



## Program Delegation Rulemaking Advisory Committee

Meeting Agenda

May 26, 2020 9:00 a.m.

**Live audio-conference board meeting**

**Audio streamed** via the [Internet](#)

### I. Call Meeting to Order

### II. Public Comment

*The division is taking extra precautions for public meetings given concerns regarding the Coronavirus/COVID-19, and is evaluating each meeting on a case by case basis. The public will not be able to give testimony during this audio-conference meeting. Written public comments can be sent to the rules coordinator prior to the meeting date. (Additional instructions are at the end of the agenda)*

### III. Discussion of Program Delegation Topics

- a. Building official role and qualification standards
- b. Third party involvement in program administration
- c. State and/or municipality oversight of third-party inspection companies
- d. Definition of “sufficient control” / “sufficient procedural safeguards”
- e. Program renewal, reviews and audits
- f. Conflicts of interest – including architects & engineers and compensation of third party providers
- g. Workforce development and building official staffing
- h. Validation of past permits
- i. Fiscal impact statement

### IV. Adjournment

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For more information, please contact rules coordinator Shannon Flowers at 503-378-2833 or [Shannon.m.Flowers@oregon.gov](mailto:Shannon.m.Flowers@oregon.gov)

#### ***Temporary instruction for submitting public comment***

- Please submit testimony for consideration no later than 4:00 p.m. the Friday before the scheduled meeting by email to [Shannon.m.Flowers@oregon.gov](mailto:Shannon.m.Flowers@oregon.gov)
- Include your name and the organization you represent (if any).
- List the agenda item to which your comments are related.
- Please include all related material.
- Expect an email from the rules coordinator acknowledging that your testimony has been received and will be presented to the board.

- If you do not receive confirmation of your testimony within one business day or by 8:30 a.m. on the date of the board meeting, please resubmit your testimony.

**Agenda  
Item  
III.**

State of Oregon

Building Codes Division

May 26, 2020

To: Program Delegation Rulemaking Advisory Committee

From: Shannon Flowers, senior policy advisory/rules coordinator, PTS

Subject: Discussion of Program Delegation Topics

At the committee's January meeting, the committee identified the following topics for discussion. Below each discussion topic are citations to rules and/or statutes relevant to that topic to assist you in today's discussion.

Division staff has provided committee members with a copy of HB 2420 (2019), all legal opinions, and relevant rules and statutes; you may also access the Oregon Administrative Rules (OAR) on the [Secretary of State's website](#) and may access the Oregon Revised Statutes (ORS) online here: [https://www.oregonlegislature.gov/bills\\_laws/ors/ors455.html](https://www.oregonlegislature.gov/bills_laws/ors/ors455.html).

- a. Building official role and qualification standards
  - ORS 455.148(3) and ORS 455.150(3)
  - OAR 918-098-1025(6), OAR 918-098-1470, OAR 918-098-1475, and OAR 918-098-1480
  - February 16, 2018 legal opinion pg. 4-5
  - HB 2420 (2019) pg. 2, 3
- b. Third party involvement in program administration
  - OAR 918 Division 90 (covers third party inspection business licensing and registration requirements)
  - Review all legal opinions
- c. State and/or municipality oversight of third-party inspection companies
  - Review all legal opinions
- d. Definition of "sufficient control" / "sufficient procedural safeguards"
  - February 16, 2018 legal opinion beginning on pg. 13.
- e. Program renewal, reviews and audits
  - ORS 455.148 and ORS 455.150
- f. Conflicts of interest – including architects and engineers, and compensation of third party providers
  - OAR 918-098-1475

- February 16, 2018 legal opinion pg. 7
- HB 2420 (2019) pg. 8
- g. Workforce development and building official staffing
  - OAR 918 Division 98
- h. Validation of past permits
  - HB 2420 (2019) pg. 25
- i. Fiscal impact statement
  - ORS 183.333 and ORS 183.335