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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Commerce and Insurance
Division:	Division of Fire Prevention
Contact Person:	Jenny Taylor
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Don Coleman
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Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway		
Address 2:	Davy Crockett Tower, Conference Room 6 A/B		
City:	Nashville		
Zip:	37243		
Hearing Date :	11/2/15		
Hearing Time:	10:00 am	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0780-02-23	One and Two Family Dwellings and Townhouses
Rule Number	Rule Title

SS-7037 (July 2014)

RDA 1693

0780-02-23-.01	Definitions
0780-02-23-.02	Adoption By Reference
0780-02-23-.03	Conflicts
0780-02-23-.05	Permits
0780-02-23-.07	Inspections
0780-02-23-.08	Fees
0780-02-23-.09	Certificate of Occupancy
0780-02-23-.10	Dispute Resolution
0780-02-23-.11	Equivalencies
0780-02-23-.12	Local Government Enforcing Residential Building Standards
0780-02-23-.14	Local Government Opting Out Of These Provisions
0780-02-23-.15	Dwelling Units

Amendment
Chapter 0780-02-23
One and Two Family Dwellings and Townhouses

Paragraph (1) of rule 0780-02-23-.01 Definitions shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph (1) shall read as follows:

- (1) For the purposes of this chapter, the following definitions are applicable. All other definitions shall be as provided by the building and electrical standards currently adopted by the Department.
 - (a) Addition means an increase in floor area or height of structure.
 - (b) Construction means the erection of a new building containing a detached one (1) or two (2) family dwelling or townhouse, a change of occupancy of an existing building to a one (1) or two (2) family dwelling or townhouse or, after October 1, 2011, an addition to an existing detached one (1) or two (2) family dwelling or townhouse of thirty (30) square feet or more of interior space. The term "construction" shall not be construed to include excavation, site preparation or renovation. The term "construction" shall also not be construed to include the construction or placement of a modular or manufactured home under T.C.A. Title 68, Chapter 126; however, the term "construction" shall include any additional on-site construction to a modular or manufactured home.
 - (c) Department means the Department of Commerce and Insurance.
 - (d) Deputy State Building Inspector (DBI) means any person who meets the qualifications in T.C.A. § 68-120-101(f)(1) and (2) and is appointed by the Commissioner of Commerce and Insurance to perform inspections of one (1) and two (2) family dwelling and townhouse construction.
 - (e) Division means the Division of Fire Prevention of the Department of Commerce and Insurance.
 - (f) Fire renovation means a renovation required after a fire regardless of whether the walls must be reconstructed.
 - (g) Local government means any city, county, town, municipal corporation, metropolitan government, or political subdivision of the state of Tennessee.
 - (h) One (1) and two (2) family dwelling means a building that contains one (1) or two (2) dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied for living purposes.
 - (i) Property owner's permit means permit applied for by a record owner of the property in order to build a one (1) family dwelling in which the owner intends to live upon completion.
 - (j) Renovation means interior or exterior painting, papering, tiling, carpeting, cabinet installation, counter top installation, reroofing, residing, glazing or replacing windows or doors, floor finishing, repairs to existing chimneys, stairs, porches, underpinnings, exterior siding or roof and similar activities, additions of exterior space and additions of less than thirty (30) square feet of interior space.
 - (k) Townhouse means a single family dwelling unit constructed in a group of three (3) or more attached units that extends from foundation to roof, separated by a two (2) hour fire resistance rated wall assembly, not more than three (3) stories in height,

with a separate means of egress, and an open space or public way on at least two (2) sides.

- (l) Transient occupant means a person who occupies a single dwelling unit for not more than thirty (30) days.

Authority: T.C.A. § 68-120-101.

Rule 0780-02-23-.02 Adoption by Reference shall be amended by deleting the existing rule in its entirety and substituting the following, so that, the new rule shall read as follows:

0780-02-23-.02 Adoption by Reference.

- (1) Unless otherwise provided by applicable law or the provisions of this chapter, the required minimum standards for the construction of one (1) and two (2) family dwellings and townhouses, and additions thereto of thirty (30) square feet or more of interior space, in the state of Tennessee shall be those prescribed in the following publications:

- (a) International Residential Code (IRC), 2009 edition, published by the International Code Council, Inc. (ICC), 500 New Jersey Avenue Northwest, 6th Floor, Washington, D.C., 20001, except for:

- 1. Section R313, Automatic Fire Sprinkler Systems, pursuant to T.C.A. § 68-120-101(a)(8); and,
- 2. Chapters 34-43, relating to Electrical.

