

Executive Summary

Purpose of Review

Under Utah Code 13-1b, the Office of Professional Licensure Review (OPLR) reviewed Utah's licensing laws for building inspectors. The review evaluated how well current regulations:

1. Protect the public from physical and financial harm
2. Ensure fair access to the occupation by consumers and practitioners
3. Limit the economic impact of regulation on consumers and practitioners¹

Building inspector licensure was proposed for review in part because of the critical role that local building departments, building officials, and building inspectors play in growing Utah's residential and commercial building stock safely and quickly. While there are relatively few licensed building inspectors in the state, their work has a high impact on construction and real estate activity.

OPLR's research to conduct this review included surveying all current licensees, analyzing DOPL licensee and complaint data, reviewing relevant academic literature, interviewing prominent stakeholders, accompanying building inspectors to construction sites, and scanning state regulation of building inspection.

Background

Building inspectors work for municipalities to inspect new or altered buildings to ensure their compliance with the relevant building permits and building codes. A city cannot issue a certificate of occupancy until required inspections are performed and any noted violations are resolved.

Anyone performing building, mechanical, plumbing and electrical inspections on behalf of a Utah municipality must be licensed as a building inspector by the Utah Division of Professional Licensure (DOPL). Building inspections are performed largely by public employees under the oversight of municipalities.

Building inspections do not appear to be a cause of any major construction delays.

There is a wide variation in how states regulate this occupation.

Key Findings

Safety and Consumer Harm: The main potential for harm in this industry is largely the failure to

¹ UCA 13-1b

inspect and enforce building codes properly, either through under-enforcement or enforcing beyond code requirements. This causes financial harm to property owners and potential safety risks (in the case of under-enforcement).

OPLR did not find evidence that the Utah public is at significant risk from this type of harm. The main issue OPLR found was excessive variability in technical code interpretation and enforcement by building inspectors across different municipalities. This causes friction and unneeded costs in a critical industry.

OPLR suggests that variability in enforcement and process is largely driven and exacerbated by two related factors:

1. Insufficient oversight and accountability for building officials and building departments
2. Lack of a workable appeals process for permit holders

Access: OPLR found Utah's licensure requirements for building inspectors range from minimal to moderate. Evidence, such as inspector workloads and workforce attrition, suggests that there is a workforce shortage of building inspectors. Given the relatively low barriers to this profession, possible causes of this shortage include its low pay relative to other occupations, its low profile as a profession, and barriers to training new inspectors.

Recommendations

- To help reduce variability in inspection processes, **OPLR recommends empowering the Uniform Building Code Commission (UBCC) to collect data on building inspection and code enforcement and publish a report on the performance of local building departments** across the state. Establishing this feedback mechanism within the UBCC is the least burdensome way, in OPLR's view, to improve transparency and reduce variability.
- **OPLR recommends creating a new building official license, while simply requiring in statute that building inspectors be ICC certified in lieu of a state license.** This change would place accountability on those with responsibility for managing code enforcement consistency and professionalism (building officials) and reduce the administrative burden of a state license for building inspectors who would retain the requirement for ICC certification.
- **OPLR recommends allowing licensed journeymen and master plumbers and electricians to inspect according to their expertise** without the related ICC certification, thereby creating an entry point for talent into the building inspector industry.
- **OPLR recommends maintaining the current public-private balance within the building inspection industry.** Private companies provide specialized technical knowledge and increase the capacity of building departments, while public control maintains equity across permit holders and protects against regulatory capture of private inspection firms by permit holders or builders.