

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

HOUSE COMMITTEE ON HOUSING AND URBAN DEVELOPMENT

May 14, 1991Hearing Room D 8:00 a.m.Tape 92 - 95(1)

MEMBERS PRESENT:Rep. Bob Repine, Chair Rep. Judy Bauman, Vice-Chair  
Rep. Marie Bell Rep. Rod Johnson Rep. Dave McTeague Rep. Gail Shibley  
Rep. Ron Sunseri

STAFF PRESENT: Janet McComb, Committee Administrator Kimberly  
Burt, Committee Assistant

MEASURES CONSIDERED: HB 2694 (WRK) HB 3267 (WRK) HB 2930  
(WRK) HB 2704 (WRK) HB 3467 (WRK) HB 3129 (WRK) HB 2968 (WRK)

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TAPE 92, SIDE A

005 CHAIR REPINE: Calls the hearing to order. (8:00 a.m.)

Roll Call: Representatives Bauman, Bell, McTeague, Repine, Shibley & Sunseri answer "present".

WORK SESSION ON HB 2694 Witnesses: Peggy Collins, Building Codes Agency  
Carl Garner, Oregon Disabilities Commission

015 JANET MCCOMB, COMMITTEE ADMINISTRATOR: Describes the (-2)  
amendments, (EXHIBIT A).

030 PEGGY COLLINS, BUILDING CODES AGENCY: (-2) amendments insure that  
conflicts with federal law won't be overlooked or created.

The intent of the agency is to adopt standards for construction, alteration and repair of buildings covered by the American Disabilities Act, (ADA) and the Fair Housing Act; this will assist property owners, designers and contractors by eliminating conflicts and confusion.

060 CARL GARNER, REPRESENTING EUGENE ORGAN, OREGON DISABILITIES  
COMMISSION: The amendments do seem to address the main concerns of  
incorporating the Americans with Disabilities Act provisions into state  
statute.

080 MOTION: REP. BAUMAN moves the (-2) amendment to HB 2694.

083 VOTE: Hearing no opposition the motion carries.

086 MOTION: REP. BAUMAN moves HB 2694 as amended to the floor with a do pass recommendation.

VOTE: In a roll call vote the motion carries. Members excused:  
Johnson CARRIER: MCTEAGUE

WORK SESSION ON HB 3267

105 JANET MCCOMB, COMMITTEE ADMINISTRATOR: There are (-1) amendments, (EXHIBIT B).

Legislative Council asked that we delete "and engineering" on line 14 of the (-1) amendments as that goes beyond the "relating to" clause.

We also need to add the word "ownership" on page 2, line 39 following "majority".

128 MOTION: REP. BAUMAN moves the (-1) amendments.

VOTE: Hearing no objection the motion carries. Member excused:  
Johnson

MOTION: REP. BAUMAN moves the deletion of "and engineering" on lines 14 & 15.

137 VOTE: Hearing no objection the motion carries. Members excused:  
Johnson

MOTION: REP. BAUMAN moves that "ownership" be inserted on line 39 after "majority".

149 VOTE: Hearing no objection the motion carries. Members excused:  
Johnson

152 MOTION: REP. BAUMAN moves HB 3267 as amended to the floor with a do pass recommendation.

155 VOTE: In a roll call vote the motion carries unanimously. Members excused: Johnson CARRIER: SUNSERI

WORK SESSION ON 2930 Witnesses:Lynn Schoessler, Oregon Housing Agency

171 JANET MCCOMB, COMMITTEE ADMINISTRATOR: Describes the (-3) & (-6) amendments, (EXHIBIT C).

191 REP. SHIBLEY: It seems that money assessed for fines should be used for the same type of things and also, the money that now goes to the Department of Insurance and Finance administration budget should be used to help those who need help.

REP. JOHNSON arrives. (8:20 a.m.)

CHAIR REPINE: There have been discussions dealing with fines being used for the groups they are assessed to.

260 LYNN SCHOESSLER, OREGON HOUSING AGENCY: We have funded farm labor

technical assistance to the tune of about \$140,000 plus additional contracts of approximately \$100,000 and I don't think that the amount of money talked about here will exceed the demand for technical assistance.

272 MOTION: REP. BAUMAN moves the (-6) amendments to HB 2930.

300 VOTE: Hearing no objection the motion carries. Members excused: McTeague

305 MOTION: REP. BAUMAN moves the (-3) amendments to HB 2930.

REP. BAUMAN: Describes intent of (-3) amendments.

