

The Senate Committee on Rules offered the following substitute to SB 437:

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 provide for
3 building inspection procedures for residential properties; to provide for schedules of certain
4 fees; to provide for certain notifications; to provide for acknowledgment of an applicant's use
5 of a private professional provider to conduct a plan review or inspection and that such review
6 or inspection may proceed regardless of whether the local governing authority had performed
7 its own plan review or inspection; to permit in person or virtual plan reviews or inspections;
8 to provide for a shorter period for local governing authorities to approve applications; to
9 prohibit local governing authorities from charging convenience fees; to provide for
10 procedures to use a private professional provider for plan review or inspection; to provide
11 for an acknowledgment; to provide for plan review; to authorize prequalification; to provide
12 for prequalification procedures; to authorize permit denial; to provide procedures for permit
13 denial; to provide for immunity; to prohibit more stringent requirements; to provide for
14 certain stop orders; to provide for complaint procedures; to provide for definitions; to provide
15 for related matters; to provide for an effective date and applicability; to repeal conflicting
16 laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18

SECTION 1.

19 Part 2 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating
20 to state building, plumbing, and electrical codes, is amended by adding a new subsection to
21 Code Section 8-2-26, relating to local enforcement, inspectors, and building permits, to read
22 as follows:

23 "(h)(1) Notwithstanding subsection (g) of this Code section, this subsection shall apply
24 to residential structures, including, but not limited to, single-family residences,
25 townhomes, and condominiums three stories or less.

26 (2) As used in this subsection, the term:

27 (A) 'Complete application' means a submitted plan, application, or request for
28 inspection that contains all of the information and supporting documentation required
29 by the county or municipality for it to make the determination as to whether the plan,
30 application, or request is in compliance with regulatory requirements.

31 (B) 'Private professional provider' means a:

32 (i) Professional engineer who holds a certificate of registration issued under
33 Chapter 15 of Title 43;

34 (ii) Professional architect who holds a certificate of registration issued under
35 Chapter 4 of Title 43; or

36 (iii) Qualified inspector as such term is defined in Code Section 8-2-26.1
37 who is not an employee of or otherwise affiliated with or financially interested in the
38 person, firm, or corporation engaged in the construction project to be reviewed or
39 inspected.

40 (C) 'Regulatory fee' means payments, whether designated as permit fees, application
41 fees, or by another name, that are required by a local government as an exercise of its
42 police power, its regulation of business, and as a part of or as an aid to regulation of
43 construction related activities under this chapter.

44 (D) 'Regulatory requirements' means the requirements determined by a county or
45 municipality to be necessary for approval of plans, permits, or applications under this
46 chapter; provided, however, that, with respect to any application, such requirements
47 shall include the state minimum standard codes most recently adopted by the
48 Department of Community Affairs and any locally adopted ordinances and amendments
49 to such codes; applicable zoning ordinances and conditions; design standards; and other
50 state and local laws, regulations, and ordinances applicable to the application in
51 question.

52 (3) Each county or municipality which imposes regulatory fees or regulatory
53 requirements within its jurisdiction shall establish and make available a schedule of such
54 regulatory fees and regulatory requirements which shall include a list of all
55 documentation related to compliance with such regulatory requirements, including the
56 requirements necessary for submittal of a complete application. The amount of any
57 regulatory fee shall approximate the reasonable cost of the actual regulatory activity
58 performed by the local government and shall be subject to the provisions of paragraph (6)
59 of Code Section 48-13-5.

60 (4) No later than five business days after receipt of any application related to regulatory
61 requirements, a local building official of a county or municipality shall notify each
62 applicant as to whether the submitted documents meet the requirements of a complete
63 application and shall acknowledge whether an applicant retained a private professional
64 provider to provide the required plan review or inspection, allowing the applicant to
65 proceed with the plan review or inspection irrespective of whether the county or
66 municipality has conducted a plan review or inspection. Except as otherwise provided
67 in this paragraph, time spent by a county or municipality determining whether an
68 application is complete shall count toward the total 15 business days for plan review or
69 inspection. If a local building official determines that the application is not complete, the
70 applicant shall be provided written notice identifying the items that are not complete.

