



Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Building Codes Division

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HB 2415—Electronic processes

Rule Advisory Committee – Public Meeting

Thank you for your interest in the rulemaking advisory committee relating to electronic processes and the implementation of Enrolled House Bill 2415 (2021). We look forward to hearing the committee's feedback on the issues outlined below.

Date, Time, and Place

Tuesday, Oct. 12, 2021

1:30 p.m.

Virtual ZoomGov

Connection information

Use the following information to connect to the meeting.

By computer, tablet, or mobile device: <https://www.zoomgov.com/j/1601504771>

By phone: United States: +(551) 285-1373
Meeting ID: 160 150 4771

Facilitators

Tyler Glaze, Policy Analyst, Building Codes Division

Julia Hier, Senior Policy Advisor, Building Codes Division

Agenda

- A. Welcome and introductions
- B. Discussion of the issues
- C. Summary and next steps
- D. Adjournment

Attachments

Issues document

Draft survey questions

HB 2415 Enrolled

Issues to be discussed by Rules Advisory Committee

HB 2415 recently passed the Oregon legislature and was signed into law by the Governor. The bill took effect on Sept. 25, 2021, but portions of the bill are not operative until Jan. 1, 2025. A copy of the enrolled bill is attached.

This bill will create minimum standards and more statewide consistency for electronic processes for reviewing plans, issuing permits and performing field inspections. In addition, by the year 2025, all municipalities that administer and enforce a building inspection program will be required to use the division's electronic system, or an equivalent system, for certain information and services. This system will include, but need not be limited to, the following:

1. Licensing, permitting, inspections and other relevant information;
2. Access to forms;
3. Electronic submission of and payment for permit applications;
4. Electronic submission of plans for review;
5. Electronic receipt of plan approvals and permits;
6. Electronic issuance of minor label or other appropriate permits;
7. Access to permit and inspection processes;
8. Receiving requests for and scheduling inspections, tracking of corrections and granting of approvals;
9. Performance of electronic field inspections, construction progress inspections and on-site verification of compliance with building code requirements; and
10. The coordination and tracking of construction-related services.

Regardless of whether the municipality uses their own system, or the division's, any municipality that administers and enforces a building inspection program will be required to meet the minimum standards adopted by the division.

The division anticipates ongoing discussions with its stakeholders to assist with rulemaking for the development of the required statewide system. The division would like to survey municipalities to identify their current electronic processes. We would also like to update rules about delivery of information to refer to current communication methods. The survey of information and input from the committee can then help us identify current barriers for electronic processes, as well as solutions to eliminate those barriers. The survey and input will also assist the division in identifying minimum standards and statewide consistency for electronic processes. Finally, as we create the system, the division will seek input about its scope and the requirements for equivalency.

We hope you will be a part of our ongoing discussions and workgroups to assist in our implementation of this bill. For this meeting, our goal is to obtain input on the survey for municipalities, and to discuss whether there are potentially outdated means of communication in our rules.

Gathering Data

Issue 1: Survey

Discussion:

The division is interested to learn what electronic systems jurisdictions are currently using, and any current limitations, to assist in its creation of statewide consistency and the required statewide system. The division has prepared a draft of a survey to be completed by all municipalities that administer and enforce building inspection programs. This draft survey is enclosed with these materials. We are interested in feedback from the rulemaking advisory committee about this survey.

Options:

- Provide feedback about the draft survey.

Discussion of potentially outdated means of communication

Issue 2: Removal of Telegram Requirement

Discussion:

The administrative rules require certain requests for plumbing and electrical inspections be in writing¹. Written requests are described as including a “letter, telegram or FAX transmittal.” The division seeks feedback from the committee on whether the administrative rules should be updated to remove all references to telegrams.

Options:

- Remove references to telegrams in the rule
- Other

Issue 3: Removal of Facsimile Machine Requirement for Permit Applications

Discussion:

OAR 918-020-0090(2)(f) requires a building inspection program to provide a means to receive permit applications via facsimile. Generally speaking, the use of facsimile has declined with the availability computerized electronic systems. The division would like feedback on whether transmission by fax is used frequently, and whether the rules should remove the requirement for a building inspection program to have a fax machine to receive permit applications.

Options:

- Discuss the frequency of fax machine use in the industry, and whether transmission of information via fax continues to be useful.
- Eliminate a building program’s need to receive information via fax.
- Phase out building programs need to receive information via fax by including an end date for fax submission.
- Other

¹ Relevant administrative rules are OAR 918-271-0020(4)(b)(A), OAR 918-305-0430(5)(b)(A), OAR 918-780-0090(4)(b)(A)

Current barriers to electronic processes in administrative rules and creating consistency

Issue 4: Future Issues for Discussion

4.1: Identifying Barriers and Creating Consistency

Discussion:

By Jan. 1, 2025, all municipalities that administer and enforce a building inspection program will be using the division's system, or their own equivalent system, and they will be following minimum standards identified in rule related to electronic processes for reviewing plans, issuing permits, and performing field inspections.

