



**Ohio House of Representatives Commerce and Labor Committee
Chairman Ron Young
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HB 128 – Proponent Testimony

Good morning Chairman Young and members of the Commerce and Labor Committee. I am Bryan C. Williams, Director of Government Affairs for the Associated Builders and Contractors of Ohio. Ohio's three ABC chapters have nearly 1,000 commercial general contractors, sub-contractors and affiliated businesses which promote the merit shop philosophy free market public policies.

ABC member contractors are completely dedicated to providing the highest quality construction product for the most competitive price while maintaining the highest level of workplace safety. Additionally, we work every day to recruit, train and employ the construction workforce of tomorrow.

ABC member companies support HB 128; a bill to provide for permissive third party – fully licensed - inspections paid for by the general contractor of project owner in lieu of the public building department.

It should be noted at the outset that everything HB 128 provides for is presently occurring today.

Under current practice, if a local building department lacks the certified, licensed inspector to conduct an inspection on an aspect of a unique project, they ask and/or allow the contractor to hire an inspector.

Under current practice, if a building department lacks sufficient inspectors to conduct an inspection in a timely way, they often times allow the use of licensed third party inspectors or inspectors from another jurisdiction to conduct the inspection.

If the use of state licensed third party inspectors is already occurring you might ask, why do we need this bill? HB 128 is needed because it allows the use of licensed third party inspectors to be retained at the contractor or project owner's choice – without concurring approval of the local building department.

Why is this necessary? Because many building departments stymie the timely construction of projects in their jurisdiction simply because they are unable or unwilling to hire more inspectors.

Additionally, some departments are not willing to admit that their departments lack the professional expertise to inspect a unique and complicated aspect of a specific project.

Finally, some building departments abuse their inspection authority and the process to appeal their decisions takes 30 days to complete. A building project cannot sit idle for days, weeks, or months due to a disputed inspection.

HB 128 reasonably solves all three of these problems by allowing the contractor or project owner to do what good departments all over the state have long been doing – hire third party, licensed inspectors at no cost to the local building department when the need arises.

Why would a contractor want to pay for an inspection they have already paid for as a part of their building permit? Because some departments are too busy, understaffed, don't have the internal expertise for a specific project, or are being abusive with inspection authority.

I want to advise the committee of a current practice that everyone knows occurs, but does not like to speak about. Under current law, an inspection must be completed within four days by the local building department. Presently, there are departments that say if they do not inspect that portion of the project within four days, it is deemed to have passed the inspection. Obviously, that undermines the entire public safety purpose of the inspection process.

HB 128 requires an inspection be conducted within twenty-four hours. The current four-day standard is not a competitive standard. I am happy to report that many, if not most, departments in the state presently meet the twenty-four hour inspection goal. And when they cannot, there are departments that allow for the remedy provided by HB 128. It makes sense to codify and regulate the remedies in HB 128 so they may have a consistent state-wide benefit and application.

HB 128 does not in any way reduce the qualifications of the individuals licensed to conduct inspections.

HB 128 does not allow a contractor to “shop” for a “friendly” inspector.

HB 128 lessens – rather than increase – the financial burdens of a local building department.

HB 128 makes Ohio's commercial construction more economically competitive by enhancing the inspection process where local building departments are unable or unwilling to meet the demands of their residents and resident businesses.

Simply put, HB 128 codifies the practice of many local building departments for the benefit and protection of the entire state.

There will be opponents of HB 128 who will claim it weakens the police powers of their cities. I would ask them, if it is ok to voluntarily outsource inspections why is it wrong to codify the practice, let the state write rules to oversee its practice, and allow the entire state to benefit?

The Associated Builders and Contractors thank Representative Roegner for bringing this legislation to the committee and the committee for its thoughtful consideration.