- (b) International Energy Conservation Code (IECC), 2009 edition, published by the International Code Council, Inc., (ICC), except for:

- 1. Section 402.4.2.1, Testing option; and,
- 2. Section 403.2.2, Sealing Mandatory.

- (c) Amendments to the Standards:

- 1. IRC, Section 314.4, Power Source, relating to Smoke Alarms, is amended by deleting Exception 2 and replacing it with the following language:

Exception 2. Interconnection and hard-wiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior walls or ceiling finishes exposing the structure.

- 2. IECC, Table N1102.1, Insulation and Fenestration Requirements by Component, is amended by adding the following as footnote "l": "Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 3 when a Fenestration U-Factor of .50 or lower is used, a Skylight U-Factor of .65 or lower is used, a Glazed Fenestration SHGC of .30 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used.

- 3. IECC, Table N1102.1, Insulation and Fenestration Requirements by Component, is amended by adding the following as footnote "m": "Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 4 when a Fenestration U-Factor of .35 or lower is used, a Skylight U-Factor of .60 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used.

- (2) Paragraph (1) of this rule shall not be construed as adopting any provision of the cited publications which establishes:
 - (a) any provision superseded by law;
 - (b) an optional or recommended, rather than mandatory, standard or practice; or
 - (c) any agency, procedure, fees or penalties for administration or enforcement purposes inconsistent with these rules.
- (3) The provisions of the standard adopted by reference in paragraph (1) shall govern the manner in which:
 - (a) the standard is applied to construction of one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) or more square feet of interior space as defined in this chapter;
 - (b) occupancies and types of construction are classified for the purpose of determining minimum requirements of the standard; and,
 - (c) the specific requirements of the standard may be modified to permit the use of alternate materials or methods of construction.

Authority: T.C.A. § 68-120-101.

Paragraph (1) of rule 0780-02-23-.03 Conflicts shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph (1) shall read as follows:

- (1) In the event of a conflict or inconsistency between the standards adopted by reference in Tenn. Comp. R. & Regs. 0780-02-23-.02 and 0780-02-01-.02 (Electrical Installations), the most stringent provisions shall control.

Authority: T.C.A. § 68-120-101.

Rule 0780-02-23-.05 Permits shall be amended by deleting the existing rule in its entirety and substituting the following, so that, the new rule shall read as follows:

0780-02-23-.05 Permits.

- (1) After October 1, 2010, no construction of a one (1) or two (2) family dwelling or townhouse shall be started without securing a building permit from an issuing agent authorized by the Commissioner of Commerce and Insurance, except in an exempt jurisdiction or in the unincorporated areas of a county or in a municipality that have opted out of these provisions. The permit must be secured in the area where the work is to be performed until a certificate of occupancy is issued. A separate permit shall be required for each unit of a townhouse. Issuing agents may retain no more than fifteen dollars (\$15.00) for issuing permits. This fifteen dollar (\$15.00) fee shall be retained from the applicable permit fee for inspection referenced in Tenn. Comp. R. & Regs. 0780-02-23-.08.
- (2) After October 1, 2011, no construction of an addition to a one (1) or two (2) family dwelling or townhouse of thirty (30) square feet or more of interior space shall be started without securing a building permit from an issuing agent authorized by the Commissioner of Commerce and Insurance, except in an exempt jurisdiction or in the unincorporated areas of a county or in a municipality that have opted out of these provisions. The permit must be secured in the area where the work is to be performed until a certificate of occupancy is issued. Issuing agents may retain no more than fifteen dollars (\$15.00) for

issuing permits. This fifteen dollar (\$15.00) fee shall be retained from the applicable permit fee for inspection referenced in Tenn. Comp. R. & Regs. 0780-02-23-.08.