To get every jurisdiction to this point, the division will continue discussions to understand any barriers that exist related to obtaining consistent electronic methods. The division will also explore ways to create consistency between municipalities to assist with implementation of the bill. Below are several topics that will likely be discussed at future meetings. If you have other issues, please let us know.

- **Signatures.** When signatures are required, the use of electronic signatures, and the type of electronic signatures that are appropriate.
- **Format for electronic review:** The format for the submission of electronic documents (e.g. PDF).
- **Scanning capabilities for contractors and homeowners:** As electronic plan processes become more common, contractors and homeowners will begin using these processes more frequently. We intend to discuss whether there are current barriers (such as scanning capabilities, training needs, etc.) that need to be overcome to assist people with submitting information electronically.
- **Electronic plans.** Whether electronic plans should be accepted statewide. Additionally, if electronic plans are accepted statewide, whether electronic markups of those plans should occur statewide. Finally, a discussion about any security/encryption concerns related to approved plans.
- **Electronic field inspections:** What electronic field inspections should mean, in the context of HB 2415, Section 2, subsection 2, paragraph i.
- **Standardizing terminology:** As municipalities move towards using similar or identical electronic systems, there is value added through identical naming conventions. This creates additional consistency for contractors throughout the state, and it assists with reviewing data, and discussions amongst experts.
- **Paper copies:** When hard copies of documents should be required, which includes whether written copies of inspection reports should be left on site. *See also* OAR 918-020-0090(8)(d) and Section R116.1 of the 2021 Oregon Residential Specialty Code.

Options:

- Identify additional issues related to the implementation of House Bill 2415
- Provide recommendations on ways to further explore the barriers and the creation of consistency identified above (workgroups, gathering certain data, etc.)

4.2: Other recommendations under section 1 of the bill

Discussion:

As stated above, section 1 of the bill requires us to adopt rules to establish minimum standards and statewide consistency in electronic processes for reviewing plans, issuing permits and performing field inspections. The division is interested in hearing any other suggestions related to these minimum standards.

Options:

- Provide additional suggestions for minimum standards and statewide consistency in electronic processes for reviewing plans, issuing permits and performing field inspections.

DRAFT Statewide Electronic Inventory Questionnaire

Plan Review

1. Do you have an electronic system capable of accepting electronic plans?
 - a. If yes, do you accept electronic plans?
 - b. If no, please describe any current barriers to accepting electronic plans.

2. Do you have an electronic system capable of reviewing plans electronically?
 - a. If yes, do you review plans electronically?
 - i. If yes:
 1. What software do you use to review the plans?
 2. Do other departments, besides your building department, participate in your electronic review process?
 - ii. If no: Please identify any barriers that prohibit you from reviewing plans electronically.
 - b. If no, please describe any current barriers to reviewing plans electronically.

3. Do you communicate to your customers about the status of their plans electronically?
 - a. If yes, is that by email? By a software application? If so, what application?
 - b. If no, please describe any barriers that prohibit you from communicating to your customers about the status of their plans electronically.

Permitting

1. Do you have an electronic database for tracking permit data?
2. Is that database searchable by the public?
3. What is the software that you use with that database?
4. Can your customers apply for permits online?
 - a. If yes, can they apply for all permits?
 - b. If not, what permits can they apply for online?
5. Can customers pay for permits online?
 - a. If yes, what online payment processor are you using?
6. Can customers upload plans or other documents to their online permit applications?
7. Can customers see the status of their permit online?

Inspections

1. What forms of inspections scheduling does your jurisdiction use?

Inspection voicemail line
Automated phone scheduling
Online Inspection scheduling
Scheduling App
Text Scheduling
Other. Please describe.

2. How do customers get their inspection results? (Please select all that apply)

- Paper
- Email
- Online
- Fax
- Automated Voice Report
- Other. Please describe.

3. What inspection technology do your inspectors use?

- None
- Mobile App
 - Does the mobile app have an offline mode for when there's no cell service?
- Laptop
- Other. Please describe.

4. Does your jurisdiction do video inspection?

- If yes, what products are you using to perform those inspections?
- If no, please describe any concerns you have with providing video inspections in the future.

Data

1. Do you currently publish your building department data, for example on your website?
2. How do you assemble/query your data in response to a public records request?

Integrations

1. Does your Building database integrate with your Planning Department database?
 - a. Does your Building database integrate with your Financial/Accounting software?
If yes, what Financial/Accounting software do you use?
2. Do you have a document management system?
 - a. If yes, is it integrated into your building database?

Barriers

1. What processes and technologies do you feel are barriers to a fully electronic process in your jurisdiction?

Enrolled
House Bill 2415

Sponsored by Representative FAHEY; Representatives HOLVEY, NATHANSON, WILDE (at the request of National Electrical Contractors Association) (Presession filed.)

