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Sequence Number: 05-24-23  
Notice ID(s): 3640  
File Date: 5/15/2023

# 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.*

<b>Agency/Board/Commission:</b>	The Department of Commerce and Insurance
<b>Division:</b>	Fire Prevention
<b>Contact Person:</b>	Beth Schulenberg
<b>Address:</b>	500 James Robertson Parkway, Nashville, Tennessee 37243
<b>Phone:</b>	615-532-7899
<b>Email:</b>	Elizabeth.leflerschulenberg@tn.gov

*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:*

<b>ADA Contact:</b>	Don Coleman
<b>Address:</b>	500 James Robertson Parkway, Nashville, TN 37243
<b>Phone:</b>	615-741-6500
<b>Email:</b>	Don.Coleman@TN.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway		
Address 2:	Conference Room 1A		
City:	Nashville		
Zip:	37243		
Hearing Date:	07/10/2023		
Hearing Time:	10:00AM	<u>  X  </u> CST/CDT	<u>    </u> EST/EDT

**Additional Hearing Information:**

N/A

**Revision Type (check all that apply):**

- ☒ Amendment  
☐ New  
☐ Repeal

**Rule(s)** (**ALL** chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

<b>Chapter Number</b>	<b>Chapter Title</b>
0780-02-23	One- and Two-Family Dwellings and Townhouses
<b>Rule Number</b>	<b>Rule Title</b>
0780-02-23-.05	Permits
0780-02-23-.07	Inspections
0780-02-23-.12	Local Government Enforcing Residential Building Codes and Standards
0780-02-23-.15	Dwelling Units

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

**RULE OF  
DEPARTMENT OF COMMERCE AND INSURANCE DIVISION  
OF FIRE PREVENTION  
CHAPTER 0780-02-23  
ONE AND TWO FAMILY DWELLINGS AND TOWNHOUSES  
AMENDMENTS**

Rule 0780-02-23-.05 Permits is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) 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. A separate permit shall be required for each unit of a townhouse. Issuing agents shall receive no more than fifteen dollars (\$15.00) for each issued permit. This fifteen-dollar (\$15.00) fee shall be remitted from the applicable permit fee for inspection referenced in Tenn. Comp. R. & Regs. 0780-02-23-.08.
- (2) 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. Issuing agents shall receive no more than fifteen dollars (\$15.00) for each issued permit. This fifteen-dollar (\$15.00) fee shall be remitted 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;
  6. The signature of the applicant; and
  7. If applicable, a copy of the form issued by the appropriate municipal or county official stating the estimated tax liability if required by T.C.A. § 67-4-2910(a)(1).

(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 (proof of licensure is not required for a property owner purchasing the permit when the property owner is performing the work).
- (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 shall be 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 (1) or more extensions of time, for period of not more than one hundred eighty (180) days each. All extensions shall 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 shall be 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 the loss or destruction of the original permit.
- (9) It shall be the responsibility of all persons performing work on the site to comply with the required codes and 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 Division from requiring the correction of errors in the construction documents or other data. The Division 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(a), (b), and (d).

Rule 0780-02-23-.07 Inspections is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) Inspections of construction of one (1) family and two (2) family dwellings, townhouses begun after October 1, 2010, and additions thereto of thirty (30) square feet or more of interior space begun after October 1, 2011, will be conducted by deputy building inspectors appointed under contract with the Commissioner of Commerce and Insurance pursuant to T.C.A. § 68-120-101.
  - (a) Fees for such inspections for services in subparagraph (2)(a) are specified in rule 0780-02-23-.08.
  - (b) Fees charged for additional inspections, including consultation inspections, slab inspections, plumbing, mechanical and gas inspections and inspections necessitated by more than one (1) rejection on the project, are specified in rule 0780-02-23-.08.
- (2) (a) Inspections shall be 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 codes and standards.
- (3) It shall be the duty of the permit holder or agent thereof to notify the building inspector through the permit issuing agent that such work is ready for inspection. It shall be the duty of the person requesting any inspections required to provide access to and means for inspection of such work.
- (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 adopted codes and standards shall be corrected and such portions shall not be covered or concealed until authorized by the building inspector.

