

# **A Modern Building Regulatory System: Results of Stakeholder Consultations**

**Final Report**

June 2012



Office of Housing and  
Construction Standards

## Report on Results of Stakeholder Consultations

Proposals for a Modern Regulatory System and Mandatory Certification of Building Officials

June 2012

### Overview

The Building and Safety Standards Branch (BSSB) has completed a recent round of stakeholder consultations on two topics: Proposals for a Modern Regulatory System and Mandatory Certification of Building Officials. The consultation consisted of presentations to Union of BC Municipalities (UBCM) area association executives in Prince George and Penticton and local government elected officials and senior administrators in the Lower Mainland and Victoria. A presentation was also given to the UBCM Community Safety Committee.

For those unable to attend the presentation sessions, BSSB hosted three teleconference calls. The consultation process also included two on-line surveys, the first targeting industry respondents and the second directed at local government respondents.

The survey methodology incorporated a structured survey instrument, developed to elicit focussed information from respondents. The methodology did not employ a randomly selected sample frame, but adopted a self-reporting format, with the survey instrument distributed to pre-selected respondents via email. Target groups included all local governments, professional and industry associations and other Provincial ministries.

Survey responses were completed and returned by a total of 503 respondents, comprising 283 industry representatives and 220 local government officials. Industry respondents included architects, engineers, technologists/technicians, designers, code consultants, developers, and building contractors. Local government respondents included elected officials (mayors and councils), Chief Administrative Officers (CAOs), and chief building and fire officials. A number of industry associations replied directly to BSSB with a synopsis of their positions on the proposals.

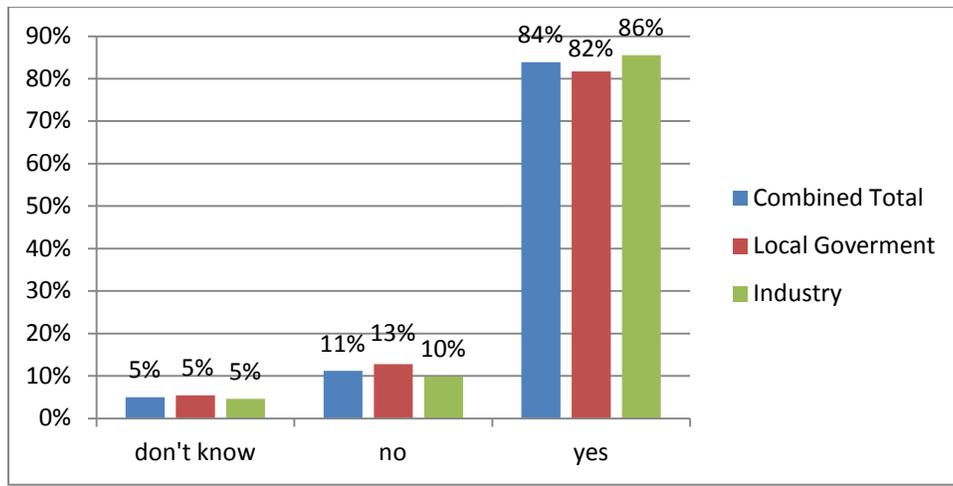
The information below provides an aggregate overview of responses received for each question. The questions are presented in two sections: general survey questions and specific questions on building official certification. Where practical, supplemental information is also provided in the form of themes and examples that reflect comments received.

Overall, the survey results show strong stakeholder support for a uniform Building Code in British Columbia. Strong support also exists for a body of technical experts and for third-party random audits. Stakeholder support is lacking, however, for a levy to fund a new regulatory framework. Some concern exists around the issue of building official certification costs and support for building regulatory service agreements is moderate.

## General Survey Questions

**Proposal for a Uniform Building Code:** This would provide the Province with the sole authority to adopt technical building standards. This is consistent with the regulatory framework adopted by other provinces. To implement this change, existing local government bylaws with building standards that vary from Provincial standards would be given a transition period to achieve uniformity with the Building Code. During the transition period, the Province would continue to work with local governments and stakeholders in the construction sector to address and develop solutions to key issues.