CHAPTER

AN ACT

Relating to electronic access to building codes information; creating new provisions; amending ORS 455.095 and 455.097; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. The Department of Consumer and Business Services shall adopt rules to establish minimum standards and statewide consistency in electronic processes for reviewing plans, issuing permits and performing field inspections.

SECTION 2. ORS 455.095 is amended to read:

455.095. (1) The Department of Consumer and Business Services shall develop and implement a system that provides electronic access to building codes information. The department shall *[make the system accessible for use by municipalities in carrying out the building inspection programs administered and enforced by the municipalities.]* **permit and assist municipalities that administer and enforce building inspection programs to have access to and use the system.**

(2) The department may also make the system available for use by other public bodies that provide construction-related services including, but not limited to, public bodies described in ORS 455.185 (4). The information and services available through the system *[may]* **must** include, but need not be limited to:

- (a) Licensing, permit, inspection and other relevant information;
- (b) Access to forms;
- (c) Electronic submission of **and payment for** permit applications;
- (d) Electronic submission of plans for review;
- (e) **Electronic receipt of plan approvals and permits;**
- [(e)]* (f) Electronic issuance of minor label or other appropriate permits;
- [(f)]* (g) Access to permit and inspection processes;

[(g)] (h) **Receiving requests for and scheduling** *[of]* inspections, tracking of corrections and granting of approvals; *[and]*

(i) **Performance of electronic field inspections, construction progress inspections and on-site verification of compliance with building codes requirements; and**

[(h)] (j) The coordination and tracking of construction-related services.

[(3)] *The use of the system described in this section by a municipality or other public body is voluntary. Nonparticipation in the system by a municipality or other public body is not grounds for the department to suspend, revoke authorization for or assume the administration of a building inspection program described in ORS 455.148 or 455.150 or to impose other disciplinary actions or sanctions against a municipality or other public body.*

(3) A municipality that administers and enforces a building inspection program shall:

(a) Use the system described in subsection (2) of this section or a system that the municipality develops, owns or has access to that has features, capabilities and functions that are equivalent to the system described in subsection (2) of this section; and

(b) Meet the minimum standards the department adopts under section 1 of this 2021 Act, regardless of whether the municipality uses the system described in subsection (2) of this section or a system that is equivalent to the system described in subsection (2) of this section.

SECTION 3. ORS 455.097 is amended to read:

455.097. (1) As used in this section, "form and format":

(a) Means the arrangement, organization, configuration, structure or style of, or method of delivery for, providing required information or providing the substantive equivalent of required information.

(b) Does not *[mean]* **include** altering the substance of information or the addition or omission of information.

[(2) The purpose of this section and ORS 455.095 is to enable the Department of Consumer and Business Services to develop and implement a system that:]

[(a) Provides electronic access to building codes information;]

[(b) Is designed to offer a full range of electronic building permits services;]

[(c) Allows the streamlining of building inspection services;]

[(d) Provides a uniform form and format for submitting building codes information electronically;]

[(e) Is available for use by any municipality administering and enforcing a building inspection program; and]

[(f) At the discretion of the department:]

[(A) Is available for use by other public bodies that provide construction-related services; and]

[(B) Supports access for other purposes that may include, but need not be limited to, access for the coordination and tracking of construction-related services.]

[(3)] **(2)** The department shall adopt rules to govern the form and format of building permit applications, building plans, specifications, other building program information and any other information exchanged through the electronic building codes information system described in ORS 455.095.

[(4)] **(3)** The department may waive a contrary form and format requirement imposed by statute or ordinance or by the rules of another agency for the submission of information in physical form to the extent the waiver is necessary to facilitate the submission of the information electronically. The department may accept an electronic reproduction of a signature, stamp, seal, certification or notarization as the equivalent of the original or may accept the substitution of identifying information for the signature, stamp, seal, certification or notarization. The department may not waive a requirement imposed by statute or ordinance or by the rules of another agency, other than a form and format requirement.

[(5)] **(4)** A person exchanging information through the electronic building codes information system in a form and format acceptable to the department is not subject to any licensing sanction, civil penalty, fine, permit disapproval or revocation or other sanction for failure to comply with a form or format requirement imposed by statute, ordinance or rule for submission of the information in physical form, including but not limited to any requirement that the information be in a particular form or of a particular size, be submitted with multiple copies, be physically attached to another document, be an original document or be signed, stamped, sealed, certified or notarized.

SECTION 4. (1) **The amendments to ORS 455.095 and 455.097 by sections 2 and 3 of this 2021 Act become operative on January 1, 2025.**

(2) The Director of the Department of Consumer and Business Services may adopt rules, amend building codes and perform any other action before the operative date specified in subsection (1) of this section that is necessary to enable the director, on and after the op-

erative date specified in subsection (1) of this section, to undertake and exercise all of the duties, functions and powers conferred on the director by the amendments to ORS 455.095 and 455.097 by sections 2 and 3 of this 2021 Act.

SECTION 5. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by House April 15, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 27, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State