- (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.
- (6) Inspectors shall not inspect the work of family members or other relations where such inspection creates a conflict or the appearance of impropriety as determined by the Commissioner, or designee.

**Authority:** T.C.A. § 68-120-101(a), (b), and (d).

Rule 0780-02-23-.12 Local Government Enforcing Residential Building Codes and Standards is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

Purpose. Pursuant to T.C.A. § 68-120-101, a local government may be responsible for adopting and enforcing residential building construction and fire safety codes and 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 codes and standards and the procedures by which the Division may review such authorization. A local government, as authorized by T.C.A. § 68-120-101(b)(7), may adopt an ordinance or resolution related to exterior construction materials for aesthetic purposes only.

(1) 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 residential building construction and fire safety codes and 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 titles and editions of the residential building construction and fire safety codes and standards for one (1) and two (2) family dwellings and townhouses 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 record-keeping process for all residential inspection activities.
  4. The names of all persons who are employed by the local government to perform residential 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;
  5. Any other documentation the Division deems necessary from a local government to evidence compliance with the requirements of T.C.A. §§ 68-120-101, 68-120-113 and 68-120-118. The Division may conduct an on-site review of the local government's residential building permit and inspection process; and
  6. A statement guaranteeing that the local government will not allow inspectors (contractors or employees) to inspect the work of family members or other relations where such an inspection would create a conflict or give the appearance of impropriety. If a question about the degree of kinship or the relationship arises, the local government shall err on the side of caution and prevent such inspections. If there is a conflict between the local government and the State Fire Marshal's determination, the State Fire Marshal's decision shall prevail.

- (2) 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 and fire safety codes and 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 editions of the standards and codes 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. If a local government adopts a less stringent seismic standard, the local government shall submit the request in writing with a letter from an engineer registered in Tennessee confirming that the proposed standards afford, to a reasonable degree, building construction standards to protect life and property. A local government may also request to adopt a less stringent seismic standard proposed by a different political subdivision if that standard was previously approved by the state fire marshal.
- (3) Review of Local Government Authorization.
- (a) For any local government that is authorized to adopt and enforce residential building construction and fire safety codes and standards 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 titles and editions of the residential building construction and fire safety codes and standards for one (1) and two (2) family dwellings and townhouses adopted and enforced by the local government;
  2. The number and types of residential inspections that are conducted;
  3. A description of the permit issuance, enforcement, and recordkeeping process for all residential inspection activities;
  4. The names of all persons who are employed by the local government to perform residential building inspections on the construction of one (1) and two (2) family dwellings, townhouses, and additions 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. Any other documentation the Division deems necessary from the local government to evidence compliance with the requirements of T.C.A. §§ 68-120-101, 68-120-113 and 68-120-118. The Division 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 shall be notified of the review in writing.
- (c) Report of Review.
1. After conclusion of the review, the Division shall notify the local government in writing whether the local government's adopted residential building construction and fire safety codes and standards are current as required by law, whether there are any areas in which the local government is not adequately enforcing the adopted codes and standards, and whether the local government's personnel is properly performing inspections.

2. If the local government has not adopted current residential building codes and standards, is not adequately enforcing the adopted codes and standards, or is not properly performing inspections, the notification shall contain recommended corrective action, and the local government shall 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(a), (b), and (d).

Rule 0780-02-23-.15 Dwelling Units is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (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 and only if the dwelling unit:
  - (a) Is three (3) stories or less;
  - (b) Has a maximum occupancy of twelve (12) or fewer transient occupants; and,
  - (c) And consists of a gross area of less than five thousand square feet (5,000).
- (2) 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-Codes and Standards) and 0780-02-03 (Review of Construction Plans and Specifications).
- (3) Smoke alarms in dwelling units shall be no more than ten (10) years old from the date of manufacture. Battery-only powered devices shall be powered by a ten (10) year sealed battery.

