

Senate Bill 447

By: Senators Dixon of the 45th, Still of the 48th, Anavitarte of the 31st, Goodman of the 8th, Echols of the 49th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to state
2 building, plumbing, and electrical codes, so as to revise provisions related to inspections
3 submitted by private professional providers; to amend Chapter 7 of Title 12 of the Official
4 Code of Georgia Annotated, relating to control of soil erosion and sedimentation, so as to
5 revise provisions regarding denial or nonacceptance of permits; to require local issuing
6 authorities to provide rejected permit applicants with a written list of reasons for denial
7 within specified time frames; to provide for refunding of fees; to provide for mandamus; to
8 toll such timing requirements in certain circumstances; to provide exceptions; to provide for
9 definitions; to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated,
10 relating to provisions applicable to counties and municipal corporations, so as to provide
11 general provisions for counties and municipalities regarding the acceptance, denial, or
12 nonacceptance of certain permits; to require unambiguous criteria for approval of permits;
13 to require completed applications; to require local issuing authorities to provide rejected
14 permit applicants with a written list of reasons for denial within specified time frames; to
15 provide for refunding of fees; to provide for exceptions; to provide for access to real-time
16 status information relative to building permit application status; to provide definitions; to
17 provide for related matters; to repeal conflicting laws; and for other purposes.

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **SECTION 1.**

20 Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to state building,
21 plumbing, and electrical codes, is amended by revising paragraph (14) of subsection (g) of
22 Code Section 8-2-26, relating to local enforcement, inspectors, and building permits, as
23 follows:

24 "(14) Upon submission by the private professional provider of a copy of his or her an
25 approved inspection report to the local governing authority, said local governing authority
26 shall be required to accept the inspection of the private professional provider without the
27 necessity of further inspection or approval by the inspectors or other personnel employed
28 by the local governing authority unless said governing authority has notified the private
29 professional provider, within two such inspection shall be deemed approved as a matter
30 of law. The local governing authority shall have two business days after the submission
31 of the inspection report, that it finds the report incomplete or the inspection inadequate
32 and has provided the private professional provider to notify the private professional
33 provider of any deficiencies in such inspection report with a written description of the
34 such deficiencies and specific regulatory requirements that have not been adequately
35 addressed. The private professional provider shall submit a corrected inspection report
36 after receiving notice from the local governing authority of deficiencies in such
37 inspection report, but in no event shall any deficiency in an inspection report or a
38 correction to such report prevent the completion of work that has been approved by the
39 private professional provider or otherwise delay the progress of the project related to the
40 private professional provider's inspection."

41 **SECTION 2.**

42 Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to control of soil

43 erosion and sedimentation, is amended in Code Section 12-7-3, relating to definitions, by
 44 revising paragraph (10.3) and adding new paragraphs to read as follows:

45 "(3.1) 'Completed application' means a submitted plan, application, or request for
 46 inspection that contains all information and supporting documentation required by the
 47 local issuing authority in making its determination as to whether the plan, application, or
 48 request is in compliance with regulatory requirements."

49 "(10.3) 'Material addition' means anything added to a resubmitted application that is not
 50 directly related to a comment or request of the local issuing authority.

51 (10.4) 'Operator' means the party or parties that have:

52 (A) Operational control of construction project plans and specifications, including the
 53 ability to make modifications to those plans and specifications; or

54 (B) Day-to-day operational control of those activities that are necessary to ensure
 55 compliance with a storm-water pollution prevention plan for the site or other permit
 56 conditions, such as a person authorized to direct workers at a site to carry out activities
 57 required by the storm-water pollution prevention plan or to comply with other permit
 58 conditions."

59 **SECTION 3.**

60 Said chapter is further amended by revising Code Section 12-7-9, relating to applications for
 61 permits, erosion and sediment control plans and data, and time for issuance or denial, as
 62 follows:

63 "12-7-9.

64 (a) Completed applications ~~Applications~~ for permits shall be submitted in accordance with
 65 this chapter and the rules and regulations, ordinances, and resolutions adopted pursuant to
 66 this chapter. The local issuing authority shall specify in clear and unambiguous language
 67 the criteria for approval of permits pursuant to this chapter. Such applications shall be
 68 accompanied by the applicant's erosion and sediment control plans and by such supportive

69 data as will affirmatively demonstrate that the land-disturbing activity proposed will be
70 carried out in such a manner that the minimum requirements set forth in Code
71 Section 12-7-6 shall be met. All applications shall contain a certification stating that the
72 plan preparer or ~~the designee thereof~~ his or her designee visited the site prior to creation
73 of the plan or that such a visit was not required in accordance with rules and regulations
74 established by the board.