71 The 15 business-day time period is tolled when the application is rejected as incomplete.
72 If within 15 business days after the county or municipality has provided notice that the
73 application is incomplete the permit applicant submits revisions to address the identified
74 deficiencies, the local building official shall have an additional five business days to
75 review the application for completeness.

76 (5) At the time a county or municipality notifies the applicant that a complete application
77 has been accepted, it shall also notify such applicant as to whether the personnel
78 employed or contracted by such county or municipality will be able to provide regulatory
79 action within 15 business days for plan review or provide inspection services within two
80 business days of receiving a valid written request for inspection.

81 (6) The applicant shall have the option of retaining, at its own expense, a private
82 professional provider to provide the required plan review or inspection, conducted in
83 person, or virtually, for residential single construction trades, such as structural,
84 plumbing, mechanical, or electrical and consisting of ten or less inspections, in
85 accordance with the provisions of this Code section irrespective of whether the county
86 or municipality determines that the personnel employed or contracted by such county or
87 municipality can provide regulatory action or inspection services within the time frames
88 required under paragraph (5) of this subsection. If the applicant elects to utilize the
89 services of a private professional provider, the regulatory fees associated with such
90 regulatory action shall be reduced by 50 percent and such reduced amount shall be paid
91 to the county or municipality in accordance with such jurisdiction's policies. The local
92 governing authority shall not charge any convenience fees when an applicant retains a
93 private professional provider to provide the required plan review or inspection.

94 (7)(A) An applicant using a private professional provider pursuant to paragraph (6) of
95 this subsection shall notify the local governing authority in writing at the time of the
96 permit application, or by 2:00 P.M. two business days before the first scheduled

97 inspection by the local governing authority that a private professional provider has been
98 contracted to perform the required plan review or inspection. This notice shall include:

- 99 (i) The services to be performed by the private professional provider;
100 (ii) The name, firm, address, telephone number, and email address of the private
101 professional provider performing such services;
102 (iii) A directory of licensed individuals who are eligible to perform such services;
103 (iv) The private professional provider's professional licenses or certification numbers;
104 (v) A certificate demonstrating professional liability insurance coverage in place for
105 the private professional provider's firm, the private professional provider, and any
106 duly authorized representative in the amounts required by this subsection; and
107 (vi) A written acknowledgment from the applicant in substantially the following
108 form:

109 I have elected to use one or more private professional providers to provide building
110 code plans review and/or inspection services on the building or structure that is the
111 subject of the enclosed permit application, as authorized by O.C.G.A.
112 Section 8-2-26(g). I understand that the county or municipality may not review the
113 plans submitted or perform the required building inspection to determine
114 compliance with the applicable building codes, except to the extent specified in said
115 codes. Instead the plans review and/or required building inspections will be
116 performed by the licensed or certified personnel identified in the application. The
117 law requires minimum insurance requirements for such personnel. By executing
118 this form I acknowledge that I have made an inquiry regarding the competence of
119 the licensed or certified personnel and the level of their insurance and am satisfied
120 my interests are adequately protected. I agree to indemnify, defend, and hold
121 harmless the county and/or municipality, and their building code enforcement
122 personnel from any and all claims arising from my use of these licensed or certified

123 personnel to perform building code inspection services with respect to the building
124 or structure that is the subject of the enclosed permit application.'

125 (vii) The commissioner shall promulgate a notice form on the department website
126 that meets the requirements of divisions (i) through (vi) of this subparagraph.

127 (B) If the applicant makes any changes to the listed private professional providers or
128 services to be provided by such private professional providers, the applicant shall,
129 within one business day after any change or within two business days of the next
130 scheduled inspection, update the notice to reflect such changes.

131 (C) A change of private professional provider named in the permit application does not
132 require a revision of the permit, and the local governing authority shall not charge a fee
133 for making such change.