*What we asked: Do you support a uniform BC Building Code?*



*N= 503 (Local Government = 219; Industry = 283; No response = 1)*

A total of 84 per cent of respondents supported the establishment of a uniform Building Code. Although a number of respondents indicated unqualified support for the change, a significant number of respondents expressed a need to address issues surrounding regional diversity, including geography, topography and local weather patterns.

*What we heard:*

*“For the most part a uniform building code is needed for a number of reasons including ease of administering, less confusion for contractors resulting in better built homes.”*

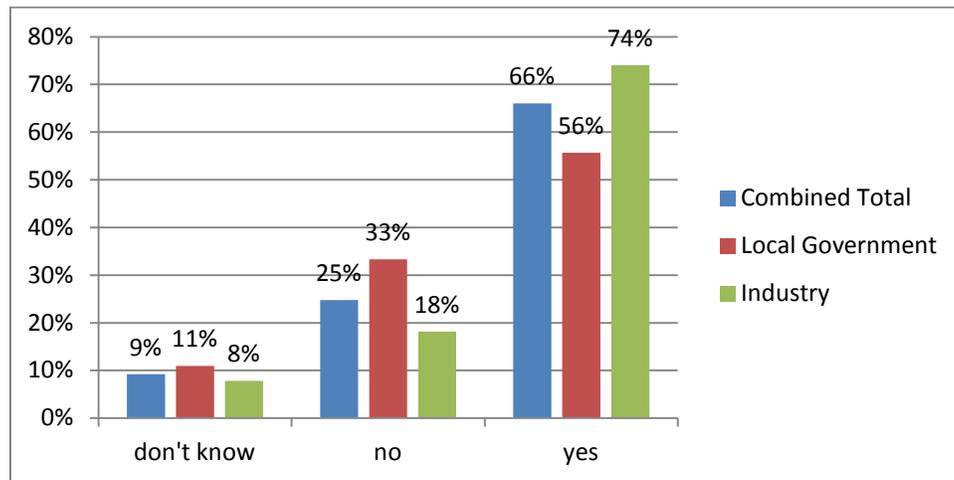
– Local Government Administrator

*“As long as local climatic and special conditions are recognized.”*

– Building Designer

**Proposal to Phase out Existing Building Standards:** To be effective, a uniform Building Code would require the phasing out of any building standard that is prescribed by a local government bylaw and that does not conform to the Code.

*What we asked: Do you support the phasing out of existing building standards in local government bylaws, if they don't conform to Provincial building standards?*



*N = 503 (Local Government = 219; Industry = 281; No response = 3)*

Approximately 66 per cent of respondents supported phasing out existing building standards in local government bylaws if they do not conform to the Code. Respondents from across the approval spectrum reported that local government variations exist for valid reasons and should be considered in light of those reasons. Themes that emerged from the comments:

- Local government variations are necessary to address local geographical, topographic, climatic issues, or citizen expectations.
- Local variations often result in safety improvements (particularly related to fire prevention) beyond the minimum standards reflected in the Code.
- Existing variations should be evaluated to determine whether they can be incorporated into a uniform BC Code, rather than being eliminated.

*What we heard:*

*“There should be a review process to determine if any of the local government bylaws could be added or help provide improvement for the Provincial standards.”*

