

The House Committee on Governmental Affairs offers the following substitute to HB 812:

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 8 and Chapter 7 of Title 12 of the Official Code of Georgia  
2 Annotated, relating to state building, plumbing, and electrical codes and control of soil  
3 erosion and sedimentation, respectively, so as to require that certain local governments  
4 establish and maintain publicly accessible websites posting real-time status updates relating  
5 to building permit applications; to provide for an optional records management system  
6 managed by a third party; to provide for construction; to revise regulatory requirements for  
7 building plans, permits, and applications; to allow for greater involvement of private  
8 professional providers in the review of plans, permits, and applications; to provide for  
9 automatic approval of approved inspection reports; to provide for required qualifications of  
10 private professional providers; to require that each local issuing authority publish a list of  
11 materials required for permit applications; to revise provisions regarding denial or  
12 nonacceptance of permits; to require local issuing authorities to provide rejected permit  
13 applicants with a written list of reasons for denial within specified time frames; to provide  
14 for related matters; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 812 (SUB)

- 1 -

16 **SECTION 1.**

17 Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to state building,  
18 plumbing, and electrical codes, is amended by revising paragraph (6) of subsection (c) of  
19 Code Section 8-2-25, relating to application of minimum standard codes, local adoption and  
20 requirements, and exemptions, as follows:

21 "(6) The department shall maintain a file of all amendments to the state minimum  
22 standard codes adopted by the various municipalities and counties in ~~the~~ this state, which  
23 information shall be made available to the public upon request. ~~The department may~~  
24 charge reasonable fees for copies of such information ~~be published on the department's~~  
25 website and updated in real time to include the department's determinations relating to  
26 all proposed local amendments to the state minimum standard codes. An index of such  
27 amendments shall be included in each new edition of a state minimum standard code."

28 **SECTION 2.**

29 Said chapter is further amended by adding a new Code section to read as follows:

30 "8-2-25.1.

31 (a) As used in this Code section, the term:

32 (1) 'Building permit' means any permit, approval, or authorization issued by a local  
33 government relating to the construction, alteration, expansion, demolition, or substantial  
34 renovation of a structure, including any permit for land-disturbing activity as such term  
35 is defined in Code Section 12-7-3.

36 (2) 'Local government' means any county or municipal government of this state.

37 (3) 'Real-time' means updated contemporaneously with, or within one business day of,  
38 any change in the status of a building permit.

39 (4) 'Status' means the current stage of review or action on a building permit application.

40 (b) Beginning January 1, 2027, each local government that issued more than 250 building  
41 permits in the preceding calendar year shall maintain a publicly accessible website for

42 applications that provides real-time status information for all building permits for which  
43 an application has been submitted and not finally closed. Such website shall, at a  
44 minimum, display the following information for each building permit application:

45 (1) Permit application number;

46 (2) Date of application submission;

47 (3) Property address or parcel identification number;

48 (4) Type of permit requested;

49 (5) Current status of the permit application, including, but not limited to: submitted,  
50 under review, incomplete, additional information required, approved, issued, suspended,  
51 denied, or closed;

52 (6) Date of the most recent status update;

53 (7) Any failures to meet deadlines for approval or denial established by state or local  
54 law;

55 (8) The statutory basis for any denials; and

56 (9) Identification of the reviewing department or office.

57 (c) The permit application status information posted pursuant to subsection (b) of this  
58 Code section shall be:

59 (1) Searchable by permit number, address, or parcel identification number;

60 (2) Available to the public without charge, registration, or log in; and

61 (3) Presented in a format that is continuously accessible and reasonably useable by the  
62 general public.

63 (d) A local government may satisfy the requirements of subsections (b) and (c) of this  
64 Code section by posting a direct link on its publicly accessible website to a records  
65 management system managed by a third party, provided such system complies with all  
66 requirements of subsections (b) and (c) of this Code section.

67 (e) This Code section shall not be construed to alter substantive permitting standards,  
68 review timelines, or appeal rights otherwise provided by law, or to require the disclosure

69 of information protected from public disclosure under state or federal law or personal  
70 identifying information of permit applicants beyond that which is otherwise publicly  
71 available under state law."

