

Georgia's Construction Codes Program

Construction Codes Program and Code Adoption Process

Georgia's uniform construction codes are designed to help protect the life, health, and property of all Georgians from faulty design and construction of houses, buildings, and similar structures. Georgia codes are based on national model codes adopted by the International Codes Council (ICC) through a consensus process, www.iccsafe.org.

Georgia law, O.C.G.A. Section 8-2-20(9)(B) identifies ten "state minimum standard codes". Each of these separate codes typically consists of a base code (e.g. The International Residential Code (IRC) as published by ICC) and a set of Georgia amendments to the base code. Georgia law further dictates that eight of these codes are "mandatory" and are applicable to all construction whether or not they are locally enforced and two are "permissive" and are only applicable if a local government chooses to adopt and enforce one or more of these codes.

Georgia's Construction Codes

Mandatory:

International Building Code*
International Fuel Gas Code*
International Mechanical Code*
International Plumbing Code*
National Electrical Code
International Fire Code*
International Energy Conservation Code*
International Residential Code*
**With Georgia amendments*

Optional:

International Property Maintenance Code*
International Existing Building Code*
National Green Building Standard*
Disaster Resilient Building Codes
International Swimming Pool & Spa Code
**With Georgia Amendments*

Local enforcement of these codes is authorized by the Uniform Codes Act, which states in part:

The governing authority of any municipality or county in this state is authorized to enforce and/or adopt and enforce the state minimum standard codes; to provide for the local administration of such codes; to require building permits and fix charges therefor, see OCGA 8-2-26(a)(4), to provide for inspection of buildings or similar structures to ensure compliance with the state minimum standard codes; to provide inspection and enforcement personnel and services necessary to ensure compliance with the codes; and provide for penalties for noncompliance with such codes. In addition, OCGA 8-2-23(2) states that revisions to the Energy Code shall be not become effective without the approval of the Division of Energy Resources of the Georgia Environmental Finance Authority (GEFA).

New editions of the national model codes are reviewed, amended, and revised as necessary by the Georgia Department of Community Affairs (DCA) through the State Codes Advisory Committee (SCAC) with the approval of the Board of Community Affairs. Code amendments may be initiated by the department or upon recommendation from any citizen, profession, state agency, political subdivision of the state, or the codes advisory committee which is authorized by the Uniform Codes Act. Proposed amendments to existing codes should be submitted to the Department by December 15 for consideration by the SCAC the following year.

New provisions and amendments or modifications of the state construction code requirements go into effect after approval by the Board of Community Affairs upon filing with the Secretary of State in accordance with the Administrative Procedures Act. The approval of the State Codes Advisory Committee must be obtained before the proposed changes can be submitted to the Board of Community Affairs.

The State Codes Advisory Committee

The State Codes Advisory Committee (SCAC) is established by O.C.G.A 8.2.24 and plays a major role in the development and review of state construction codes. The committee is made up of 21 members who are experts in the various codes and who are chosen to represent the diverse interests of citizens, builders, engineers, designers, and other groups. (see attached list). Tim Williams, HBAG Past President, serves as the representative of residential construction and was the 2012-2013 Chairman.

The Georgia Safety Fire Commissioner and the Commissioner of the Department of Human Resources, or their designees, are ex officio members of the advisory committee. The remaining members are appointed by the Commissioner of DCA.

The State Codes Advisory Committee (SCAC) uses task forces to assist in the review of new codes or amendments to existing codes. A task force is made up of experts in its particular field, such as building, mechanical, plumbing, electrical, gas, housing, fire prevention, or energy. Staff support for these task forces is provided by the Codes and Industrialized Buildings Section of DCA. While the SCAC is very concerned about the safety of Georgia citizens, economic costs are taken into consideration and weighed against benefits.

Local Enforcement of State Codes

As noted above, the building, residential, fire, plumbing, mechanical, gas, electrical and energy codes are mandatory codes, meaning that under Georgia law, any structure built in Georgia must comply with these codes, whether or not the local government chooses to locally enforce these codes.

In addition, since Georgia law gives these codes statewide applicability, local governments should not adopt the mandatory codes themselves. Local governments must, however, adopt administrative procedures in order to enforce them (O.C.G.A. Section 8-2-25(a)). However, the local government can choose which of the mandatory codes it wishes to locally enforce.

The remaining codes are referred to as permissive codes. Unlike the mandatory codes, in order for a local government to enforce one or more of these permissive codes, that code or codes must be adopted, either by ordinance or resolution, by the local jurisdiction. A copy of the ordinance or resolution adopted must be forwarded to DCA per O.C.G.A. Section 8-2-25 (b).

Administration and Enforcement of the State Minimum Standard Codes

In order to properly administer and enforce the state minimum standard codes, local governments must adopt reasonable administrative provisions. The power to adopt these administrative procedures is set forth in O.C.G.A. Section 8-2-26(a)(1). These provisions should include procedural requirements for the enforcement of the codes, provisions for hearings, provisions for appeals from decisions of local inspectors, and any other procedures necessary for the proper local administration and enforcement of the state minimum standard codes. These powers include:

- Inspecting buildings and other structures to ensure compliance with the code;
- Employing inspectors and other personnel necessary for the proper enforcement of codes;
- Requiring permits and to establishment charges for said permits; and
- Contracting with other local governments for code enforcement.

DCA periodically reviews, amends and/or updates the state minimum standard codes. If a local government chooses to locally enforce any of these codes, it must enforce the latest editions and the amendments adopted by DCA.

DCA has developed a sample resolution/ordinance that may be used as a guide for local governments in the development of their administrative procedures.

Appendices

It should be noted that The Uniform Codes Act states that the appendices of the codes are not enforceable unless referenced in the body of the code, adopted by DCA, or specifically adopted by a municipality or county. If any appendices have been adopted by DCA, they will be noted in the Georgia amendments to the base code.

Local Amendments

The Uniform Codes Act provides that local governments may, under certain conditions, adopt local amendments to the state minimum standard codes. **DCA does not approve or disapprove any local amendment. The department provides a recommendation only. However, in order to enforce any local amendment, the local government must submit the proposed amendment to DCA for review** (O.C.G.A. Section 8-2-25(c)).

There are several requirements local governments must meet in order to enact a local code amendment. These requirements are as follows:

- The requirements in the proposed local amendment cannot be less stringent than the requirements in the state minimum standard code;
- The local requirements must be based on local climatic, geologic, topographic, or public safety factors;
- The legislative findings of the local governing body must identify the need for the more stringent requirements; and

- The local government must submit the proposed amendment to DCA 60 days prior to the proposed adoption of such an amendment.

After submittal of the proposed local amendment, DCA has 60 days in which to forward its recommendations to the local government. DCA may respond in three ways: recommend adoption of the amendment, recommend the amendment not be adopted, or have no comment on the proposal. If DCA recommends against the adoption of the proposed amendment, the local governing body must vote specifically to reject DCA's recommendation before the local amendment can be adopted and enforced. If DCA fails to respond within the 60-day timeframe, the local government may adopt the proposed local amendment.

After adoption by the local governing authority, copies of local amendments must be filed with DCA. The local government is also required to post notices of local amendments.

Information and Assistance

To request additional information on Georgia's construction codes, training programs for local code enforcement officials, or technical assistance, contact:

Georgia Department of Community Affairs
Codes and Industrialized Buildings Section
60 Executive Park South, NE
Atlanta, GA 30329-2231
Telephone: 404-679-3118 Fax: 404-679-0646
codes@dca.ga.gov
www.dca.ga.gov