

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 16, 1991Hearing Room D 8:00 a.m.Tape 95(2) - 96

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 3141 (WRK) HB 3381 (WRK) HB 3330
(WRK) HB 2968 (WRK) HB 3129 (WRK) HB 2463 (WRK) SB 255-A (PAW) SB 256-A
(PAW)

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TAPE 95(2), SIDE A

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

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

WORK SESSION ON HB 2463

015 MOTION: REP. JOHNSON moves HB 2463 as amended to the floor with a do pass recommendation.

JANET MCCOMB, COMMITTEE ADMINISTRATOR: Submits hand engrossed copy of amendments previously adopted, (EXHIBIT A).

030 VOTE: In a roll call vote the motion carries unanimously. Members absent: Bauman Carrier: SUNSERI

WORK SESSION ON HB 3330 Witnesses:Rep. Tom Novick, House District 16

JANET MCCOMB, COMMITTEE ADMINISTRATOR: There are the (-1) amendments hand engrossed and there is testimony from the CCB, (EXHIBIT B).

040 REP. TOM NOVICK, HOUSE DISTRICT 16: This deals with sewer installation and the registration of those who do the work.

Currently those individuals can be registered with DEQ or the CCB; CCB

has a mediation process and everyone agrees with the bill.

The original draft of the bill exempted anyone who put in any sort of sewer from the bonding requirements and the amendments correct those problems.

062 MOTION: REP. MCTEAGUE moves the (-1) amendments to HB 3330.

REP. BAUMAN arrives. (8:10 a.m.)

066 VOTE: Hearing no objection the motion carries.

068 MOTION: REP. MCTEAGUE moves HB 3330 as amended to the floor with a do pass recommendation.

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

075 MOTION: CHAIR REPINE moves that the rules be suspended for the purposes of allowing REP. BAUMAN to vote on HB 2463.

VOTE: Hearing no objection the motion carries unanimously.

CHAIR REPINE: How do you vote on HB 2463?

REP. BAUMAN: Aye.

WORK SESSION ON HB 3129 Witnesses:Burton Weast, Oregon Association of Plumbing, Heating & Cooling Contractors Gary Wright, Plumbing Contractor

JANET MCCOMB, COMMITTEE ADMINISTRATOR: We have the (-2) amendments and some proposed amendments that have "Building Codes Agency" written across the top, (EXHIBIT C).

098 BURTON WEAST, OREGON ASSOCIATION OF PLUMBING, HEATING & COOLING CONTRACTORS: The plumbers, contractors, unions and the home builders are in agreement on the amendments.

The plumbers are willing to try the process as outlined, submitting our amendments to the Building Codes Agency and the SCAB board, but we want it clear that if there isn't an open and fair attitude taken by the Building Codes Agency on those amendments, we will be back next session seeking support of the bill introduced by the unions which substitutes the uniform plumbing code for the CABO sections of the code.

142 REP. BAUMAN: The (-2) amendments adopt HB 3016; the provisions of ORS 447 .010 - 447 .160 are the state plumbing board provisions.

Did you take the Building Codes Agency amendment as written or was there changes made?

REP. JOHNSON leaves. (8:15 a.m.)

WEAST: The building codes amendments were developed between the plumbing contractors, the building code agency and the home builders association and those are the amendments that we presented.

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

WEAST: These amendments provide that there can be Oregon amendments to

the CABO code, which under current law can't be amended without going through the national process.

They also provide that the appropriate board would review those amendments to the CABO code, making recommendations to the SCAB board.

190 GARY WRIGHT, PLUMBING CONTRACTOR: We did agree to go ahead with the amendments labeled "proposed amendments to HB 3129".

MOTION: REP. BAUMAN moves the Building Codes Agency amendments.

REP. MCTEAGUE: I will vote for this, but the SCAB and Building Codes Agency needs to know that it is the hope of this committee that the communication level picks up.

230 VOTE: Hearing no objection the motion carries.

233 MOTION: REP. SUNSERI moves HB 3129 as amended to the floor with a do pass recommendation.

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

WORK SESSION ON HB 3141

260 REP. JOHNSON: Governor Straub came before our committee and told us how he and other people in the Salem area are refurbishing older houses letting low income people live in them.

We asked how we could help and he said that the property tax burden was a real problem for them; the existing statutes which allow local counties and school districts to agree to not tax low income housing only applies to new construction and I see that as a real problem.

This isn't a mandate for the tax exemption, but it does give the option.

290 MOTION: REP. BAUMAN moves HB 3141 to the Committee on Revenue and School Finance with a do pass recommendation.

REP. SUNSERI: Will the potential organizations dealing with this be organized under 501 (C) (3)?

REP. JOHNSON: No; it is the concept of the 501(C) (3), but I relied on the Oregon Non-profit Corporation Statutes.