- (3) A property owner's permit shall automatically expire upon completion of the work for which the permit was issued. All work done under such permit shall be subject to regular inspection requirements and fees and other applicable laws and regulations. Pursuant to T.C.A. § 62-6-103, an individual may obtain only one (1) property owner's permit within a twenty four (24) month period.
- (4) (a) When applying for a permit, an applicant shall complete a form prescribed by the Department containing at least the following information:
 1. The location where the work will be performed including street address, if available;
 2. A description of the work to be performed;
 3. The use and occupancy of the structure;
 4. The valuation of the project;
 5. The square footage of the construction; and,
 6. The signature of the applicant.
- (b) When applying for a permit, an applicant shall present:
 1. Payment in an acceptable form in the amount of the permit fee; and,
 2. Licensure pursuant to T.C.A. Title 62, Chapter 6 (except for a property owner's permit).
- (c) When applying for a permit, an applicant shall certify and have proof available, if requested, of:
 1. Availability of public sewer or a septic permit; and,
 2. Any license or permit required by state law or local ordinance.
- (5) All building permits are non-transferable.
- (6) In the event more than one (1) rejection is issued during the building inspection process, an additional inspection permit must be applied for and obtained for each subsequent rejection.
- (7) (a) A building permit shall be void if the authorized work is not commenced within one hundred eighty (180) days after its issuance. If the work authorized by a permit is commenced and then suspended or abandoned for a period of one hundred eighty (180) days a building permit shall be void. The Commissioner of Commerce and Insurance, or designee, is authorized to grant one or more extensions of time, for periods of not more than one hundred eighty (180) days each. The extension must be requested in writing and justifiable cause demonstrated.
- (b) Every building permit shall expire two (2) years from the date of issue or upon the issuance of the certificate of occupancy unless:
 1. the Commissioner of Commerce and Insurance, or designee, determines that substantial progress has been made in the work authorized by the permit; and,

2. the permit holder is granted an exception or extension after submitting a written request to the Commissioner of Commerce and Insurance, or designee.
- (c) No construction work for which a permit is required shall be commenced in any building or premises until a permit to perform such work is obtained.
- (8) The original permit, along with any other required state or local permit, shall be placed on site and readily available for inspection. Upon completion of a request form prescribed by the Department, a duplicate original permit may be obtained for a fee of ten dollars (\$10.00) in the event of a loss or destruction thereof.
- (9) It is the responsibility of all persons performing work on the site to comply with the required standards.
- (10) The issuance of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or of any state law or regulation or any ordinance of the local jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this chapter, any state law or regulation or any ordinance of the local jurisdiction shall not be valid. The issuance of a permit based on construction documents or other data shall not prevent the Department from requiring the correction of errors in the construction documents or other data. The Department is also authorized to prevent occupancy or use of a structure where there is a violation of the chapter or any state law or regulation.

Authority: T.C.A. § 68-120-101.

Paragraph (2) of rule 0780-02-23-.07 Inspections shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph (2) shall read as follows:

- (2) (a) Inspections are required on:
 1. Foundations after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, equipment and special requirements for wood foundations. Monolith poured slabs shall be inspected as the footing for the structure.
 2. After October 1, 2011, plumbing and mechanical systems prior to covering or concealment, before fixtures or appliances are set or installed, and prior to or at the same time as the framing inspection.
 3. Frame after roof, framing, fire stopping, draft stopping, bracing rough in plumbing, rough in mechanical and rough in electrical are in place.
 4. Attached garages.
 5. Prefabricated walls.
 6. Fire renovations.
 7. Final after the permitted work is complete and prior to occupancy.
- (b) If a slab foundation, other than a monolith pour, is to be used, an inspection of the slab shall be required in addition to the foundation inspection. Monolith pour, or monolith slab

foundation that consists of a single concrete slab with thickened portions of slab under loadbearing walls, does not require a separate inspection.

- (c) Energy efficiency inspections shall occur during the required inspections specified in Tenn. Comp. R. & Regs. 0780-02-23-.08(2) as required by the adopted standards.

Authority: T.C.A. § 68-120-101.

Paragraph (4) of rule 0780-02-23-.07 Inspections shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph (4) shall read as follows:

- (4) Inspections shall be conducted in the order set out in paragraph (2) of this rule. Work shall not be done beyond the point indicated in each successive inspection without first obtaining approval of the building inspector. The building inspector, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the adopted standards. Any portions that do not comply with the standards shall be corrected and such portions shall not be covered or concealed until authorized by the building inspector.

Authority: T.C.A. § 68-120-101.

Paragraph (5) of rule 0780-02-23-.07 Inspections shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph (5) shall read as follows:

- (5) The Commissioner of Commerce and Insurance, or designee, may waive an inspection if an inspection letter approving the work acceptable to the Division is signed and submitted by an architect or engineer currently registered in the state of Tennessee.

