive, with a large loop at the end.

Ray Towry  
City Manager