72 **SECTION 3.**

73 Said chapter is further amended by revising paragraphs (1), (3), (5), (12), (14), and (23) of  
74 subsection (g) of Code Section 8-2-26, relating to local enforcement, inspectors, and building  
75 permits, as follows:

76 "(g)(1) As used in this subsection, the term:

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

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

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

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

86 (iii) Qualified inspector as such term is defined in Code Section 8-2-26.1

87 who is not an employee of or otherwise affiliated with or financially interested in the  
88 person, firm, or corporation engaged in the construction project to be reviewed or  
89 inspected.

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

94 (D) 'Regulatory requirements' means the requirements ~~determined by a county or~~  
95 municipality to be of federal, state, or local laws, codes, regulations, and ordinances  
96 which are necessary for approval of plans, permits, or applications under this chapter;  
97 provided, however, that, with respect to any application, such requirements shall  
98 include the state minimum standard codes most recently adopted by the Department of  
99 Community Affairs and any ~~locally properly~~ adopted local ordinances and amendments  
100 to such codes; applicable zoning ordinances and zoning conditions; design standards;  
101 and other ~~state and local~~ laws, regulations, and ordinances applicable to the application  
102 in question."

103 "(3) No later than five business days after receipt of any application related to regulatory  
104 requirements, a local building official of a county or municipality shall notify each  
105 applicant as to whether the submitted documents meet the requirements of a complete  
106 application. Except as otherwise provided in this paragraph, time spent by a county or  
107 municipality determining whether an application is complete shall count toward the total  
108 30 days for plan review or inspection. If a local building official determines that the  
109 application is not complete or is denied, the applicant shall be provided written notice  
110 identifying the items that are not complete or that form the basis for a denial, with  
111 citations in either instance to the specific regulatory requirements with which the  
112 application does not comply. The 30 day time period is tolled when the application is  
113 rejected as incomplete. If within 30 days after the county or municipality has provided  
114 notice that the application is incomplete the permit applicant submits revisions to address  
115 the identified deficiencies, the local building official shall have an additional five  
116 business days to review the application for completeness."

117 "(5) Prior to filing any application related to regulatory requirements or at any time  
118 thereafter, The the applicant shall have the option of retaining, at its own expense, a  
119 private professional provider to provide the required plan review or inspection in  
120 accordance with the provisions of this Code section ~~irrespective~~ regardless of whether the

121 county or municipality determines that the personnel employed or contracted by such  
122 county or municipality can provide regulatory action or inspection services within the  
123 time frames required under paragraph (4) of this subsection or whether the applicant has  
124 been notified of such determinations. If the applicant elects to utilize the services of a  
125 private professional provider, the regulatory fees associated with such regulatory action  
126 shall be reduced by 50 percent and such reduced amount shall be paid to the county or  
127 municipality in accordance with such jurisdiction's policies."

128 "(12) The private professional provider shall be empowered to perform any plan review  
129 or inspection required by the governing authority of any county or municipality,  
130 including, but not limited to, erosion and sediment control plan review, inspections for  
131 footings, foundations, concrete slabs, framing, electrical, plumbing, heating ventilation  
132 and air conditioning (HVAC), or any and all other plan reviews or inspections necessary  
133 or required to determine compliance with all regulatory requirements and for the issuance  
134 of a permit for land-disturbing activity, as such term is defined in Code Section 12-7-3,  
135 building permit or certificate of occupancy by the governing authority of any county or  
136 municipality, provided that the plan review or inspection is within the scope of such  
137 private professional provider's area of competency; and provided, further, that a qualified  
138 inspector acting as a private professional provider shall only be empowered to perform  
139 a plan review or inspection within an area for which such qualified inspector has been  
140 issued a certification, license, or completion of training provided for in paragraph (2) of  
141 subsection (a) of Code Section 8-2-26.1 or Code Section 12-7-19 for plan reviews or  
142 inspections under Chapter 7 of Title 12 to be performed by a private professional  
143 provider. Nothing in this Code section shall authorize any private professional provider  
144 to issue a certificate of occupancy. Only a local governing authority shall be authorized  
145 to issue a certificate of occupancy."