Authority: T.C.A. § 68-120-101.

Rule 0780-02-23-.08 Fees shall be amended by deleting the existing rule in its entirety and substituting the following, so that, the new rule shall read as follows:

0780-02-23-.08 Fees.

- (1) The fee shall be payable in full at the time of application for a building permit. The fee shall be determined based on actual expected construction costs; however, the actual costs shall not be less than the construction cost based on the latest available Building Valuation Data published by the International Code Council (using a 0.60 Cost Modifier, except for the footnotes). The fee for a permit for construction shall be as specified in the following table:

Total Construction Cost	Fee
\$0.00 to \$5,000	\$100
\$5,001 to \$100,000	\$350
\$100,001 to \$150,000	\$400
\$150,001 to \$200,000	\$450
\$200,001 to \$250,000	\$500
\$250,001 to \$300,000	\$550

\$300,001 AND UP \$550 for the first \$300,000; plus \$50.00 for each additional fifty thousand dollars (\$50,000) above \$300,000 or fraction thereof.

- (a) When the permit fee is to be collected from another state department or agency, the permit may be issued once all information needed to invoice or journal voucher the other state department or agency has been received.
 - (b) If the application for a building permit must be resubmitted because its issuance has become invalid under paragraph (3) of rule 0780-02-23-.05, the fee established in this rule will be imposed.
- (2) After October 1, 2011, the fee for a plumbing and mechanical inspection shall be one hundred dollars (\$100.00) in addition to the fees above.
 - (3) The fee for a slab inspection, other than monolith pours, shall be one hundred dollars (\$100.00) in addition to the fees above.
 - (4) The fee for a prefabricated wall inspection shall be one hundred dollars (\$100.00) in addition to the fees above.
 - (5) The fee for a re-inspection necessitated by more than one (1) rejection on a project shall be one hundred dollars (\$100.00).
 - (6) The fee for a consultation inspection or a temporary certificate of occupancy shall be one hundred dollars (\$100.00).
 - (7) The Division may require appropriate documentation of costs (such as contractors' bids or invoice) if:
 - (a) In the Division's opinion, the construction cost of a project has been underestimated in a permit application based on the latest available Building Valuation Data published by the International Code Council (using a 0.60 Cost Modifier, except for the footnotes).
 - (b) After initial review, if such documentation warrants an additional permit charge it shall be computed, assessed, and paid promptly and no further construction shall be authorized pursuant to the authority of the permit until payment is made.
 - (8) If a permit expires before completion of a project or a project is stopped before its completion, the permit holder shall be entitled to a refund of the inspection fees that would have been due to the deputy building inspector under their contract for any required inspection under Tenn. Comp. R. & Regs. 0780-02-23-.08 that was not performed, provided that the permit holder requests such refund on a form prescribed by the Division within sixty (60) days of the expiration of the permit or the date the project stopped.
 - (9) Any person who begins any work on any building or structure before obtaining the necessary permit required under this chapter shall be subject to an additional fee of one hundred percent (100%) of the required permit fee for each violation thereof.

Authority: T.C.A. § 68-120-101.

Paragraph (3) of rule 0780-02-23-.09 Certificate of Occupancy shall be amended by deleting the existing paragraph in its entirety and by substituting the following, so that, the new paragraph (3) shall read as follows:

- (3) The certificate of occupancy shall state:

- (a) the building permit number;
- (b) the address of the building;
- (c) the name and address of the building owner;
- (d) the name of the deputy building inspector;
- (e) the edition of the standard the building permit was issued under; and,
- (f) the date of issuance.

Authority: T.C.A. § 68-120-101.

Paragraph (5) of rule 0780-02-23-.09 Certificate of Occupancy shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph (5) shall read as follows:

- (5) The Division may suspend or revoke a certificate of occupancy issued under the provisions of this chapter if the certificate of occupancy is issued in error, or on the basis of incorrect, inaccurate or incomplete information, or in violation of any state law or regulation or any of the provisions of this chapter.

Authority: T.C.A. § 68-120-101.

Rule 0780-02-23-.10 Dispute Resolution shall be amended by deleting the existing rule in its entirety and substituting the following, so that, the new rule shall read as follows:

0780-02-23-.10 Dispute Resolution.