**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: 05/15/2023

Signature: Beth Schulenberg

Name of Officer: Beth Schulenberg

Title of Officer: Associate General Counsel

**Department of State Use Only**

Filed with the Department of State on: 5/15/2023

Tre Hargett

Tre Hargett  
Secretary of State

**RECEIVED**

May 15 2023, 1:45 pm

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# Notice of Rulemaking Hearing- **REDLINE**

*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.*

<b>Agency/Board/Commission:</b>	The Department of Commerce and Insurance
<b>Division:</b>	Fire Prevention
<b>Contact Person:</b>	Beth Schulenberg
<b>Address:</b>	500 James Robertson Parkway, Nashville, Tennessee 37243
<b>Phone:</b>	615-532-7899
<b>Email:</b>	Elizabeth.leflerschulenberg@tn.gov

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<b>Address:</b>	500 James Robertson Parkway, Nashville, TN 37243
<b>Phone:</b>	615-741-6500
<b>Email:</b>	Don.Coleman@TN.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway			
Address 2:	Conference Room 1A			
City:	Nashville			
Zip:	37243			
Hearing Date:	07/10/2023			
Hearing Time:	10:00AM	<input checked="" type="checkbox"/> X CST/CDT	<input type="checkbox"/> EST/EDT	

**Additional Hearing Information:**

N/A
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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 here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

<b>Chapter Number</b>	<b>Chapter Title</b>
0780-02-23	One- and Two-Family Dwellings and Townhouses
<b>Rule Number</b>	<b>Rule Title</b>
0780-02-23-.05	Permits
0780-02-23-.07	Inspections
0780-02-23-.12	Local Government Enforcing Residential Building Codes and Standards
0780-02-23-.15	Dwelling Units

**RULE OF**  
**DEPARTMENT OF COMMERCE AND INSURANCE DIVISION**  
**OF FIRE PREVENTION**  
**CHAPTER 0780-02-23**  
**ONE AND TWO FAMILY DWELLINGS AND TOWNHOUSES**  
**AMENDMENTS**

0780-02-23-.05 Permits.

- (1) 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. A separate permit shall be required for each unit of a townhouse. Issuing agents shall receive no more than fifteen dollars (\$15.00) for each issued permit. This fifteen-dollar (\$15.00) fee shall be remitted from the applicable permit fee for inspection referenced in Tenn. Comp. R. & Regs. 0780-02-23-.08.
- (2) 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. Issuing agents shall receive no more than fifteen dollars (\$15.00) for each issued permit. This fifteen-dollar (\$15.00) fee shall be remitted 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; and
  7. If applicable, a copy of the form issued by the appropriate municipal or county official stating the estimated tax liability if required by T.C.A. § 67-4-2910(a)(1).
- (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 (proof of licensure is not required for a property owner purchasing the permit when the property owner is performing the work).
- (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 shall be 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 (1) or more extensions of time, for period of not more than one hundred eighty (180) days each. All extensions shall 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 shall be 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 the loss or destruction of the original permit.
- (9) It shall be the responsibility of all persons performing work on the site to comply with the required codes and 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 Division from requiring the correction of errors in the construction documents or other data. The Division 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(a), (b), and (d).

#### 0780-02-23-.07 Inspections.

- (1) Inspections of construction of one (1) family and two (2) family dwellings, townhouses begun after October 1, 2010, and additions thereto of thirty (30) square feet or more of interior space begun after October 1, 2011, will be conducted by deputy building inspectors appointed under contract with the Commissioner of Commerce and Insurance pursuant to T.C.A. § 68-120-101.
  - (a) Fees for such inspections for services in subparagraph (2)(a) are specified in rule 0780-02-23-.08.
  - (b) Fees charged for additional inspections, including consultation inspections, slab inspections, plumbing, mechanical and gas inspections and inspections necessitated by more than one (1) rejection on the project, are specified in rule 0780-02-23-.08.
- (2) (a) Inspections shall be 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 codes and standards.
- (3) It shall be the duty of the permit holder or agent thereof to notify the building inspector through the permit issuing agent that such work is ready for inspection. It shall be the duty of the person requesting any inspections required to provide access to and means for inspection of such work.
- (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 adopted codes and standards shall be corrected and such portions shall not be covered or concealed until authorized by the building inspector.
- (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.
- (6) Inspectors shall not inspect the work of family members or other relations where such inspection creates a conflict or the appearance of impropriety as determined by the Commissioner, or designee.

