



Changes are Coming to Georgia:

HOUSE BILL 493 – Private Permitting Review and Inspection Act

Current as of March 27, 2019 | As reported by Council for Quality Growth

SUMMARY

- Requires a city or county that imposes regulatory fees or requirements to publish a schedule of such regulatory fees and regulatory requirements;
- Narrows the timeline that a city or county has to provide or defer plan review for a regulatory action (permit issuance) upon receipt of a completed application from 30 calendar days to 30 business days;
- Narrows the timeline that a city or county has to provide or defer inspection services for a regulatory action upon receipt of a valid written request for inspection to 2 business days;
- Provides an avenue for an applicant to utilize the services of a private professional provider to accomplish plan review;
- Provides an avenue for an applicant to utilize the services of a private professional provider to accomplish a building inspection;

PROCEDURAL POSTURE

House Bill 493 was introduced on February 26 – Legislative Day 22. It was passed by Committee Substitute out of the House Regulated Industries Committee on March 4, and passed by the House on March 7 – Legislative Day 28 – by a vote of 142-20. House Bill 493 passed by Committee Substitute out of the Senate Regulated Industries and Utilities on March 20th. The Senate Chamber passed House Bill 493 by Committee Substitute by a vote of 54-0 on March 26th. The HB 493 will head back to the House chamber to approve the Senate amended changes. If the House chamber disapproves of the Senate amended changes, HB 493 will head to a conference committee.

BILL SUMMARY

- After a city or county accepts an application for a “regulatory action” related to the construction/alteration/etc. of buildings or other structures, a city or county must notify an applicant or owner on whether the city or county will be able to conduct a plan review within 30 days.
- If the city or county attests that it cannot provide a plan review within 30 days, the applicant can choose to retain, at its own expense, a private professional provider (certain professional engineers or certain professional architects) to provide the required plan review.
 - If the applicant elects to use a private professional provider to conduct the plan review, the applicant must remit 50-percent of the county or city’s regulatory fee for the plan review to said jurisdiction.
 - All private professionals conducting a plan review must abide the Department of Community Affairs’ Georgia State Minimum Standard Codes and any locally adopted ordinances and amendments to the codes; applicable zoning ordinances and conditions; design standards; other state and local laws applicable to the application.
- If the city or county can provide a plan review within 30 days, the applicant can choose to retain, at its own expense, a private professional provider to provide the required plan review.
 - If the applicant elects to utilize the services of a private professional provider, the applicant must still remit a “fee” to the city or county that equals no more than the full amount of the regulatory fee associated with the plan review.
 - All private professionals conducting a plan review must abide the Department of Community Affairs’ Georgia State Minimum Standard Codes and any locally adopted ordinances and amendments to the codes; applicable zoning ordinances and conditions; design standards; other state and local laws applicable to the application.



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RELATING TO BUILDING INSPECTION

Upon receipt of a valid written request for inspection, a city or county must notify an applicant whether the city or county will be able to provide inspection services within 2 days.

- If the city or county attests that it cannot provide inspection services within 2 days, the applicant can choose to retain, at its own expense, a private professional provider to provide inspection services.
 - If the applicant elects to use a private professional provider to conduct the inspection, the applicant must remit 50-percent of the county or city's regulatory fee for the plan review to said jurisdiction.
 - All private professionals providing inspection services must abide the Department of Community Affairs' Georgia State Minimum Standard Codes and any locally adopted ordinances and amendments to the codes; applicable zoning ordinances and conditions; design standards; other state and local laws applicable to the application.
- If the city or county attests that it can provide an inspection within 2 days, the applicant can choose to retain, at its own expense, a private professional provider to provide the required inspection.
 - If the applicant elects to utilize the services of a private professional provider, the applicant must still remit a "fee" to the city or county that equals no more than the full amount of the regulatory fee associated with the inspection.
 - All private professionals providing inspection services must abide the Department of Community Affairs' Georgia State Minimum Standard Codes and any locally adopted ordinances and amendments to the codes; applicable zoning ordinances and conditions; design standards; other state and local laws applicable to the application.

RELATING TO INSURANCE COVERAGE

All private professional providers providing plan review or inspection services shall secure and maintain insurance coverage for professional liability (errors and omissions) insurance. The legislation would amend the limits of such insurance which shall be not less than \$1 million in aggregate coverage of any project with a construction cost of \$5 million or less and \$2 million per claim and \$2 million in aggregate coverage for any project with a construction cost of more than \$5 million.