

Senate Bill 437

By: Senators Jones of the 25th, Hill of the 6th, Dugan of the 30th and Mullis of the 53rd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia  
2 Annotated, relating to state building, plumbing, and electrical codes, so as to change certain  
3 time frames within which local governing authorities have to review and issue certain  
4 building permits; to require that certain information relating to the plan submittal process be  
5 made available to those seeking an application for permitting; to change certain provisions  
6 relating to regulatory fees or charges for certain permits if a plan review or inspection is  
7 conducted by a private professional provider; to provide for related matters; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Part 2 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating  
12 to state building, plumbing, and electrical codes, is amended by revising paragraphs (1), (3),  
13 and (7) of subsection (g) of Code Section 8-2-26, relating to enforcement of codes generally,  
14 employment and training of inspectors, and contracts for administration and enforcement of  
15 codes, as follows:

16 "(g)(1) If a governing authority of a county or municipality cannot provide review of the  
17 documents intended to demonstrate that the structure to be built is in compliance with the  
18 Georgia State Minimum Standard Codes most recently adopted by the Department of  
19 Community Affairs and any locally adopted ordinances and amendments to such codes  
20 within ~~30~~ 15 business days of receiving a written application for permitting in accordance  
21 with the code official's plan submittal process or inspection services within two business  
22 days of receiving a valid written request for inspection, then, in lieu of plan review or  
23 inspection by personnel employed by such governing authority, any person, firm, or  
24 corporation engaged in a construction project which requires plan review or inspection  
25 shall have the option of retaining, at its own expense, a private professional provider to  
26 provide the required plan review or inspection. As used in this subsection, the term

27 'private professional provider' means a professional engineer who holds a certificate of  
 28 registration issued under Chapter 15 of Title 43 or a professional architect who holds a  
 29 certificate of registration issued under Chapter 4 of Title 43, who is not an employee of  
 30 or otherwise affiliated with or financially interested in the person, firm, or corporation  
 31 engaged in the construction project to be reviewed or inspected. The local governing  
 32 authority shall advise the permit applicant in writing ~~if requested by the applicant~~ at the  
 33 time the complete submittal application for a permit in accordance with the code official's  
 34 plan submittal process is received that the local governing authority intends to complete  
 35 the required plan review within the time prescribed by this paragraph or that the applicant  
 36 may immediately secure the services of a private professional provider to complete the  
 37 required plan review pursuant to this subsection. The plan submittal process ~~shall include~~  
 38 including those procedures and approvals required by the local jurisdiction before plan  
 39 review can take place shall be made available to any person seeking an application for  
 40 permitting. If the local governing authority states its intent to complete the required plan  
 41 review within the time prescribed by this paragraph, the applicant shall not be authorized  
 42 to use the services of a private professional provider as provided in this subsection. The  
 43 permit applicant and the local governing authority may agree by mutual consent to extend  
 44 the time period prescribed by this paragraph for plan review if the characteristics of the  
 45 project warrant such an extension. However, if the local governing authority states its  
 46 intent to complete the required plan review within the time prescribed by this paragraph,  
 47 or any extension thereof mutually agreed to by the applicant and the governing authority,  
 48 and does not permit the applicant to use the services of a private professional provider  
 49 and the local governing authority fails to complete such plan review in the time  
 50 prescribed by this paragraph, or any extension thereof mutually agreed to by the applicant  
 51 and the governing authority, the local governing authority shall issue the applicant a  
 52 project initiation permit and shall refund or not charge to the applicant, as applicable, 75  
 53 percent of any regulatory fees or charges for such permit required or that would have  
 54 been required for such plan review had the review been conducted by a county or  
 55 municipal inspector. The local governing authority shall be allowed to limit the scope  
 56 of a project initiation permit and limit the areas of the site to which the project initiation  
 57 permit may apply but shall permit the applicant to begin work on the project, provided  
 58 that portion of the initial phase of work is compliant with applicable codes, laws, and  
 59 rules. If a full permit is not issued for the portion requested for permitting, then the  
 60 governing authority shall have an additional ~~20~~ ten business days to complete the review  
 61 and issue the full permit. If the plans submitted for permitting are denied for any  
 62 deficiency, the time frames and process for resubmittal shall be governed by  
 63 subparagraphs (C) through (E) of paragraph (7) of this subsection. On or before

64 July 1, 2007, the Board of Natural Resources shall adopt rules and regulations governing  
 65 the review of erosion and sedimentation control plans under ~~Part 9~~ of Chapter 7 of  
 66 Title 12 to establish appropriate time frames for the submission and review of revised  
 67 plan submittals where a deficiency or deficiencies in the submitted plans have been  
 68 identified by the governing authority."