325 REP. SHIBLEY: On line 22, page 1 there is a interesting definition of "low income".

REP. JOHNSON: That is existing law; I wouldn't object to improving that.

370 LYNN SCHOESSLER, OREGON HOUSING AGENCY: Could you rephrase the question?

REP. SHIBLEY: It appears that we define low income as income lower than what the federal law defines as very low income.

SCHOESSLER: This would define low income as 50% or less of the state median.

415 REP. BAUMAN: What is the median income in Oregon?

SCHOESSLER: The new median income that just came out is \$34,100 or \$34,200; that is state wide.

Portland is around \$39,000 while most of the state is at \$32,000.

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

CHAIR REPINE leaves. (8:33 a.m.)

PUBLIC HEARING ON SB 255 Witnesses: Gary Wicks, Building Codes Agency
John Gervais, National Electrical Contractors Association

450 JANET MCCOMB, COMMITTEE ADMINISTRATOR: SB 255 establishes a revised fee

schedule for elevator and boiler permits, licenses and inspections administered by the Building Codes Agency.

It is intended to address an anticipated ending balance deficit in the agencies elevator and boiler programs.

Staff submits SMS, revenue and fiscal impact statements, (EXHIBIT D).

473 GARY WICKS, ADMINISTRATOR, BUILDING CODES AGENCY: Submits written testimony in support of SB 255, (EXHIBIT E).

TAPE 96, SIDE A

040 WICKS: Our agency workload is determined by the level of economic activity in Oregon; over the past several years that activity has increased substantially and that is the basis for the increase in our budget that was approved by the Committee on Ways and Means.

The audit done by the Secretary of State last year concluded that funds for each code program should be spent for the operations of that program, and also, we are operating under the legislative mandate that says these programs should pay for themselves.

SB 255 is an attempt to make the boiler and elevator programs pay for themselves.

065 REP. SUNSERI: Are these like the older boilers used for heating?

WICKS: Yes; these go from large industrial boilers to smaller boilers that are in restaurants that other establishments; we aren't talking about boilers or water heaters in homes.

REP. SUNSERI: They don't deal with heating?

WICKS: Depending on the size, yes they could.

REP. BAUMAN: The increase in fees is substantial; have you always been funded from fees?

WICKS: Yes.

130 REP. BAUMAN: These are big fee increases to just maintain an agency that has had no increase; how has the agency survived over the last ten

years?

WICKS: In a number of the programs there have been increases and in a number of those programs it is possible to increase the fees administratively, through the boards.

The elevator and the boiler programs are the two main programs that have not had increases comparable to the increase in cost in the last ten years.

185 REP. SHIBLEY: Why are some fees set by administrative rules and others are by statute?

WICKS: The legislature doesn't like boards and agencies to have the authority to adjust fees; I believe that there needs to be flexibility built in and maybe the legislature sets limits, but there needs to be an opportunity for the agency to adjust those fees, working with the industry to get them approved.

REP. BELL: How will this bill effect the cost of housing?

WICKS: The boiler and elevator fee increases will be minimal, but when you get into apartment complexes and such, there will be an impact.

245 REP. BELL: Have you considered giving us an impact statement when you suggest a change to statute?

WICKS: In most processes we go through, we have the requirement that we have a finding that this does or doesn't represent a major impact on the cost of either housing.

REP. MCTEAGUE leaves. (8:55 a.m.)

270 JOHN GERVAIS, NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION: Our electrical fees have gone up 100% in the past 12 months; for many years increases weren't allowed, but in 1989 a bill was passed allowing the permit fees to be changed and those fees, while they have gone up 100% in a year, are still below most communities with programs under their jurisdictions.

Because of the AG's feeling on the electrical program, we have been probably improperly subsidizing the electrical inspection program with license fees the state brings in every year and while the fees have gone up to cover the cost of doing the work of electrical inspections by state agencies, we could have to increase fees further.

It is important to make the programs go, doing the work they are suppose to do; my main concern is showing you that this isn't dramatic departure from other things that are happening.

REP. BAUMAN: We will open the public hearing on SB 256 and hold the public hearing on SB 255 simultaneously.

PUBLIC HEARING ON SB 256 Witnesses: John Gervais, National Electrical Contractors Association Gary Wicks, Administrator, Building Codes Agency

Staff submits SMS, revenue and fical impact statement, (EXHIBIT F).

REP. BAUMAN: The record should reflect that the comments made during the hearing on SB 255 apply to SB 256.

360 GERVAIS: The law was changed in 1989 to allow for the administrative adoption of fee increases, but the rules were developed improperly and allowed the state to collect more money than legally allowed.

400 GARY WICKS, BUILDING CODES AGENCY: SB 256 is also a result of the audit done by the Secretary of States' Office.

Submits and summarizes written testimony in support of SB 256, (EXHIBIT G).

CHAIR REPINE returns. (9:04 a.m.)