75 (b) No permit shall be issued to any applicant unless the local issuing authority
76 affirmatively determines that the plan embracing such activities meets the requirements of
77 Code Section 12-7-6. All applicable fees shall be paid prior to issuance of the land
78 disturbance permit by the local issuing authority.

79 (c) Permits shall be issued or denied as soon as practicable after the application ~~therefor~~
80 for such permit has been filed with the local issuing authority, but in any event not later
81 than 45 days ~~thereafter~~ after such filing. During the first five days after filing of the
82 application, the local issuing authority shall determine whether the application is complete
83 and whether external review will be required pursuant to subsection (e) of this Code
84 section, in which event the local issuing authority shall notify the external reviewer of the
85 filing of the application. If after such five-day period the local issuing authority fails to
86 provide notice to the applicant that the application is incomplete, the application shall be
87 deemed complete. In the event that a permit has been denied or deemed not accepted and
88 the applicant thereafter resubmits the application in modified form to address deficiencies
89 identified in the stated reasons for denial or nonacceptance pursuant to subsection (a) of
90 Code Section 12-7-11, then the local issuing authority shall cause the permit to be issued
91 or denied as soon as practicable after such resubmission, but in any event not later than:

92 (1) Twenty days after the first resubmission by the applicant; or

93 (2) Fourteen days after any subsequent resubmission by the applicant;

94 provided, however, that, for any review by the local issuing authority following a
95 resubmission by the applicant, the local issuing authority may not issue any comments on

96 aspects of the application that are not related to its initial comments on such application or
97 any changes made in a resubmission of the application. The provisions of this subsection
98 shall not apply to any development of regional impact, as determined by the Department
99 of Community Affairs pursuant to Article 1 of Chapter 8 of Title 50.

100 (d) If a local issuing authority requires compliance with additional regulatory items by the
101 applicant beyond erosion and sediment control, including, but not limited to, storm-water
102 management or utility approvals that are subject to the approval of such local issuing
103 authority, all such requirements shall be subject to the review time frames imposed in
104 subsection (c) of this Code section.

105 (e) If a local issuing authority is required to utilize a state agency, local government other
106 than the local issuing authority, or utility provider to conduct a portion of its plan or permit
107 review pursuant to this chapter, the local issuing authority shall provide to the applicant a
108 list of such items that require external review. The review time frames imposed in
109 subsection (c) of this Code section shall be tolled while such reviews are being conducted
110 by a state agency.

111 (f) Notwithstanding any other provisions of this chapter to the contrary, in any county in
112 which an airport is owned or operated either by such county or a local authority and such
113 airport is adjacent to 9,000 acres or more of property currently or formerly owned by a
114 municipality that has no incorporated territory within such county and any county adjacent
115 to such county, the review time frames imposed in subsection (c) of this Code section shall
116 not apply unless a local Act is adopted making such time frames applicable to such county;
117 provided, however, that the effectiveness of such local Act shall be contingent upon such
118 Act being approved by a majority of the voters of such county voting in a referendum
119 thereon."

120 **SECTION 4.**

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

124 "12-7-11.

125 (a) Within the time frames specified by Code Section 12-7-9, the local issuing authority
126 shall issue or deny the permit. In the event that such authority does not issue or deny a
127 permit within the provided time frame, the local issuing authority shall refund all fees
128 collected in association with the applicant's permit application. The local issuing authority,
129 upon denial of a permit, shall state its reasons for the denial, setting forth specifically
130 wherein where such application is found to be deficient. No local issuing authority shall
131 deny or deem not accepted a permit for any reason that is not an authorized reason for
132 denial or nonacceptance under local, state, or federal law with which the application or
133 plans do not comply. Concurrently with denial or nonacceptance, the local issuing
134 authority shall provide to the applicant a written list of the reasons for such denial or
135 nonacceptance and sufficient information and documentation supporting each such reason.
136 Should the applicant make material additions to the resubmitted application that are
137 unrelated to the cited reasons for the denial or nonacceptance of the original application,
138 the local issuing authority shall also address such additions in reviewing the resubmitted
139 application. Material additions to any resubmitted application or to any application which
140 the local issuing authority has notified the applicant is incomplete shall be deemed new
141 applications subject to the review timeline provided for in subsection (c) of Code
142 Section 12-7-9. Any land-disturbing activity permitted under this chapter shall be carried
143 out in accordance with this chapter and the ordinance, resolution, or rules and regulations
144 adopted and promulgated pursuant to this chapter. The local issuing authority shall specify
145 on the permit the conditions under which the activity may be undertaken.