69 "~~(3) The~~ Except as provided in paragraph (1) of this subsection, the person, firm, or  
 70 corporation retaining a private professional provider to conduct a plan review or an  
 71 inspection shall be required to pay to the county or municipality which requires the plan  
 72 review or inspection ~~the same~~ 25 percent of the regulatory fees and charges which would  
 73 have been required had the plan review or inspection been conducted by a county or  
 74 municipal inspector."

75 "(7)(A) The permit applicant shall submit a copy of the private professional provider's  
 76 plan review report to the county or municipality. Such plan review report shall include  
 77 at a minimum all of the following:

78 (i) The affidavit of the private professional provider required pursuant to this  
 79 subsection;

80 (ii) The applicable fees; and

81 (iii) Any documents required by the local official and any other documents necessary  
 82 to determine that the permit applicant has secured all other governmental approvals  
 83 required by law.

84 (B) ~~No more than 30~~ 15 business days after receipt of a permit application and the  
 85 affidavit from the private professional provider required pursuant to this subsection, the  
 86 local building official shall issue the requested permit or provide written notice to the  
 87 permit applicant identifying the specific plan features that do not comply with the  
 88 applicable codes, as well as the specific code chapters and sections. If the local  
 89 building official does not provide a written notice of the plan deficiencies within the  
 90 prescribed ~~30~~ 15 day period, the permit application shall be deemed approved as a  
 91 matter of law, ~~and the permit shall be issued by the local building official on the next~~  
 92 business day, and the permit applicant shall be refunded 75 percent of the fees  
 93 submitted with the plan review report pursuant to subparagraph (A) of this paragraph.

94 (C) If the local building official provides a written notice of plan deficiencies to the  
 95 permit applicant within the prescribed ~~30~~ 15 day period, the ~~30~~ 15 day period shall be  
 96 tolled pending resolution of the matter. To resolve the plan deficiencies, the permit  
 97 applicant may elect to dispute the deficiencies pursuant to this subsection or to submit  
 98 revisions to correct the deficiencies.

99 (D) If the permit applicant submits revisions to address the plan deficiencies previously  
 100 identified, the local building official shall have the remainder of the tolled ~~30~~ 15 day

101 period plus an additional five business days to issue the requested permit or to provide  
102 a second written notice to the permit applicant stating which of the previously identified  
103 plan features remain in noncompliance with the applicable codes, with specific  
104 reference to the relevant code chapters and sections. If the local building official does  
105 not provide the second written notice within the prescribed time period, the permit shall  
106 be issued by the local building official on the next business day and the permit applicant  
107 shall be refunded 75 percent of the fees submitted with the plan review report pursuant  
108 to subparagraph (A) of this paragraph. In the event that the revisions required to  
109 address the plan deficiencies or any additional revisions submitted by the applicant  
110 require that new governmental approvals be obtained, the applicant shall be required  
111 to obtain such approvals before a new plan report can be submitted.

112 (E) If the local building official provides a second written notice of plan deficiencies  
113 to the permit applicant within the prescribed time period, the permit applicant may elect  
114 to dispute the deficiencies pursuant to this subsection or to submit additional revisions  
115 to correct the deficiencies. For all revisions submitted after the first revision, the local  
116 building official shall have an additional five business days to issue the requested  
117 permit or to provide a written notice to the permit applicant stating which of the  
118 previously identified plan features remain in noncompliance with the applicable codes,  
119 with specific reference to the relevant code chapters and sections."

120 **SECTION 2.**

121 All laws and parts of laws in conflict with this Act are repealed.