

Oregon
Interpretive Ruling 93-37
BUILDING REGULATIONS BY OTHER AGENCIES

Requested By: PPPI MANUAL REVIEW COMMITTEE

QUESTION

Is it proper for agencies such as the Oregon Department of Veterans Affairs and HUD, FHA or other Federal Agencies to set construction standards which exceed the State Building Code?

APPLICABLE CODE SECTIONS

Oregon Structural Specialty Code (OSSC), Section 103, ORS 455.050 and Federal Regulation P.L. 100-678.

BACKGROUND

Building codes are applied as minimum requirements to protect life, health and safety, and welfare. The justification for specifications by agencies such as those listed in the question, insuring loans is to protect the fiduciary interests of the insuring agency. Added requirements are to assure insured property will maintain its value and reduce the risk of destruction by weather forces, fire, and deterioration during the life of the mortgage. If a builder or owner does not wish to comply with the loan specifications, they may withdraw. The same does not apply to the building code, since violations result in the potential of legal action. In addition, Federal Agencies are directed by P.L. 100-678 to comply with nationally recognized codes, offer plan review, allow inspections and incorporate comments from local officials.

FINDINGS

ORS 455.040 states:

"The State Building Code shall be applicable and uniform throughout this state and in all municipalities therein, and no municipality shall enact or enforce any ordinance, rule or regulation relating to the same matters encompassed by the State Building Code, but which provides different requirements, unless authorized by the administrator."

This interpretation is authorized by ORS 455.060, Rulings on Acceptability of Materials, Designs or Methods of Construction and Attorney General's Opinion OP-5208 issued October 1, 1981, advising the statute permits authoritative interpretations of existing code requirements.

DISCUSSION AND CONCLUSION

Governmental agencies may establish specifications more restrictive than the building code to protect fiduciary interest as a condition of a loan. They may not, however, establish standards less restrictive than the nationally recognized model code portions as adopted and implemented in the State of Oregon as the OSSC.

Interpretive Ruling 93-37 replaces PPPI-4000.

(signed September 28, 1993)

John Talbott, Chairman
Structural Code Advisory Board

The recommendations and findings of the Structural Code Advisory Board are accepted and the conclusions are adopted.

(signed October 1, 1993)
Gary J. Wicks, Administrator
Building Codes Agency

RESCINDED