340 SCHOESSLER: On line 14 of page 1 there needs to be a change for grammatical reasons.

REP. BAUMAN: I will amend my motion; on line 14 the word "the" should be "that".

SCHOESSLER: There is some vagueness; that isn't a problem if you are comfortable with our interpretations.

370 REP. BAUMAN: It is the intention of the amendment that the housing needs data that is summarized and referred to on line 14 and 15 refer back to income eligible families, meaning very low income, low income and moderate income and also to give a definition of income eligibility that connects the income of the family and the amount that they spend on rent per month.

SCHOESSLER: On line 17 "investment priorities" is talked about and I assume that relates to the states available funding and we aren't expanding that to commercial or private institutions.

REP. BAUMAN: That is a helpful definition; we need to limit our assessment to the states priorities.

414 VOTE: Hearing no objection the motion carries.

417 MOTION: REP. BAUMAN moves HB 2930 as amended to the floor with a do pass recommendation.

424 VOTE: In a roll call vote the motion carries unanimously. CARRIER: BAUMAN

WORK SESSION ON HB 2704 Witnesses: Fred Vannatta, Oregon Home Builders Association Phillip Fell, League of Oregon Cities,

TAPE 93, SIDE A

030 FRED VANNATTA, OREGON STATE HOMEBUILDERS ASSOCIATION: There are three sets of amendments that we are offering, the (-6) amendments are from the League of Oregon Cities and also there are amendments that were presented at the original hearing on the bill, (EXHIBIT D).

Describes amendments.

070 PHILLIP FELL, LEAGUE OF OREGON CITIES: Submits amendments, See (Exhibit D).

Our amendments indicate that in sub 2 and sub 3, if there is failure to

prepare a housing cost impact statement the amendments isn't invalidated, and if it is appealed based on that, the court simply remands, indicating to the local government that they need to prepare one.

They also prohibit the commission, board or court from reviewing the impact statement and saying it wasn't done right.

102 REP. BAUMAN: What techniques are used to analyze the impact on housing costs?

VANNATTA: There is no model in mind; the purpose is to focus the attention of the rule adopting agency on the cost of housing.

FELL: Section 3, line 30 requires the State Housing Council to adopt rules that address the form and other rules necessary for the implementation of the act.

We do intend to work with them; I am here to indicate that we don't object to the concept.

VANNATTA: This is a little step; this is an estimate that isn't binding and if they don't do it nothing happens, but it gets us to start thinking about the costs.

CHAIR REPINE: Good planning by municipalities is a key component to keeping housing costs down and this is a step in that direction.

MOTION: REP. BAUMAN moves the (-6) amendments to HB 2704.

277 VOTE: Hearing no objection the motion carries.

280 MOTION: REP. BAUMAN moves the homebuilders amendments to section 3 with

the deletion of "a statement that analyzes" and insert "an estimate of the affect of a proposed rule or ordinance" and on line 31 delete "analysis" and insert "estimate".

295 VOTE: Hearing no objection the motion carries.

JANET MCCOMB, COMMITTEE ADMINISTRATOR: There is one more change that was in the (-1) amendments that was left out of the (-6) amendments that reads "an inaccurate statement in any housing cost impact statement prepared under this 1991 act shall not be a basis for challenging the validity of the rule or ordinance".

VANNATTA: Mr. Fell's amendments replace that section.

325 MOTION: REP. BAUMAN moves the housing cost impact statement amendments dated 5-13-91.

337 VOTE: Hearing no objection the motion carries.

LYNN SCHOESSLER, OREGON HOUSING AGENCY: Our concerns have been met.

380 MOTION: REP. BAUMAN moves HB 2704 as amended to the floor with a do pass recommendation.

425 VOTE: In a roll call vote the motion carries unanimously. CARRIER:

BELL

WORK SESSION ON HB 3467 Witnesses: Steven Westfall, Oregon Housing Agency  
Jack Strauss, Department of Revenue

488 JANET MCCOMB, COMMITTEE ADMINISTRATOR: This is the tax credit bill;  
there were concerns about the treble damage portion.

This originally came from the bankers' who had concerns with the  
structure of the current tax credit program.

Submits (-6) amendments, (EXHIBIT E).

TAPE 92, SIDE B

040 STEVEN WESTFALL, OREGON HOUSING AGENCY: Suggests amendments to  
section 7, page 3, line 21 of the (-6) amendments; the Department of  
Revenue had concerns about the transferring of the servicing from one  
lender to another.