134 (8) If the local governing authority states its intent to complete the required plan review
135 within the time prescribed by paragraph (5) of this subsection, or any extension thereof
136 mutually agreed to by the applicant and the governing authority, and the local governing
137 authority fails to complete such plan review in the time prescribed by paragraph (5) of
138 this subsection, or any extension thereof mutually agreed to by the applicant and the
139 governing authority, the local governing authority shall issue the applicant a project
140 initiation permit. The local governing authority shall be allowed to limit the scope of a
141 project initiation permit and limit the areas of the site to which the project initiation
142 permit may apply but shall permit the applicant to begin work on the project, provided
143 that portion of the initial phase of work is compliant with applicable codes, laws, and
144 rules. If the plans submitted for permitting are denied for any deficiency, the time frames
145 and process for resubmittal shall be governed by subparagraphs (C) through (E) of
146 paragraph (14) of this subsection. Any delay in the processing of an application that is
147 attributable to a cause outside the control of the county or municipality that is processing
148 the application or through fault of the applicant shall not count toward days for the

149 purposes of this subsection. This paragraph shall not be applicable if the applicant elects
150 to retain a private professional provider to provide the required plan review.

151 (9) Any plan review or inspection conducted either in person or virtually by a private
152 professional provider shall be no less extensive than plan reviews or inspections
153 conducted by county or municipal personnel.

154 (10) The person, firm, or corporation retaining a private professional provider to conduct
155 a plan review or an inspection shall be required to pay to the county or municipality
156 which requires the plan review or inspection the regulatory fees and charges which are
157 required by paragraph (6) of this subsection.

158 (11) A private professional provider performing plan reviews under this subsection shall
159 review plans to determine compliance with all applicable regulatory requirements. Upon
160 determining that the plans reviewed comply with the applicable regulatory requirements,
161 such private professional provider shall prepare an affidavit or affidavits on a form
162 adopted by the Department of Community Affairs certifying under oath that the following
163 is true and correct to the best of such private professional provider's knowledge and belief
164 and in accordance with the applicable professional standard of care:

165 (A) The plans were reviewed by the affiant who is duly authorized to perform plan
166 review pursuant to this subsection and who holds the appropriate license or
167 certifications and insurance coverage stipulated in this subsection;

168 (B) The plans comply with all applicable regulatory requirements; and

169 (C) The plans submitted for plan review are in conformity with plans previously
170 submitted to obtain governmental approvals required in the plan submittal process and
171 do not make a change to the project reviewed for such approvals.

172 (12) All private professional providers providing plan review or inspection services
173 pursuant to this subsection shall secure and maintain insurance coverage for professional
174 liability (errors and omissions) insurance. The limits of such insurance shall be not less
175 than \$1 million per claim and \$1 million in aggregate coverage for any project with a

176 construction cost of \$5 million or less and \$2 million per claim and \$2 million in
177 aggregate coverage for any project with a construction cost of more than \$5 million.
178 Such insurance may be a practice policy or project-specific coverage. If the insurance
179 is a practice policy, it shall contain prior acts coverage for the private professional
180 provider. If the insurance is project-specific, it shall continue in effect for two years
181 following the issuance of the certificate of final completion for the project. A local
182 enforcement agency, local building official, or local government may establish, for
183 private professional providers working within that jurisdiction, a system of registration
184 listing the private professional providers within their stated areas of competency. The
185 permit applicant shall verify compliance with the insurance requirements of this
186 paragraph.

187 (13) The private professional provider shall be empowered to perform any plan review
188 or inspection required by the governing authority of any county or municipality,
189 including, but not limited to, inspections for footings, foundations, concrete slabs,
190 framing, electrical, plumbing, heating ventilation and air conditioning (HVAC), or any
191 and all other inspections necessary or required to determine compliance with all
192 regulatory requirements and for the issuance of a building permit or certificate of
193 occupancy by the governing authority of any county or municipality, provided that the
194 plan review or inspection is within the scope of such private professional provider's area
195 of competency; and provided, further, that a qualified inspector acting as a private
196 professional provider shall only be empowered to perform a plan review or inspection
197 within an area for which such qualified inspector has been issued a certification, license,
198 or completion of training provided for in paragraph (2) of subsection (a) of Code
199 Section 8-2-26.1. Nothing in this Code section shall authorize any private professional
200 provider to issue a certificate of occupancy. Only a local governing authority shall be
201 authorized to issue a certificate of occupancy.

