



Building Codes Division

2011 Legislative Overview

Introduction:

The 76th Oregon Legislative Assembly convened in January for the 2011 regular session. On the day that the legislative session convened, more than 1,000 bills were introduced. As the session moved on, the Building Codes Division (BCD) ultimately reviewed over 3,000 bills and tracked around 200. Of these, 42 were classified as priority 1, 2, or 3 bills, meaning they required additional staff time to research, analyze, and prepare testimony to present before a legislative committee.

The 2011 session marked an important and historic change for the Oregon Legislative Assembly. Prior to 2011, the Oregon Constitution required that the legislature meet only in odd numbered years. Although the legislature could, and sometimes did, hold special sessions in even-numbered years, those sessions were not mandatory. The 2011 session was the first of what will be annual sessions going forward.

Oregonians authorized this change by approving Ballot Measure 71 during the 2010 general election. Ballot Measure 71 amended the Oregon Constitution to require legislative sessions every year. Under the amendment, legislative sessions held in odd-numbered years may not exceed 160 calendar days. Sessions held in even-numbered years may not exceed 35 calendar days. As a result of the move to annual sessions, BCD anticipates that the policy development and implementation process will be undertaken year-round.

This overview of the 2011 legislative session is designed to summarize law changes that will affect BCD and its stakeholders. For each bill, we have provided a description of the law changes, the effective date of the change, and 2011 Oregon Laws chapter number.

If you have questions regarding specific law changes, you may contact BCD's Legislative Manager, Andrea Fogue. Andrea's phone number is (503) 378-4150 and her email is andrea.j.fogue@state.or.us. You may also visit BCD online at www.bcd.oregon.gov.



2011 Passed Legislation of Interest to BCD:

Senate Bill 294 – Water Sub-meters in Manufactured Dwelling Parks

Senate Bill 294 (2011) allows manufactured dwelling parks to charge tenants a pro-rated share of the park's total water consumption if certain conditions are met. The bill also allows installation of sub-meters to be performed under a minor label.

Prior to 2009, all manufactured dwelling parks in Oregon were allowed to charge tenants for a pro-rated share of the park's total water consumption as indicated by a single master water meter.

Legislation passed in 2009 prevents manufactured dwelling parks with more than 200 spaces from using the pro-rata method. By December 31, 2012, existing parks with more than 200 spaces that use the pro-rata method must either install water sub-meters at each space or let the local water utility bill tenants directly.

Senate Bill (SB) 294, passed in 2011 allows manufactured dwelling parks with more than 200 spaces to continue to use the pro-rata method if certain conditions are met. Under SB 294, existing parks that draw water from private wells and parks that implement water conservation programs may continue to bill for water under the pro-rata method. If an existing park chooses to install water sub-meters, SB 294 lets those installations be performed under a minor plumbing label issued by the Building Codes Division.

In addition, SB 294 clarifies that parks may recover the costs of installing water sub-meters and may continue to bill tenants for sewer services on a pro-rata basis. SB 294 also clarifies the procedure for converting manufactured dwelling parks to residential subdivisions and decreases the continuing education requirement for manufactured dwelling park managers from six hours to four.

Effective Date: June 23, 2011

Chapter: 503

Senate Bill 440 – BCD Board Administrative Changes

Senate Bill (SB) 440 was introduced to correct a number of provisions relating to boards and commissions. Although the majority of SB 400 does not impact the Division, it does change the requirements for when the BCD advisory boards are required to meet. Prior to SB 440, the meeting requirements for the seven advisory boards were in four different statutes, and imposed restrictions on the boards that resulted in unnecessary meetings to comply with statute. SB 440 sets two requirements, depending on whether a board has licensing authority. Licensing boards (Electrical, Plumbing, and Boiler) must meet a minimum of four times a year. Non-licensing boards (Structural, Mechanical, Residential and Manufactured Structures, and Construction Industry Energy) must meet a minimum of twice a year. These changes will allow boards to meet when necessary, and most efficiently make use of Board Member and BCD resources.

Effective Date: June 7, 2011

Chapter: 272

House Bill 2726 – Requirements for Smoking Establishments

House Bill (HB) 2726 makes changes to the requirements for cigar bars and smoke shops. Although the legislation primarily makes changes to the certification process administered by the Oregon Health Authority, one provision in the bill impacts local jurisdictions. HB 2726 changes the ventilation system requirement for these smoking establishments from a system certified by the State Fire Marshall, to a system “that exhausts smoke from the business and is designed in accordance with the state building code standards for the occupancy classification in use.” This clarifies that the standard for cigar bar and smoke shop ventilation systems is the state building code, and clarifies that the building official determines whether the system complies with that standard. In addition, HB 2726 allows smoke shops that previously had to be in a separate building, to now have the option of being in a building with other businesses if they comply with the new ventilation standard.

Effective Date: June 30, 2011

Chapter: 601

House Bill 3361 – Accessibility Requirements for Clustered Mailboxes

House Bill (HB) 3361 adds clustered mailboxes to the definition of “related facilities” in ORS 447.210. This means that clustered mailboxes must meet the accessibility standards adopted under Oregon’s accessibility statutes, ORS 447.210 – 447.280. The bill directs the Building Codes Division to amend the Oregon Structural Specialty Code (OSSC) to incorporate standards and specifications that are consistent with the Americans with Disabilities Act and the existing accessibility provisions in the OSSC. These amendments must be effective by April 1, 2012.

The bill further directs cities and counties to adopt standards and specifications for clustered mailboxes within the boundaries and rights-of-way of city streets and county roads that conform to the standards that have been adopted in the OSSC.

Effective Date: June 1, 2012

Chapter: 488