We suggested "successor" as a solution, but it raised concerns in the  
AG's office and we have come to the conclusion that we need only one  
change.

It should read "a loan meeting the requirements of subsection 5 of this  
section may be sold to a qualified assessee with or without the lending  
institutions retaining servicing of the loan or claiming the credit, so  
long as a designated lending institution maintains records annually,  
verified by a loan servicer that established the amount of tax credit  
earned per tax payer, per loan throughout each year of eligibility".

"A loan meeting the requirements of subsection 5 of" is the only change  
to the typed amendments.

095 MOTION: REP. BAUMAN moves that on page 3 of the (-6) amendments the  
new

language above language be inserted on page 3, line 21.

REP. BAUMAN: Restates language.

158 VOTE: Hearing no objection the motion carries.

WESTFALL: In the hand engrossed version of the (-6) amendments, in  
section 8, line 30, we have come up with an alternate version of section  
8, see (Exhibit E).

185 JACK STRAUSS, DEPARTMENT OF REVENUE: We were concerned with  
disclosure problems, but the revamping of section 7 and the addition of  
section 8 has taken care of our concerns.

WESTFALL: The change came about as there may be more than one  
transaction so we suggest section 8 read "The corporate tax credit  
allowed under this section may be sold or otherwise transferred with or  
without the loan. The tax credit available to any corporate transferee,  
shall be limited to the amount of the credit not claimed by previous  
transferors of the credit. Notwithstanding ORS 314.835, the Department  
of Revenue may disclose to other transferors or transferees of the  
credit, information that transferors or transferees have provided that is  
related to the credit that they have claimed."

230 REP. BAUMAN: I am concerned with the "slippage" of the tax credit from the intent which is low income housing.

WESTFALL: I don't see how this would create "slippage" myself, but we haven't discussed this in a larger context; we think this addresses the issue the banks had about being able to sell the tax credit.

295 WESTFALL: This bill could be used for employer assisted housing also; gives example.

REP. SHIBLEY: I have a philosophical difference with selling tax credits separate from a loan package; that separates the goal from the vehicle.

MOTION: REP. BAUMAN moves the testimony read into the record by the housing agency.

REP. BAUMAN: The purpose of the tax credit is a housing subsidy; it isn't the intention of this committee that the policy started last session be changed at all.

422 VOTE: Hearing no objection the motion carries.

WESTFALL: The (-5) amendments establish what it means to impose a fine and how tax payers would be treated in view of the possibility that they might be facing a civil penalty; this language has been lifted from the Workers' Compensation law on the books currently.

Page 3 changes "project owner" from "person"; on page 2, the end of line 3, that isn't a carrot, but a period.

TAPE 93, SIDE B

038 WESTFALL: This is in response to Rep. Dwyers' request that there be an treble damages section in the bill.

046 MOTION: REP. MCTEAGUE moves the (-5) hand engrossed version of HB 3467 replacing "person" with "project owner" in 4 places.

059 VOTE: Hearing no objection the motion carries.

MOTION: REP. BAUMAN moves HB 3467 as amended to the Committee on Revenue and School Finance with a do pass recommendation.

REP. BAUMAN: Withdrawals motion.

WESTFALL: On page 5 section 2 needs to be changed to section 4.

085 MOTION: REP. BAUMAN moves HB 346 as amended to the Committee on Revenue and School Finance with a do pass recommendation.

VOTE: In a roll call vote the motion carries unanimously.

CHAIR REPINE: Calls a recess. (9:35 a.m.)

101 CHAIR REPINE: Calls the hearing back to order. (9:50 a.m.)

WORK SESSION ON HB 3129 Witnesses: Fred Vannatta, Oregon State Homebuilders Association Burton Weast, Association of Plumbing, Heating

and Cooling Contractors Gary Wicks, Administrator, Building Codes Agency John Eggy, Plumber, Milwaukee Plumbing Gary Wright, Local 290, Member, Plumbing Board

111 FRED VANNATTA, OREGON STATE HOMEBUILDERS ASSOCIATION: HB 3129 deals with the administration of the Council of American Building Officials' One and Two Family Building Code.

Introduces and describes amendments titled "Building Codes Agency", (EXHIBIT F).

195 REP. MCTEAGUE: My understanding is that the Plumber's Board has a set of codes that are higher than the Oregon CABO code.