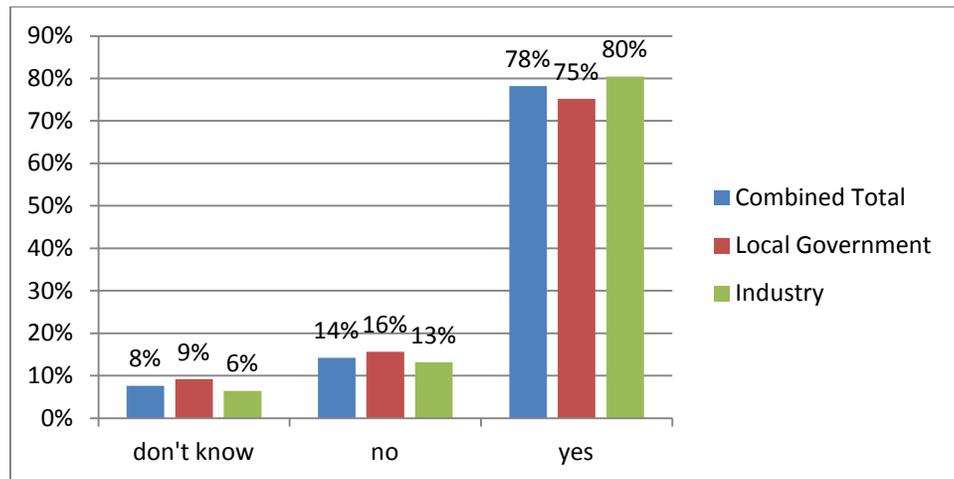
– Technologist/Technician

*“The building code was based on an assumption of firefighting abilities in a municipality. If the community cannot afford to meet these assumption levels they need to be able to have a higher level of safety within buildings like sprinkler systems.”*

– Fire Official

**Proposal for a Body of Technical Experts:** A body of technical experts would be established to determine whether alternative solutions and new product assemblies meet the objectives of the Building Code. Where local governments lack the technical expertise to review alternative solutions, or assess products and assemblies, submissions could be referred to that body.

*What we asked: Do you support a provincial body of technical experts to make decisions on the acceptability of alternative solutions, products and assemblies?*



*N = 503 (Local Government = 218; Industry = 281; No response = 4)*

Over 78 per cent of respondents acknowledged that the establishment of a decision-making body tasked with assessing alternative solutions and new products and assemblies would provide value. However, many respondents also emphasized a need to address a number of details, including:

- Timeliness of decision-making;
- The need for the body to be comprised of a broad selection of technical experts;
- The desire of some local governments to retain authority to make their own decision on alternative solutions;
- The need for the Province to assume liability for the decisions made by the body of technical experts; and
- Concern that the Province is assuming a product evaluation role, when there are already established organizations that do so, such as the Canadian Construction Materials Centre.

*What we heard:*

*"No objection to the provincial body for the benefit of small municipalities who are technically unable to meet the demand. However many local jurisdictions through a local technical committee have been dealing with alternative solution and equivalencies for years."*

– Building Official

*"I would support as long as those experts do not have a vested interest in the product/material or Alternative Solutions..."*

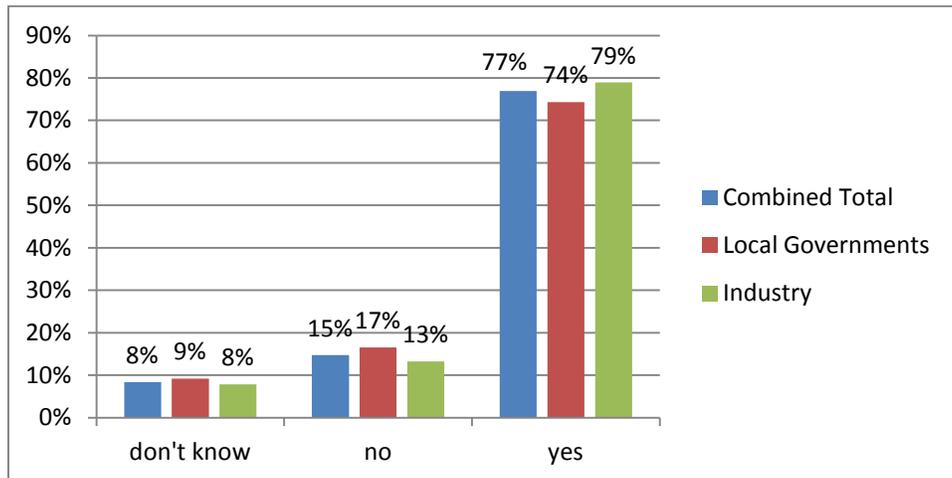
– Local Government Administrator

*"As long as it does not become a bureaucratic bottleneck like many other provincial entities."*