202 (14)(A) The permit applicant shall submit a copy of the private professional provider's
203 plan review report to the county or municipality within five days of its completion.
204 Such plan review report shall include at a minimum both of the following:
205 (i) The affidavit of the private professional provider required pursuant to this
206 subsection; and
207 (ii) Any documents required by the local official and any other documents necessary
208 to determine that the permit applicant has secured all other governmental approvals
209 required by law.

210 (B) No more than 15 business days after receipt of both a permit application and the
211 affidavit from the private professional provider required pursuant to this subsection, the
212 local building official shall issue the requested permit or provide written notice to the
213 permit applicant identifying the specific plan features that do not comply with the
214 applicable regulatory requirements, as well as the specific code chapters and sections
215 of such regulatory requirements. If the local building official does not provide a written
216 notice of the plan deficiencies within the prescribed 15 business-day period, the permit
217 application shall be deemed approved as a matter of law and the permit shall be issued
218 by the local building official on the next business day.

219 (C) If the local building official provides a written notice of plan deficiencies to the
220 permit applicant within the prescribed 15 business-day period, the 15 business-day
221 period shall be tolled pending resolution of the matter. To resolve the plan deficiencies,
222 the permit applicant may elect to dispute the deficiencies pursuant to this subsection or
223 to submit revisions to correct the deficiencies.

224 (D) If the permit applicant submits revisions to address the plan deficiencies previously
225 identified, the local building official shall have the remainder of the tolled 15
226 business-day period plus an additional five business days to issue the requested permit
227 or to provide a second written notice to the permit applicant stating which of the
228 previously identified plan features remain in noncompliance with the applicable

229 regulatory requirements, with specific reference to the relevant code chapters and
230 sections of such regulatory requirements. If the local building official does not provide
231 the second written notice within the prescribed time period, the permit shall be issued
232 by the local building official on the next business day. In the event that the revisions
233 required to address the plan deficiencies or any additional revisions submitted by the
234 applicant require that new governmental approvals be obtained, the applicant shall be
235 required to obtain such approvals before a new plan report can be submitted.

236 (E) If the local building official provides a second written notice of plan deficiencies
237 to the permit applicant within the prescribed time period, the permit applicant may elect
238 to dispute the deficiencies pursuant to this subsection or to submit additional revisions
239 to correct the deficiencies. For all revisions submitted after the first revision, the local
240 building official shall have an additional five business days to issue the requested
241 permit or to provide a written notice to the permit applicant stating which of the
242 previously identified plan features remain in noncompliance with the applicable
243 regulatory requirements, with specific reference to the relevant code chapters and
244 sections.

245 (15) Upon submission by the private professional provider of a copy of his or her
246 inspection report to the local governing authority, said local governing authority shall be
247 required to accept the inspection of the private professional provider without the necessity
248 of further inspection or approval by the inspectors or other personnel employed by the
249 local governing authority unless said governing authority has notified the private
250 professional provider, within two business days after the submission of the inspection
251 report, that it finds the report incomplete or the inspection inadequate and has provided
252 the private professional provider with a written description of the deficiencies and
253 specific regulatory requirements that have not been adequately addressed.

254 (16) A local governing authority may provide for the prequalification of private
255 professional providers who may perform plan reviews or inspections pursuant to this