VANNATTA: The plumbers weren't happy about the CABO standards or having the Structural Code Advisory Board being responsible for adopting plumbing standards; this brings the plumbers back into the process by allowing Oregon amendments to be adopted.

This also says that proposals for changes in the plumbing section of the CABO code can be reviewed by the plumbing board.

222 BURTON WEAST, ASSOCIATION OF PLUMBING HEATING AND COOLING CONTRACTORS: We've been able to agree on a set of amendments that we think will be to the advantage of consumers in Oregon and that will put plumbers back into the code process at the Building Code Agency.

We do support the amendments as written.

The CABO code is broad and lends itself to many interpretations; we reached an agreement on an administrative procedure with the Building Codes Agency to handle interpretations in an expedited manner.

272 REP. MCTEAGUE: This is being presented as a consensus piece of legislation and I have a letter from the State Plumbing Board, (EXHIBIT G), saying that they haven't been involved with this process.

WEAST: As an association we have one person on that board; that is a state board.

REP. MCTEAGUE: How many plumbers are on the Structural Codes Advisory Board, (SCAB)?

295 GARY WICKS, ADMINISTRATOR, BUILDING CODES AGENCY: Our support for HB 312 9 is dependent on the amendments, which allow more flexibility in the operations of CABO and it does allow us to adopt Oregon amendments, which we think is important.

REP. MCTEAGUE: The statute requires you to adopt the nationally recognized code and this is the only one that will qualify.

WICKS: The CABO code has already had an interpretation process set up; we think that the CABO code is working well and meeting the legislative intent as we understood it.

We have had meetings to work up the amendments being presented and we also have SB 114 that allows us some additional flexibility and this amendment makes us confident that we will be able to take care of many of the problems with CABO.

WICKS: There are no plumbers represented on the Structural Code Advisory Board, but these amendments would require that changes that affected plumbing would go to the plumbing board for review before the SCAB made the final decision.

REP. MCTEAGUE: Is review different from approve?

WICKS: Yes.

REP. MCTEAGUE: So the Structural Code Advisory Board only has to look at the Plumbing Board recommendations.

WICKS: There is no mandate that the SCAB do what the Plumbing Board recommends, but I think that they would pay a great deal of attention to what the Plumbing Board said.

CHAIR REPINE: Is there a seat held for the field of plumbing?

WICKS: No.

415 VANNATTA: A plumber did serve for a time after CABO was adopted.

CHAIR REPINE: In what capacity are members put on the SCAB?

WICKS: The membership shall be broadly representative of the industries and professions involved in the development and construction of buildings, including representation from building code enforcement agencies, architectural and engineering associations, building construction trades, the contracting manufacturing industry, governing bodies of local governments, fire protection agencies and the general public.

There is no prohibition against a plumber being on the board but at this point in time there isn't one there.

REP. JOHNSON leaves. (10:12 a.m.)

444 REP. BAUMAN: I have heard frustration regarding gaps in the CABO language and what is actually needed in reality to make the plumbing work in a house.

I've heard that if you follow the requirements there are problems such as not being able to run the dishwasher and take a shower at the same time; if you make it work, then it doesn't meet the requirements; how is this done?

TAPE 94, SIDE A

050 VANNATTA: This is an effort to allow those arguments to be moved into the administrative code level rather than at the national level.

WEAST: The Building Codes Agency doesn't have an interest in one code over the other; we do not share your concerns about whether or not the CABO code will work.

The electrical code is adopted by reference, it doesn't update the national code.

115 REP. BAUMAN: Specialty boards are given a limited role in general; why is there such a strong feeling about excluding the Plumbers Board?



WEAST: The Chairman of the Plumbing Board is a Building Official and I would point that out for your information.

165 JOHN EGGY, PLUMBER, MILWAUKEE PLUMBING: The quality of the product in the plumbing section of CABO is low enough that no one will take it that low.

Some sections will work but not all.

It is our feeling that this is a step in the right direction as we could amend the sections that wouldn't work; we wouldn't use these standards anyway as they are too low.

190 EGGY: It is hard for me to conceive that the SCAB would ignore the advise of the Plumbing Board.

WEAST: My concern is that we have attempted, in good faith, to make amendments that will stop the problems we think are serious and the second concern is of interpretations and we have been able to negotiate those and finally, this is putting the role of the specialty boards back in the process.

230 GARY WRIGHT, LOCAL 290, MEMBER, PLUMBING BOARD: The amendments put the Plumbing Board in an advisory capacity; I would like to see the bill amended to put the plumbing codes back under the Plumbing Board using the uniform plumbing code.