**Authority:** T.C.A. § 68-120-101(a), (b), and (d).

0780-02-23-.12 Local government enforcing residential building codes and standards.

Purpose. Pursuant to T.C.A. § 68-120-101, a local government may be responsible for adopting and enforcing residential building construction and fire safety codes and 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 codes and standards and the procedures by which the Division may review such authorization. A local government, as authorized by T.C.A. § 68-120-101(b)(7), may adopt an ordinance or resolution related to exterior construction materials for aesthetic purposes only.

- (1) 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 residential building construction and fire safety codes and 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 titles and editions of the residential building construction and fire safety codes and standards for one (1) and two (2) family dwellings and townhouses 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 residential inspection activities.
  4. The names of all persons who are employed by the local government to perform residential 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. Any other documentation the Division deems necessary from a local government to evidence compliance with the requirements of T.C.A. §§ 68-120- 101, 68-120-113 and 68-120-118. The Division may conduct an on-site review of the local government's residential building permit and inspection process; ~~and~~
  6. A statement guaranteeing that the local government will not allow inspectors (contractors or employees) to inspect the work of family members or other relations where such an inspection would create a conflict or give the appearance of impropriety. If a question about the degree of kinship or the relationship arises, the local government shall err on the side of caution and prevent such inspections. If there is a conflict between the local government and the State Fire Marshal's determination, the State Fire Marshal's decision shall prevail.
- (2) 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 and fire safety codes and 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 editions of the standards and codes 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. If a local government adopts a less stringent seismic standard, the local government shall submit the request in writing with a letter from an engineer registered in Tennessee confirming that the proposed standards afford, to a reasonable degree, building construction standards to protect life and property. A local government may also request to adopt a less stringent seismic standard proposed by a different political subdivision if that standard was previously approved by the state fire marshal.
- (3) Review of Local Government Authorization.
- (a) For any local government that is authorized to adopt and enforce residential building construction and fire safety codes and standards 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 titles and editions of the residential building construction and fire safety codes and standards for one (1) and two (2) family dwellings and townhouses adopted and enforced by the local government;
  2. The number and types of residential inspections that are conducted;
  3. A description of the permit issuance, enforcement, and recordkeeping process for all residential inspection activities;
  4. The names of all persons who are employed by the local government to perform residential 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. Any other documentation the Division deems necessary from the local government to evidence compliance with the requirements of T.C.A. §§ 68-120- 101, 68-120-113 and 68-120-118. The Division 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 shall be notified of the review in writing.
- (c) Report of Review.
  - 1. After conclusion of the review, the Division shall notify the local government in writing whether the local government's adopted residential building construction and fire safety codes and standards are current as required by law, whether there are any areas in which the local government is not adequately enforcing the adopted codes and standards, and whether the local government's personnel is properly performing inspections.
  - 2. If the local government has not adopted current residential building codes and standards, is not adequately enforcing the adopted codes and standards, or is not properly performing inspections, the notification shall contain recommended corrective action, and the local government shall 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(a), (b), and (d).

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 and only if the dwelling unit:

- (a) Is three (3) stories or less;
- (b) Has a maximum occupancy of twelve (12) 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 shall 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.~~

- ~~(23)~~ 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).

- ~~(3) Smoke alarms in dwelling units shall be no more than ten (10) years old from the date of manufacture. Battery-only powered devices shall be powered by a ten (10) year sealed battery.~~

**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: 05/15/2023

Signature: Beth Schulenberg

Name of Officer: Beth Schulenberg

Title of Officer: Associate General Counsel

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Filed with the Department of State on: \_\_\_\_\_

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Tre Hargett  
Secretary of State