– Technologist/Technician

**Proposal for Third Party Random Audits:** Third-party audits would assess high-risk aspects of complex (Part 3) building design and construction and establish baseline levels for Code compliance. Audits would include a review of project documentation and on-site visits. If problems are frequently found, audit findings would assist in developing long-term measures targeted at achieving better outcomes.

*What we asked: Do you support provincial random audits of Building Code compliance?*



*N = 503 (Local Government = 218; Industry = 280; No response = 5)*

Almost 77 per cent of respondents indicated support for the proposal for third-party audits. Respondents also noted that audits could offer the benefit of greater accountability. Other themes include:

- Cost and liability concerns;
- Risk of introducing additional bureaucracy; and
- Availability of qualified building officials who should be doing this work.

*What we heard:*

*“If joint and several liability was taken away from the municipalities, inspectors would go back to doing proper inspections and there would be no need for audits.”*

– Building Official

*“What does the review process entail? When in the process, who does it, who is involved, how much time, how much money.... If there are problems, let’s address them. Please don’t create still another level of delay and bureaucracy. There’s enough already.”*

– Architect

*“Yes. The present system has dropped the ball in so many ways it needs to be held accountable; if not governed.”*

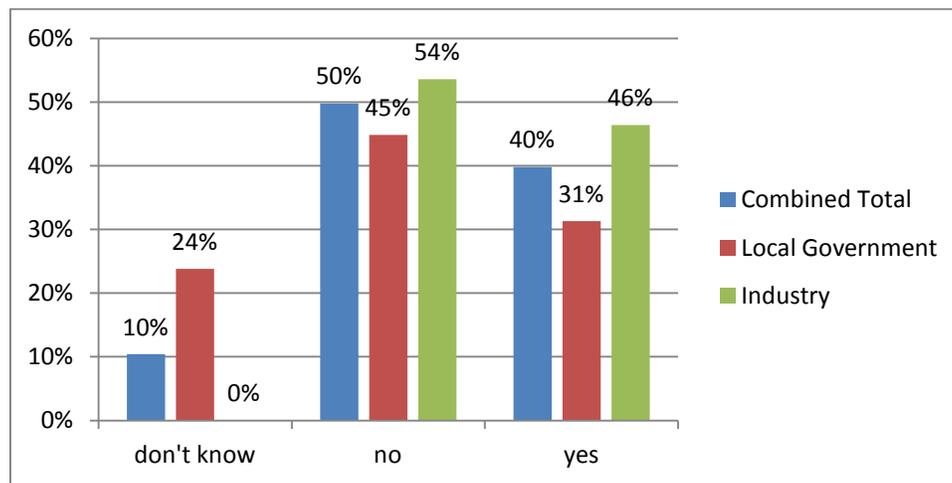
– Technologist/Technician

**Proposal for a Levy to Fund System Changes:** The proposed changes to the regulatory system will incur costs. A levy on the total value of construction, collected by local governments via the building permit process and remitted to the Province, could fund the proposed changes. The levy could be either calculated as a percentage of total construction value or implemented as flat fee on each transaction.

Industry and local government respondents were asked different questions, based on how the levy would affect them. The questions were:

*What we asked industry: Do you support a levy to offset the cost of proposed changes that support the Uniform Building Code?*

*What we asked local governments: Are you willing to collect and remit levy funds to support the proposed changes?*



N = 503 (Local Government = 214; Industry = 278; No response= 11)

Only 40 per cent of total respondents indicated support for the proposal to fund new system changes through a levy on the value of construction. Industry sector respondents expressed slightly more support than those in local government. Among the themes that surfaced:

- The appearance of increased municipal taxation, despite the levy being a provincial fee, is untenable.
- The proposals should be funded as core provincial services, with the possible exception of alternative solutions and product/assembly evaluations.
- In smaller jurisdictions, a small levy percentage equates to a considerable increase in construction costs.
- Any increase in costs is unsustainable, as the cost of construction costs and housing in BC is already a concern.