146 (b) The permit may be suspended, revoked, or modified by the local issuing authority, as
147 to all or any portion of the land affected by the plan, upon a finding that the holder or his
148 or her successor in title is not in compliance with the approved erosion and sediment
149 control plan or that the holder or his or her successor in title is in violation of this chapter
150 or any ordinance, resolution, rule, or regulation adopted or promulgated pursuant to this
151 chapter. A holder of a permit shall notify any successor in title to him or her as to all or
152 any portion of the land affected by the approved plan of the conditions contained in the
153 permit.

154 (c) An applicant aggrieved by a local issuing authority's failure to comply with any
155 requirement of this Code section may petition the superior court for mandamus relief, and
156 such petition shall receive priority on such court's docket; provided, however, that,
157 notwithstanding any other provisions of this chapter to the contrary, in any county in which
158 an airport is owned or operated either by such county or a local authority and such airport
159 is adjacent to 9,000 acres or more of property currently or formerly owned by a
160 municipality that has no incorporated territory within such county and any county adjacent
161 to such county, the provisions of this subsection shall not apply unless a local Act is
162 adopted making such provisions applicable to such county; provided, however, that the
163 effectiveness of such local Act shall be contingent upon such Act being approved by a
164 majority of the voters of such county voting in a referendum thereon."

165 **SECTION 5.**

166 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to provisions
167 applicable to counties and municipal corporations, is amended by adding a new Code section
168 to read as follows:

169 "36-60-34.

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

171 (1) 'Building permit' means any permit, approval, or authorization issued by a county or
172 municipal government relating to the construction, alteration, expansion, demolition, or
173 substantial renovation of a structure. For purposes of this section, land disturbance
174 permits are included.

175 (2) 'Local government' means a county, municipality, or consolidated government that
176 issued more than 250 building permits in the preceding calendar year.

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

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

180 (b) Beginning January 1, 2028, each local government shall maintain a publicly accessible
181 website or application that provides real-time status information for all building permits for
182 which an application has been submitted.

183 (c) The website required by subsection (b) of this Code section shall, at a minimum,
184 display the following information for each building permit:

185 (1) Permit application number;

186 (2) Date of application submission;

187 (3) Property address or parcel identification number;

188 (4) Type of permit applied for;

189 (5) Current status of the permit, including, but not limited to:

190 (A) 'Submitted';

191 (B) 'Under review';

192 (C) 'Incomplete' or 'additional information required';

193 (D) 'Approved';

194 (E) 'Issued';

195 (F) 'Suspended';

196 (G) 'Denied'; or

197 (H) 'Closed';

- 198 (6) Date of the most recent status update;
199 (7) Any failures to meet deadlines for approval or denial set by state or local law;
200 (8) The statutory basis for any denials; and
201 (9) Identification of the reviewing department or office.
202 (d) The permit status information required by subsection (c) of this Code section shall be:
203 (1) Searchable by permit number, property address, or parcel identification number;
204 (2) Available to the public without charge, registration, or login; and
205 (3) Presented in a format that is continuously accessible and reasonably usable by the
206 general public.
207 (e) Local governments shall ensure that permit status information is accurate and updated
208 in real time. A local government may satisfy the requirements of this Code section by
209 providing a direct public link to a third-party permitting or records management system,
210 provided such system displays the information required by subsection (c) of this Code
211 section.
212 (f) This Code section shall not require the disclosure of:
213 (1) Information protected from public disclosure under state or federal law; or
214 (2) Personal identifying information of permit applicants beyond what is otherwise
215 publicly available under state law.
216 (g) Nothing in this Code section shall be construed to alter substantive permitting
217 standards, review timelines, or appeal rights otherwise provided by law."

218 **SECTION 6.**

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