

Third-Party Building Inspection Preservation

The LOC will clarify the ability of local government programs to use private-party building officials and building inspectors to service local building inspection programs, including recognizing that specialized inspectors can perform specialized inspections.

Background

Since 2017, the LOC has worked to defend local building inspection programs that contract with third-party companies for building officials and inspectors to run local programs. Many cities, particularly smaller jurisdictions, provide local services using contracted firms that provide building officials, building inspectors, and similar development review services. These firms also provide services to cities that have city-employed building officials and inspectors when there is more work than the city employees can perform. Often, the choice to use these third-party providers is based on the efficiencies of meeting the construction needs within a community when there is insufficient work to justify a full-time position. These businesses have been in service to cities and counties for decades.

However, concerns have recently been raised that the use of third-party building officials may not be legal. The proposed solution would require all local programs to hire building officials directly, or to contract between governments to have a shared, government-employed building official. There have been further recommendations that would require more inspectors to

be government employees as well. Without this base of business, many third-party building inspection companies are unsure if they will be able to survive on overflow work alone. This is further complicated by the limited number of qualified inspectors and officials available to work in the state. Without clarification that use of third-party companies to provide these services is legally permitted by a city, smaller cities will likely have to return the inspection program to their county, which has proven less efficient for these communities.

In addition to the concerns about using third-party building officials, there is a currently statutory prohibition on specialized inspectors that are employed in the private sector to perform specialized inspections. Currently, only inspectors with the specialized education and license and that are also employees of a government may perform these inspections. At a time when housing shortages are impacting cities across the state, it is vital that new housing is inspected in a timely and efficient manner. Increasing the number of cities that can use a variety of inspectors will help prevent projects from languishing or not even being started.

Desired Outcome

The LOC supports legislation that assures local governments have the authority to determine how to staff their local inspection programs. This will allow communities to provide timely and efficient building inspections to builders in their communities.