- (1) Disputes that arise during the inspection process shall be resolved as follows:
 - (a) When a dispute arises as to the interpretation or applicability of a provision of the adopted standard between the owner, designer or contractor on a project and the deputy building inspector inspecting the project, the dispute shall be submitted to the Director of Contract Services, or designee, for resolution.
 - (b) If the owner, designer or contractor disagrees with the decision of the Director of Contract Services, or designee, the dispute shall be submitted to the Director's supervisor within the Division for resolution.
 - (c) If the owner, designer or contractor disagrees with the decision of the Director of Contract Services' supervisor within the Division, the dispute shall be submitted to the Commissioner of Commerce and Insurance, or designee, for resolution.
 - (d) At any point during this process, the parties may agree to submit the dispute to the publisher of the standard for a written opinion.
- (2) The entire dispute resolution process set forth in paragraph (1) above shall be completed as quickly as possible, but no more than thirty (30) calendar days from the date that the dispute is first submitted for resolution, unless the dispute is submitted to the publisher of the standard for an opinion.
- (3) If there are any fees charged by the publisher of the standard for rendering its written opinion, those fees shall be paid by the owner of the project before a certificate of occupancy will be issued by the Division.

Authority: T.C.A. § 68-120-101.

Rule 0780-02-23-.11 Equivalencies shall be amended by deleting the existing rule in its entirety and substituting the following, so that, the new rule shall read as follows:

0780-02-23-.11 Equivalencies.

- (1) Wherever there are practical difficulties involved in carrying out the provisions of this chapter and the standards adopted in this chapter, the Commissioner of Commerce and Insurance, or designee, shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Commissioner of Commerce and Insurance, or designee, shall first find that the special individual reason makes the strict application of the standards adopted in this chapter impractical and the modification is in compliance with the intent and purpose of the standards adopted in this chapter and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and kept in the files of the Division.
- (2) The provisions of the standards adopted in this chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the standards, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Commissioner of Commerce and Insurance, or designee, finds that the proposed design is satisfactory and complies with the intent of the standards adopted in this chapter, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed by the standards adopted in this chapter in quality, strength, effectiveness, fire resistance, durability and safety.

Authority: T.C.A. § 68-120-101.

Rule 0780-02-23-.12 Local Government Enforcing Residential Building Codes shall be amended by deleting the existing rule in its entirety and substituting the following, so that, the new rule shall read as follows:

0780-02-23-.12 Local Government Enforcing Residential Building Standards.

- (1) Purpose. Pursuant to T.C.A. § 68-120-101, a local government may be responsible for adopting and enforcing building construction and fire safety standards for one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space. The county or city is authorized to charge and receive a fee for each inspection performed. This rule sets forth the criteria by which local governments are authorized to adopt and enforce residential building standards and procedures by which the Division may review such authorization.
- (2) Initial Authorization.
 - (a) On or before July 1, 2010, or upon subsequent adoption thereof, a local government meeting the requirements of T.C.A. § 68-120-101 to adopt and enforce building construction and fire safety standards for one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space, shall provide the Division with the following information:
 1. The title and edition of the residential building construction standard adopted and enforced by the local government;
 2. The number and types of inspections that will be conducted;
 3. A description of the permit issuance, enforcement and recordkeeping process for

all inspection activities;

4. The names of all persons who are employed by the local government to perform building inspections on the construction of one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space and who meet the training requirements of T.C.A. §§ 68-120-101(f)(1)(B), 68-120-113, and 68-120-118; and,
 5. The Division may request any other documentation it deems necessary from a local government to evidence compliance with the requirements of T.C.A. § 68-120-101, and may conduct an on-site review of the local government's residential building permit and inspection process.
- (3) Except as provided in T.C.A. § 68-120-101, or otherwise approved in writing by the state fire marshal, no city, county, town, municipal corporation, metropolitan government, or political subdivision of the state of Tennessee shall adopt or enforce any ordinance prescribing less stringent standards of fire prevention, fire protection, or building construction safety than those established hereunder. The residential building construction standards adopted by a local government shall be current within seven (7) years of the date of the latest edition published. Any amendments to the edition of the standard adopted by the local government shall be designed to afford a reasonable degree of safety to life and property from fire and hazards incident to the design, construction, alteration, and repair of buildings or structures within the jurisdiction.
- (4) Review of Local Government Authorization.
- (a) For any local government that is authorized to adopt and enforce a building construction standard for one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space, the Division will conduct a review of the local government's authorization at least once every three (3) years. The local government shall submit the following information on a form provided by the Division within thirty (30) days of its receipt of the form.
 1. The title and edition of the residential building construction standard that has been adopted and is being enforced;
 2. The number and types of inspections that are conducted;
 3. A description of the permit issuance, enforcement and recordkeeping process for all inspection activities;
 4. The names of all persons who are employed by the local government to perform building inspections on the construction of one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space and who meet the training requirements of T.C.A. §§ 68-120-101(f)(1)(B), 68-120-113, and 68-120-118; and,
 5. The Division may request any other documentation it deems necessary from the local government to evidence compliance with the requirements of T.C.A. § 68-120-101, and may conduct an on-site review of the local government's residential building permit and inspection process.
 - (b) Each local government selected for an on-site review pursuant to this paragraph will be notified of the review in writing.
 - (c) Report of Review.