256 subsection. No ordinance implementing prequalification shall become effective until
257 notice of the governing authority's intent to require prequalification and the specific
258 requirements for prequalification have been advertised in the newspaper in which the
259 sheriff's advertisements for that locality are published, and by any other methods such
260 local authority ordinarily utilizes for notification of engineering, architecture, or
261 construction related solicitations. The ordinance implementing prequalification shall
262 provide for evaluation of the qualifications of a private professional provider only on the
263 basis of the private professional provider's expertise with respect to the objectives of this
264 subsection, as demonstrated by the private professional provider's experience, education,
265 and training. Such ordinance may require a private professional provider to hold
266 additional certifications, provided that such certifications are required by ordinance for
267 plan review personnel currently directly employed by such local governing authority.
268 (17) Nothing in this subsection shall be construed to limit any public or private right of
269 action designed to provide protection, rights, or remedies for consumers.
270 (18) If the local building official determines that the building construction or plans do
271 not comply with the applicable regulatory requirements, the official may deny the permit
272 or request for a certificate of occupancy or certificate of completion, as appropriate, or
273 may issue a stop-work order for the project or any portion thereof as provided by law,
274 after giving notice to the owner, the architect of record, the engineer of record, or the
275 contractor of record and by posting a copy of the order on the site of the project and
276 opportunity to remedy the violation within the time limits set forth in the notice, if the
277 official determines noncompliance with regulatory requirements, provided that:
278 (A) A local building official shall be available to meet with the private professional
279 provider within two business days to resolve any dispute after issuing a stop-work order
280 or providing notice to the applicant denying a permit or request for a certificate of
281 occupancy or certificate of completion; and

282 (B) If the local building official and the private professional provider are unable to
283 resolve the dispute or meet within the time required by this Code section, the matter
284 shall be referred to the local enforcement agency's board of appeals, if one exists, which
285 shall consider the matter not later than its next scheduled meeting. Any decisions by
286 the local official, if there is no board of appeals, may be appealed to the Department of
287 Community Affairs as provided in this chapter. The Department of Community Affairs
288 shall develop rules and regulations which shall establish reasonable time frames and
289 fees to carry out the provisions of this paragraph.

290 (19) The local government, a local building official, and local building code enforcement
291 personnel and agents of the local government shall be immune from liability to any
292 person or party for any action or inaction by an owner of a building or by a private
293 professional provider or its duly authorized representative in connection with plan review
294 and inspection services by private professional providers as provided in this subsection.

295 (20) No local enforcement agency, local code official, or local government shall adopt
296 or enforce any rules, procedures, policies, qualifications, or standards more stringent than
297 those prescribed in this subsection. This subsection shall not preempt any local laws,
298 rules, or procedures relating to the plan submittal process of local governing authorities.

299 (21) Nothing in this subsection shall limit the authority of a local code official to issue
300 a stop-work order for a building project or any portion of such project, which may go into
301 effect immediately as provided by law, after giving notice and opportunity to remedy the
302 violation, if the official determines that a condition on the building site constitutes an
303 immediate threat to public safety and welfare. A stop-work order issued for reasons of
304 immediate threat to public safety and welfare shall be appealable to the local enforcement
305 agency's board of appeals, if one exists, in the manner provided by applicable law. Any
306 decisions by the local official, if there is no board of appeals, may be appealed to the
307 Department of Community Affairs as provided in this chapter.

308 (22) When performing plan reviews or inspection services, a private professional
309 provider is subject to the disciplinary guidelines of the applicable professional licensing
310 board with jurisdiction over such private professional provider's license or certification
311 under Chapters 4 and 15 of Title 43, as applicable. Any complaint processing,
312 investigation, and discipline that arise out of a private professional provider's
313 performance of plan reviews or inspection services shall be conducted by the applicable
314 professional licensing board. Notwithstanding any disciplinary rules of the applicable
315 professional licensing board with jurisdiction over such private professional provider's
316 license or certification under Chapters 4 and 15 of Title 43, any local building official
317 may decline to accept plan reviews or inspection services submitted by any private
318 professional provider who has submitted multiple reports which required revisions due
319 to negligence, noncompliance, or deficiencies.

320 (23) Nothing in this subsection shall apply to inspections exempted in Code
321 Section 8-2-26.1.

322 (24) To the extent that a provision of this Code section conflicts with requirements of
323 federal laws or regulations or impairs a county's or municipality's receipt of federal funds,
324 such provision shall not apply."

325 **SECTION 2.**

326 This Act shall become effective on July 1, 2026, and shall apply to all plan reviews or
327 inspections occurring on or after such date.

328 **SECTION 3.**

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