This is a way to correct the problems in the industry; I believe that the Plumbing Board should do plumbing and that the SCAB should do structural code advisory just as their name implies.

WORK SESSION ON HB 2968 Witnesses: Emily Cedarleaf, Manufactured Housing Community of Oregon

JANET MCCOMB, COMMITTEE ADMINISTRATOR: We have (-8) & (-9) amendments, (EXHIBIT H).

270 EMILY CEDARLEAF, MANUFACTURED HOUSING COMMUNITIES OF OREGON: Describes (-6) and (-9) amendments.

300 REP. MCTEAGUE: Page 7, (-6); why is the preemption language is necessary.

CEDARLEAF: There was no concentrated effort to analyze trying to do something to cities and counties; we are concerned with park closures and we recognize that every time we take a park out of the line it takes spaces out for the tenants and we want that to be a primary concern.

330 REP. MCTEAGUE: You are saying that no city or county can go further than state law to protect the tenants from park closures.

What you are doing is saying that the existing inadequate state law, in my opinion, is the most protection that mobile home residents can receive in the event of a park closure?

CEDARLEAF: The possibility that it could be less was super citing ability.

REP. MCTEAGUE: This draft is inadequate as it preempts local

governments from taking any action to address this kind of issue.

REP. BAUMAN: The preemption is here because cities and counties want to be preempted as they aren't sure that the flip side of the coin wouldn't be super citing?

CEDARLEAF: If the state can preempt land use laws for light rail can they also preempt a closure of a park.

438 REP. BAUMAN: Where in the bill is the park owner or the tenant protected from a local government land use decision?

CEDARLEAF: That is why we inserted the section saying that they must give one year's notice on park closure, or a portion of a park.

468 REP. BAUMAN: What about a local government that wants to provide additional protection to tenants beyond the states protection?

CEDARLEAF: I have talked to attorneys about that and I can't get an answer on that short of litigation.

REP. JOHNSON: Returns. (10:40 a.m.)

TAPE 95 (1), SIDE A

045 REP. JOHNSON: There is a law that allows a visitor at a motel or hotel to be evicted, but there is no such law for RV parks; does this amendment cover that concern?

CEDARLEAF: Not directly; if you look under ORS 90.100 sub 15 defines transient occupancy.

If the RV has no other known address, they fall under the landlord tenant law and we can't change that without re-defining short term occupancy.

REP. JOHNSON: You don't see any use in adding RV parks to the definition of hotel or Inn?

CEDARLEAF: Yes, they would like that, whether or not we could deal with legal aid in that is another issue.

090 REP. BELL: When they register at an RV park and show id with an address, how do they say that they have no address?

CEDARLEAF: Under the landlord tenant law, that is when the sub 15 of 90.100 starts kicking in.

125 BUD NORTE, CHAIRMAN, MOBILE HOME OWNERS ASSOCIATION: I am in agreement with Rep. McTeague as far as section 9 being restrictive as written.

Submits written testimony, (EXHIBIT I).

This would prevent a county from doing more than the state can.

155 REP. BAUMAN: There are counties and cities that would like to have no mobile home parks; do we need section 9 to balance out those counties and cities that would go to some cost to move mobile home parks and their residents outside?

NORTE: This does prevent them from doing anything less and also from doing any more.

195 CHAIR REPINE: We are adjourned. (10:55 a.m.)

Submitted by: Reviewed by:

Kimberly Burt Janet McComb Assistant Administrator

EXHIBIT SUMMARY:

A - HB 2694 (-2) amendments submitted by staff, pp 1 B - HB 3267 (-1) amendments submitted by staff, pp 1 C - HB 2930 (-3) & (-6) amendments submitted by staff, pp 7 D - HB 2704 (-6) and others submitted by VANNATTA, pp 11 E - HB 3467 (-6) amendments submitted by staff, pp 5 F - HB 3129 amendments submitted by VANNATTA, pp 1 G - HB 3129, letter submitted by McTeague for the record, pp 1 H - HB 2968 (-8) & (-9) amendments submitted by staff, pp 15 I - HB 2968 written testimony submitted by NORTE, pp 2 J - HB 3129 (-1) amendments submitted by staff, pp 4 K - HB 2968 written testimony submitted by staff for the record, pp 4 L - HB 2704 fiscal impact statement submitted by staff, pp 1 M - HB 2704 written testimony submitted by staff for the record, pp 1