1. After conclusion of the review, the Division will notify the local government in writing whether the local government's adopted residential building standard is current as required by law and whether there is any area in which the local government is not adequately enforcing the adopted standard or properly performing inspections.
2. If the local government has not adopted a current residential building standard or is not adequately enforcing the adopted standard or properly performing inspections, the notification will contain recommended corrective action, and the local government will be directed to submit a plan of corrective action to the Division within thirty (30) days after its receipt of the notification. The plan of corrective action shall be sufficiently detailed so as to ensure compliance with all requirements for initial authorization.
3. Within thirty (30) days after receipt of the local government's plan of corrective action, the Division shall either approve or disapprove the plan. If the plan is approved, the Division may conduct periodic follow-up reviews to ensure continued compliance with the plan. If the plan is not approved, the Division may remove the local government's authorization to conduct building inspections on the construction of one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space.

Authority: T.C.A. § 68-120-101.

Rule 0780-02-23-.14 Local Government Opting Out Of These Provisions shall be amended by deleting the existing rule in its entirety and substituting the following, so that, the new rule shall read as follows:

0780-02-23-.14 Local Government Opting Out Of These Provisions.

Any local government opting out of the provisions of T.C.A. § 68-120-101 regarding residential building standards for one (1) and two (2) family dwellings, townhouses and additions thereto of thirty (30) square feet or more of interior space shall submit to the Division the following:

- (1) a certified copy of the resolution opting out of these provisions;
- (2) the date of the next election for the legislative body; and,
- (3) the name and mailing address of the person responsible by law for recordkeeping for the legislative body and to whom any notifications should be sent.

Authority: T.C.A. § 68-120-101.

New Rule
Chapter 0780-02-23
One and Two Family Dwellings and Townhouses

0780-02-23-.15 Dwelling Units

- (1) A single dwelling unit providing complete independent living facilities including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation, may meet the requirements of a one (1) and two (2) family dwelling and shall not be subject to the provisions of Tenn. Comp. R. & Regs. 0780-02-03 (Review of Construction Plans and Specifications) if the dwelling unit:
 - (a) is three (3) stories or less;
 - (b) has a maximum occupancy of ten (10) or fewer transient occupants; and,

- (c) and consists of a gross area of less than five thousand square feet (5,000).
- (2) A dwelling unit must be in compliance with Paragraph (1) of this rule in order to qualify for classification as a one (1) or two (2) family dwelling unit. Any noncompliance with a single criterion may result in the dwelling unit being classified as nonresidential.
- (3) A boarding house or congregate living facility shall meet the requirements of the applicable standards adopted pursuant to T.C.A. § 68-120-101 and Tenn. Comp. R. & Regs. 0780-02-02 (Codes and Standards) and 0780-02-03 (Review of Construction Plans and Specifications).

Authority: T.C.A. § 68-120-101.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 9-8-15

Signature: *Jenny Taylor*

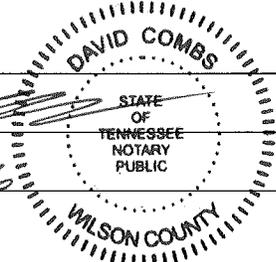
Name of Officer: Jenny Taylor

Title of Officer: Assistant General Counsel

Subscribed and sworn to before me on: 9/8/15

Notary Public Signature: *[Signature]*

My commission expires on: 12/6/16



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Filed with the Department of State on: 9/8/15

Tre Hargett
Tre Hargett
Secretary of State

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