



City of Portland, Oregon
Bureau of Development Services
Office of the Director
FROM CONCEPT TO CONSTRUCTION

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Laura L. Burns
State of Oregon, Department of Consumer and Business Services
Building Codes Division
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P.O. Box 14470
Salem, OR 97309-0404

Email: Laura.L.Burns@oregon.gov

VIA EMAIL ONLY

**Re: Written Testimony for Program Delegation Rulemaking Advisory Committee –
Program Delegation Draft Rules**

Dear Ms. Burns:

This letter contains our comments on the proposed program delegation rules that will be considered by the Program Delegation Rulemaking Advisory Committee at its meeting on August 7, 2020.

OAR 918-020-0015, 918-020-XXXX1 (new) and 918-020-0090(m)

OAR 918-020-0015 subsection (2) and -XXX1 (new) require that the building official be “directly employed” by the jurisdiction. Taken together with the new requirement in 918-020-0090(m) that the building official must have five or more years as an A-level structural plans reviewer or inspector will cause hardship on jurisdictions that can’t attract a person with that level of experience. Rural jurisdictions have typically hired their building officials straight out of college, then relied on expertise from members of the Oregon Building Officials Association to assist them with issues as they gain experience. The extra requirements also disadvantage a person who has gained experience in the trades. The net result of the new requirements could be that some jurisdictions will no longer be able to have their own building official programs. This will require the State, which lacks the capacity, to take on these programs.

Recommendation

We recommend that the number of years’ experience be reduced to three years, and not restricting the type of experience to just structural plan review or inspections. In addition, we recommend expanding the allowed education substitution for experience to include bachelor’s or graduate degrees in mechanical and architectural.

OAR 918-020-XXX1 (B)(4) and (5) (new):

The italicized and bold language below is confusing because it could be read as requiring each municipality to have a person who has any qualifications the shared building official is missing. For example, if the building official has the proper certification, but not the years of experience, and another employee of the employing jurisdiction is a structural engineer, the employing municipality would meet the qualifications. If that municipality contracted with another jurisdiction, and that jurisdiction did not directly employ their own structural engineer, then would that cause the registration for the second municipality to be invalid?

Here is the language:

(4) Registration pursuant to section (3) of this rule ceases to be valid if:

(e) The registrant, alone or in combination with a directly employed individual of the relevant municipality, no longer qualifies to be the building official under paragraph (1)(b)(B) of this rule for all municipalities named in the registration.

(5) To maintain the registration as the registered building official for a municipality, the building official and municipality must renew the registration by July 1 of each year with a completed data request form pursuant to OAR 918-020-0090(L).

Recommendation

It might be as simple as modifying “relevant municipality” to “relevant municipalities” so wherever the combination of skills is located, as long as it is present, compliance is reached.

OAR 918-020-0090(n)

The proposed geographic restrictions on a building official who is appointed by more than one jurisdiction seems arbitrary. These days, much work is being done remotely anyway, so there doesn't seem to be a need to restrict a person from working as the building official beyond the three adjacent county limit in the proposed rule.

Recommendation

We recommend simply deleting this restriction.

Thank you for the opportunity to comment on the program delegation draft rules.

Sincerely,

Terry Whitehill
City of Portland Building Official

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