*What we heard:*

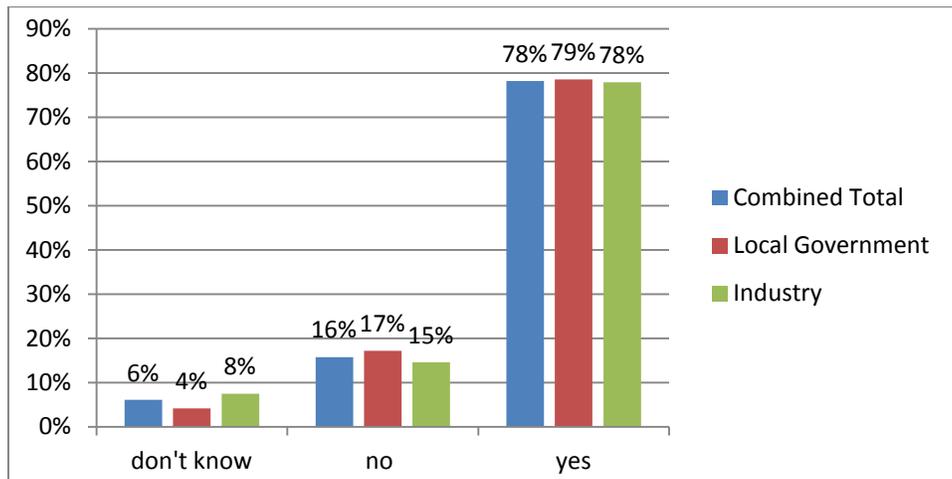
*“Regardless of who the recipient is, it will be the Local Government who is seen as the “taxer.”*  
– Elected Official

*“No. The financial impact upon the multiple and single family housing sector.....the cost of housing construction is far too high in BC as it is.”*  
– Technologist/Technician

*“Should this not be funded from BC Provincial operating funds? Municipalities are not asking for these changes so should not be charging a client levy when we are trying to streamline and reduce costs for our clients.”*  
– Building Official

**Proposal for Mandatory Certification of Building Officials:** This proposal would require building officials to be certified and would ensure that the scope of their responsibilities is aligned with the level of certification attained. Building officials would have four years in which to achieve certification. Membership in the Building Officials' Association of BC (BOABC) would also be required, along with continuing professional development.

*What we asked: Do you support mandatory certification requirements for building officials?*



*N = 503 (Local Government = 215; Industry = 280; No response = 8)*

Nearly 78 per cent of survey respondents supported the mandatory certification of building officials. Themes that emerged from the comments include:

- Costs of certification and continuing professional development, especially for rural local governments;
- Difficulties recruiting certified staff if certification is a hiring requirement, especially for rural local governments;
- Ability of the BOABC to deliver the quality and quantity of training required to support the certification requirement;
- Need for clarity on what roles within the system will require certification;
- Recognition of other professional designations (such as engineers and architects) and potential qualification equivalencies; and,
- Need for balance between valuing experience and education, especially as it relates to existing building officials.

*What we heard:*

*"Long overdue. Hopefully this will lead to more uniform application of the Building Code."*  
– Engineer

*"Technologists should be granted same provisions as architects and engineers in this proposal regarding registration requirements and/or exceptions."*  
– Engineer

*"I am somewhat concerned that BOABC has not yet structured themselves in an appropriate manner to deal with this issue."*  
– Building Official