146 "(14) Upon submission by the private professional provider of a copy of ~~his or her~~ an  
147 approved inspection report to the local governing authority, ~~said local governing authority~~

148 shall be required to accept the inspection of the private professional provider without the  
 149 necessity of further inspection or approval by the inspectors or other personnel employed  
 150 by the local governing authority unless said such inspection shall be deemed approved  
 151 as a matter of law. governing authority has notified the private professional provider,  
 152 within two The local governing authority shall have five business days after the  
 153 submission of the inspection report, ~~that it finds the report incomplete or the inspection~~  
 154 ~~inadequate and has provided the private professional provider to notify the private~~  
 155 professional provider of any deficiencies in such inspection report with a written  
 156 description of the such deficiencies and specific regulatory requirements that have not  
 157 been adequately addressed. The private professional provider shall submit a corrected  
 158 inspection report after receiving notice from the local governing authority of deficiencies  
 159 in such inspection report, but in no event shall any deficiency in an inspection report or  
 160 a correction to such report prevent the completion of work that has been approved by the  
 161 private professional provider or otherwise delay the progress of the project related to the  
 162 private professional provider's inspection."

163 "(23) Nothing in this subsection shall apply to inspections exempted in Code  
 164 Section 8-2-26.1. The process for plan reviews and inspections by a private professional  
 165 provider set forth in this subsection shall also be available and applicable to plan reviews  
 166 and inspections subject to Chapter 7 of Title 12 that are performed by a private  
 167 professional provider."

168 **SECTION 4.**

169 Said chapter is further amended by revising subsection (g) of Code Section 8-2-26.1, relating  
 170 to qualified inspectors and inspection reports, as follows:

171 "(g) Nothing in this Code section shall be construed to apply to inspections for compliance  
 172 with a state or local fire safety standard ~~or erosion control standard."~~

**SECTION 5.**

173

174 Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to control of soil  
175 erosion and sedimentation, is amended by revising Code Section 12-7-9, relating to  
176 applications for permits, erosion and sediment control plans and data, and time for issuance  
177 or denial, as follows:

178 "12-7-9.

179 (a) Applications for permits shall be submitted in accordance with this chapter and the  
180 rules and regulations, ordinances, and resolutions adopted pursuant to this chapter. Such  
181 applications shall be accompanied by the applicant's erosion and sediment control plans  
182 and by such supportive data as will affirmatively demonstrate that the land-disturbing  
183 activity proposed will be carried out in such a manner that the minimum requirements set  
184 forth in Code Section 12-7-6 shall be met. All applications shall contain a certification  
185 stating that the plan preparer or ~~the designee thereof~~ his or her designee visited the site  
186 prior to creation of the plan or that such a visit was not required in accordance with rules  
187 and regulations established by the board.

188 (b) Each local issuing authority shall publish on a website accessible to the public an  
189 objective list of materials and stylistic preferences required for the submission of a  
190 complete permit application. No permit shall be issued to any applicant unless the local  
191 issuing authority affirmatively determines that the plan embracing such activities meets the  
192 requirements of Code Section 12-7-6. All applicable fees shall be paid prior to issuance  
193 of the land disturbance permit by the local issuing authority.

194 (c) Permits shall be issued or denied as soon as practicable after the application ~~therefor~~  
195 has been filed with the local issuing authority, but in any event not later than 45 days  
196 ~~thereafter~~ after such filing. Within five days of the filing of any permit application, the  
197 local issuing authority shall determine whether the application is complete and accepted.  
198 If no such determination has been made within five days of the filing of any permit  
199 application, the application shall be deemed complete and accepted. A local issuing

200 authority may only deem an application incomplete or deny an application when it fails to  
201 include the required materials or stylistic preferences published by a local authority  
202 pursuant to subsection (b) of this Code section. In the event that an application has been  
203 denied or deemed incomplete and not accepted and the applicant thereafter resubmits the  
204 application in modified form to address deficiencies identified in the stated reasons for  
205 denial or nonacceptance pursuant to this subsection and subsection (a) of Code  
206 Section 12-7-11, then the local issuing authority shall cause the permit to be issued or  
207 denied as soon as practicable after such resubmission, but in any event not later than 14  
208 days after such resubmission for applications that were denied and not later than five days  
209 after such resubmission for applications that were not accepted.