WORK SESSION ON SB 255

485 MOTION: REP. JOHNSON moves SB 255 to the Committee on Ways and Means with a do pass recommendation.

495 VOTE: In a roll call vote the motion carries. Members excused: Sunseri

TAPE 96, SIDE B

WORK SESSION ON SB 256

037 MOTION: REP. BAUMAN moves SB 256 to the floor with a do pass recommendation.

042 VOTE: In a roll call vote the motion carries unanimously. Members excused: Sunseri CARRIER: BAUMAN

CHAIR REPINE: We will recess for a short break.

REP. BAUMAN: Calls the hearing back to order. (Tape inaudible 20 counts)

WORK SESSION ON HB 3381 Witnesses: Emily Cedarleaf, Multi-Family Housing Council of Oregon

050 EMILY CEDARLEAF, MULTI-FAMILY HOUSING COUNCIL OF OREGON: Submits and summarizes amendments, (EXHIBIT H).

058 DAVID NEBEL, OREGON LEGAL SERVICES: The (-2) amendments make it clear that the 2 people per bedroom is the minimum requirement that the landlord can impose.

We also want to make sure that other factors are taken into account in determining what is "reasonable" beyond simply the size of the room and it's designation as a bedroom; the overall size of the dwelling unit should be a factor.

Page 2, line 7 gives room for people to make claims that a given culture or national origin might have a custom that more people live in smaller places.

090 NEBEL: Those were our concerns and I think that we have worked them out.

REP. SHIBLEY: If this were to apply to adults only it would take care

of some concerns; I don't see that this differentiates between adults and children.

CEDARLEAF: I don't believe that we can do that; the question is with the absence of children in protected classes.

REP. SHIBLEY: Do the (-2) amendments account for a couple that would want their children in their bedroom?

CEDARLEAF: The list includes familial status; if the only change was a baby being added to the family the landlord can't discriminate.

130 REP. SHIBLEY: Who will determine "reasonableness"?

CEDARLEAF: There are three levels, HUD, BOLI or the court.

140 MOTION: REP. BAUMAN moves the (-2) amendments to HB 3381.

150 VOTE: Hearing no objection the motion carries.

MOTION: REP. BAUMAN moves HB 3381 as amended to the floor with a do pass recommendation.

155 VOTE: In a roll call vote the motion carries unanimously. Members excused: Chair Repine CARRIER: BAUMAN

REP. BAUMAN: The vote will be left open to allow the chair to vote.

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

173 EMILY CEDARLEAF, MANUFACTURED HOUSING COMMUNITIES OF OREGON: There has been agreement on the deletion of the language regarding statewide preemption on closure; that appears on page 7, section 10, subsection 9, of the (-6) amendments, (EXHIBIT I).

198 MOTION: REP. MCTEAGUE moves the deletion of lines 5 - 15 of page 7 in the (-6) amendments.

202 VOTE: Hearing no objection the motion carries.

203 MOTION: REP. MCTEAGUE moves the (-6) amendments as amended to HB 2968.

REP. MCTEAGUE: I will not move on my earlier proposal for a 5 year history of average space rents, but I want it clear that this is dealing with a fundamental problem of people in mobile home parks, not understanding that there are rent increases.

The (-6) amendments require that these folks be provided with a facility policy regarding rent adjustment; this doesn't specify much.

CHAIR REPINE returns.

REP. MCTEAGUE: People need to understand, when they buy a mobile home in a park, what they are getting into and that is what this bill provides the framework for, but to make the approach work, there will have to be work so that this does something.

262 REP. SUNSERI: I have concerns of trying to get a 5 year history of

space rents; there is a concern that not all of our parks are able to keep those records.

REP. MCTEAGUE: I'm not moving that, but this is a concern.

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

MOTION: REP. SUNSERI moves HB 2968 as amended to the floor with a do pass recommendation.

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

325 CHAIR REPINE: HB 3381 work session is still open and I will cast an aye vote on that bill.

350 CHAIR REPINE: We are adjourned. (10:05 a.m.)

Submitted by: Reviewed by:

Kimberly Burt Janet McComb Assistant Administrator

EXHIBIT SUMMARY:

A - HB 2463 (-6) hand engrossed amendments submitted by staff, pp 4 B - HB 3330 (-1) hand engrossed amendments and CCB testimony submitted by staff, pp 5 C - HB 3129 (-2) and Building Codes Agency amendments submitted by staff, pp 2 D - SB 255 SMS, revenue and fiscal impact statement submitted by staff, pp 3 E - SB 255 written testimony submitted by WICKS, pp 2 F - SB 256 SMS, revenue and fical impact statement submitted by staff, pp 3 G - SB 256 written testimony submitted by WICKS, pp 3 H - HB 3381 (-2) amendments submitted by CEDARLEAF, pp 2 I - HB 2968 (-6) hand engrossed amendments submitted by staff, pp 13