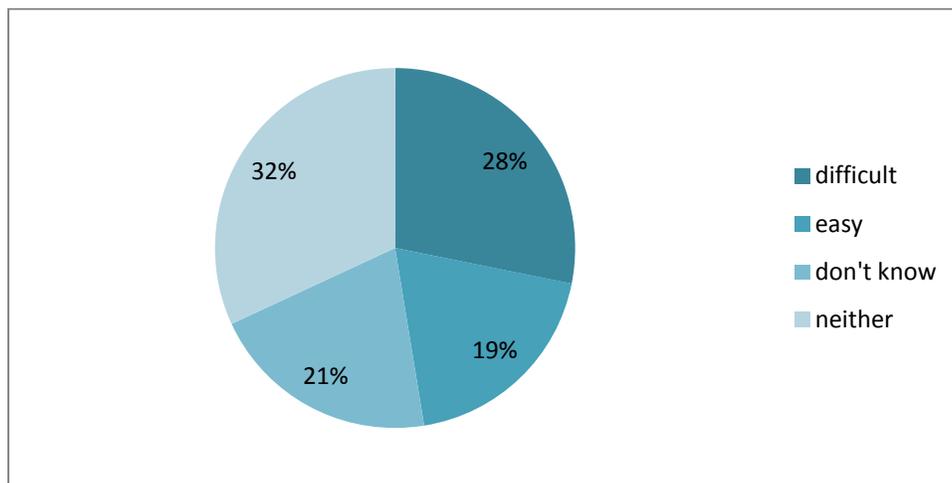
*"Works well for the Lower Mainland but not for northern BC and small communities. We struggle to find part time building inspectors and requiring certification may make this even more difficult."*  
– Local Government Administrator

## Specific Survey Questions for Local Governments on Building Official Certification

Mandatory certification would likely impose costs on local governments that do not currently employ certified building officials or have staff certified at their level of responsibility. The survey explored the capacity of local governments to absorb the burden of such costs.

It should be noted that the survey was undertaken prior to the Municipal Insurance Authority (MIA) declaration that it would offer its local government members Risk Management Grants to cover the initial costs of certifying existing staff.

*What we asked local governments: How difficult would it be for your local government to meet the costs of BOABC membership and certification?*



Total Number of Respondents, N = 220 (Responded = 213; No response = 7)

Approximately 28 per cent of local government respondents thought it would be difficult for their local government to meet the costs of BOABC membership and certification. As noted above, however, some local governments would be able to access Risk Management Grants through the MIA. A slightly greater proportion of respondents, 31.9 per cent, indicated the costs would be neither easy nor difficult to meet, which suggests that their staff may already possess some level of certification.

*What we asked local governments: How would the proposed system of certification affect your local government operations?*

Costs were primarily a concern for smaller local governments. Costs could also encourage some local governments to stop providing building regulatory services for complex buildings.

*Samples of what we heard:*

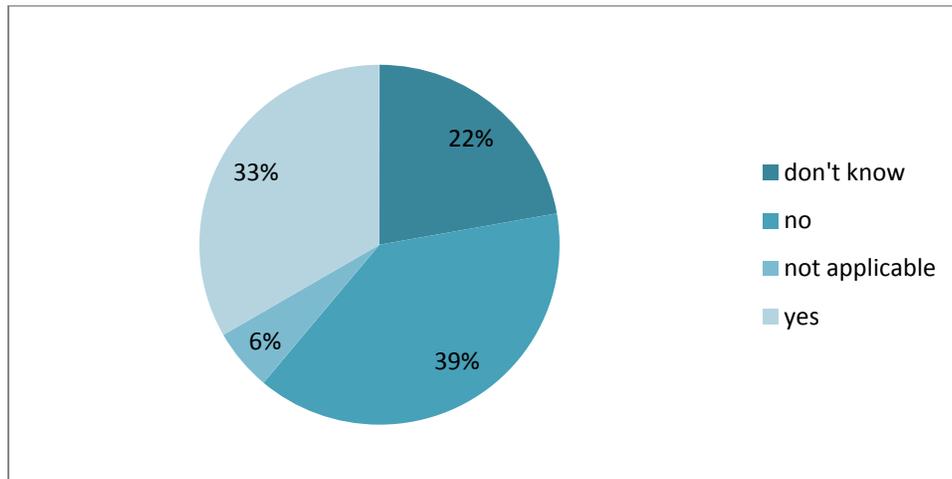
*"...small communities will not be able to meet the requirements if implemented and will need to take steps to limit exposure. I expect the change will be to remove ourselves from the requirements either in total or in part, specifically Part 3."*