210 (d) If a local issuing authority requires compliance with additional regulatory requirements  
211 by the applicant beyond erosion and sediment control, including, but not limited to, utility  
212 and storm-water management, that are subject to the approval of such local issuing  
213 authority, such local issuing authority shall comply with the review time frames imposed  
214 in subsection (c) of this Code section; provided, however, that time shall be tolled under  
215 such time frames from the date any local issuing authority submits materials to a state  
216 agency or agencies for mandatory review and approval until the local issuing authority  
217 receives the required information or approval from the reviewing state agency or agencies.

218 (e) An applicant shall have the option of retaining, at its own expense, a private  
219 professional provider to perform the plan reviews and inspections required by this chapter  
220 utilizing the process set forth in subsection (g) of Code Section 8-2-26 for engaging a  
221 private professional provider to perform plan reviews and inspections; provided, however,  
222 that the provisions of paragraphs (2), (3), and (6) of subsection (g) of Code Section 8-2-26  
223 shall not be applicable to such process. For purposes of plan reviews and inspections  
224 performed pursuant to this chapter, a private professional provider shall be subject to the  
225 requirements of Code Section 12-7-19 and shall be:

- 226 (1) A design professional in the field of engineering, architecture, landscape architecture,  
227 forestry, geology, or land surveying who is licensed as required for practice in this state  
228 by the applicable provisions of Title 43 related to such profession; or  
229 (2) A person with a current certification as a Certified Professional in Erosion and  
230 Sediment Control."

231 **SECTION 6.**

232 Said chapter is further amended by revising Code Section 12-7-11, relating to statement of  
233 reasons for denial of permit required, conditions for approval, and suspension, revocation,  
234 or modification of permit, as follows:

235 "12-7-11.

236 (a) Within the time frames specified by Code Section 12-7-9, the local issuing authority  
237 shall issue or deny the permit. The local issuing authority, upon denial of a permit, shall  
238 state its reasons for the denial, setting forth specifically ~~wherein~~ where such application is  
239 found to be deficient. No local issuing authority shall deny or deem incomplete and not  
240 accept an application for any reason other than the failure to comply with required  
241 materials or stylistic preferences published by a local authority pursuant to subsection (b)  
242 of Code Section 12-7-9 or federal, state, or local law. Concurrently with denial or  
243 nonacceptance of an application, the local issuing authority shall provide the applicant with  
244 a written list identifying the items that are not complete or that form the basis for a denial,  
245 with citations to the specific regulatory requirements with which the application does not  
246 comply. Such local issuing authority shall not be required to provide the applicant with the  
247 reasons for such denial or nonacceptance for any portion of an application which is  
248 incomplete under subsection (b) or (c) of Code Section 12-7-7; provided, however, that the  
249 local issuing authority shall notify the applicant that the application is incomplete and shall  
250 include in such notification a written list of the omissions rendering the application  
251 incomplete. Should the applicant make material additions to a resubmitted application that

252 are unrelated to the cited reasons for the denial or nonacceptance of the original  
253 application, the local issuing authority may also address such additions in reviewing the  
254 resubmitted application. Material additions to any resubmitted application that are  
255 unrelated to the cited reasons for the denial or nonacceptance of the original application  
256 shall be considered a new application for purposes related to the review time frames  
257 prescribed in subsection (c) of Code Section 12-7-9. Any land-disturbing activity  
258 permitted under this chapter shall be carried out in accordance with this chapter and the  
259 ordinance, resolution, or rules and regulations adopted and promulgated pursuant to this  
260 chapter. The local issuing authority shall specify on the permit the conditions under which  
261 the activity may be undertaken.

262 (b) The permit may be suspended, revoked, or modified by the local issuing authority, as  
263 to all or any portion of the land affected by the plan, upon a finding that the holder or his  
264 or her successor in title is not in compliance with the approved erosion and sediment  
265 control plan or that the holder or his or her successor in title is in violation of this chapter  
266 or any ordinance, resolution, rule, or regulation adopted or promulgated pursuant to this  
267 chapter. A holder of a permit shall notify any successor in title to him or her as to all or  
268 any portion of the land affected by the approved plan of the conditions contained in the  
269 permit."

270

**SECTION 7.**

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