– Local Government Administrator

*"Have been unable to attract a level 3 inspector. This won't make it any easier. Insufficient people are certified. I think this provides an additional incentive for my municipality to opt out of providing building inspection as a service."*

– Local Government Administrator

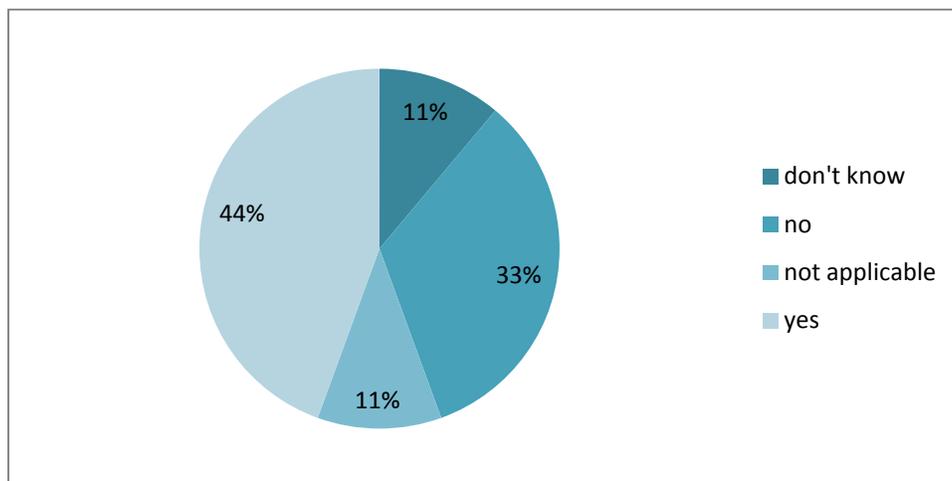
*What we asked local governments: If your local government has difficulty hiring certified staff, would you be likely to take advantage of an internship program as described in the white paper?*



Total Number of Respondents: Local Government Administrators = 18

The question above was directed at local government administrators only. Approximately 39 per cent indicated they would not take advantage of an internship program. The most commonly cited reason provided was a lack of staff capacity to supervise an intern.

*What we asked local governments: If your local government staff only has Levels 1 and/or 2 building officials, would you consider entering into service agreements for the provision of building regulatory services for complex buildings as described in the white paper?*



Total Number of Respondents: Local Government Administrators = 18

Over 44 per cent of local government respondents indicated they would consider entering into a service agreement with other jurisdiction(s) for the provision of building regulatory services for complex buildings. Additional comments provided by respondents highlighted the specific concerns some local governments might have, including:

- Distances between jurisdictions that may make the proposal unfeasible; and
- A preference to rely on Registered Professionals' Letters of Assurance.

Samples of what we heard:

*“We are 250 miles from our closest neighbour.”*

– Local Government Administrator

*“From a liability perspective I don't see this as beneficial. We don't do inspection on complex buildings now. We only make sure that all the reports from the other professionals are submitted.”*

– Local Government Administrator

## Conclusion

The Building and Safety Standards Branch wishes to thank stakeholders for their valuable contributions to the consultation process. The Branch is reviewing the survey feedback and additional comments provided by the Urban Development Institute, Canadian Homebuilders' Association of BC, Fire Chiefs' Association of BC, Architectural Institute of BC, Association of Professional Engineers and Geoscientists of BC, British Columbia Construction Association, Regional Permits and Licenses Committee and individual local governments. All information garnered from the survey will be used to inform further development of the proposals discussed in this report.