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Email: publications.information@tn.gov

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Sequence Number: 11-17-23
Rule ID(s): 9962
File Date: 11/27/2023
Effective Date: 2/25/2024

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

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

Revision Type (check all that apply):

☒ Amendment
☐ New
☐ Repeal
☐ Content based on previous emergency rule filed on _____
☐ Content is identical to the emergency rule

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 Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below.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.)

Chapter Number	Chapter Title
0780-02-23	One- and Two- Family Dwellings and Townhouses
Rule Number	Rule Title
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. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). 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>.

**RULES OF
THE 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 a 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).

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 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;
 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).

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 (5,000) square feet.
- (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. 0780-02-02 (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.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Commissioner (board/commission/other authority) on 07/10/2023 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 05/15/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 07/10/2023

Date: Oct 5, 2023

Signature: 
Carter Lawrence (Oct 5, 2023 11:57 AM)


Name of Officer: Carter Lawrence

Title of Officer: Commissioner, Department of Commerce and Insurance

Agency/Board/Commission: Department of Commerce and Insurance | Fire Prevention Division

Rule Chapter Number(s): 0780-02-23: One- and Two- Family Dwellings and Townhouses

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Jonathan Skrmetti
Attorney General and Reporter
Nov. 17, 2023
Date

Department of State Use Only

Filed with the Department of State on: 11/27/2023

Effective on: 2/25/2024

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Secretary of State
Division of Publications


Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

The Department received one (1) comment on the proposed rules before the hearing, at the hearing, or in the two (2) week comment period following the hearing.

The Division received a written comment from Erika Scheffer, Head of State Government Relations for Carrier Corporation on behalf of Kidde. Commenter offered support to the proposed change to Rule 0780-02-23-.15, which requires smoke alarms in dwelling units 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.

Division Response: The Department of Commerce and Insurance (Division of Fire Prevention) appreciates the supportive comment.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

1. The type or types of small business and an identification and estimate of the number of small businesses subject to the rule being proposed that would bear the cost of, or directly benefit from the rule being proposed;

All contractors or homeowners who receive a permit to build one (1) and two (2) family dwellings within Tennessee, unless exempt, would be subject to the rule amendment. The rule amendment would impose no additional costs to the contractor. The Board for Licensing Contractors does not identify which licensees are small businesses.

2. The projected reporting, recordkeeping and other administrative costs required for compliance with the rule being proposed, including the type of professional skills necessary for preparation of the report or record;

The rule amendment to Tenn. Comp. R. & Regs. 0780-02-23-.12(1)(a)(6) requires local governments that meet the requirements of Tenn. Code Ann. § 68-120-101 to provide the Division a statement guaranteeing that the local government will not allow inspectors (contractors or employees) to inspect the work of family members where it would create a conflict of interest or the appearance of impropriety. The amendment to Tenn. Comp. R. & Regs. 0780-02-23-.05(4)(a)(7) requires that persons pulling permits through the Department provide proof that they have received a tax estimate if they are required to do so by law. The costs and professional skills necessary would be minimal to prepare such statement and the requirement that they receive the tax estimate is already set out in law. No additional costs.

3. A statement of the probable effect on impacted small businesses and consumers;

Pursuant to Tenn. Code Ann. § 67-4-2910(a)(1), the rule amendment to Tenn. Comp. R. & Regs. 0780-02-23-.05(4)(a)(7) will minimally impact contractors or homeowners that are subject to providing proof that they received an estimate of their tax liability that they are already required to obtain by law.

The rule amendment to Tenn. Comp. R. & Regs. 0780-02-23-.07(6) could minimally impact a contractor's ability to find an unrelated inspector. If there is no other option, the State Fire Marshal's Office ("SFMO") can provide an alternative inspector to ensure the inspection is conducted without the conflict. Homeowners of one (1) and two (2) family dwellings will benefit from the security of quality inspections.

4. A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the rule being proposed that may exist, and to what extent the alternative means might be less burdensome to small business;

There are no other less costly alternative methods to achieve the purpose and objective of the rule amendment to Tenn. Comp. R. & Regs. 0780-02-23-.05(4)(a)(7), which is to ensure that persons pulling permits have met their obligations to obtain a tax estimate as required by Tenn. Code Ann. § 67-4-2910(a)(1).

There are no less costly alternative methods to achieve the purpose and objective of the rule amendment to Tenn. Comp. R. & Regs. 0780-02-23-.07(6). The rule amendment minimizes the opportunity for impropriety.

The rule amendment to Tenn. Comp. R. & Regs. 0780-02-23-.12(1)(a)(6) requires minimal administrative costs to store the statements and provide documentation to the Division when applicable.

5. A comparison of the rule being proposed with any federal or state counterparts; and

There are no federal or state counterparts to compare to this rule.

6. Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the rule being proposed.

There would be no effect of the possible exemptions of contractors from any of the rule amendments.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

The proposed rules will have little, if any, impact on local governments. The rule amendment requires minimal administrative costs to store statements guaranteeing that the local government will not allow inspectors to inspect the work of family members.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The rule clarifies the prohibition on family members inspecting work to include where the relationship would create the appearance of impropriety regardless of the degree of kinship. The rule also requires that in the jurisdictions where an additional local tax is required, the person or company purchasing a permit must show proof of estimated tax liability before the SFMO will conduct the initial inspection. Finally, the rule requires smoke alarms in dwelling units be no more than ten (10) years old from date of manufacture, and, if such devices are battery-powered, be powered by a ten (10) year sealed battery.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

The state fire marshal is authorized to promulgate rules establishing minimum statewide building construction safety standards and adopt a minimum construction code, pursuant to Tenn. Code Ann. § 68-120-101. This includes the authority to regulate the quality of inspections. The rule amendment to Tenn. Comp. R. & Regs. 0780-02-23-.07(6), Tenn. Comp. R. & Regs. 0780-02-23-.12(1)(a)(6), and Tenn. Comp. R. & Regs. 0780-02-23-.13 reinforces these minimum quality standards are met by preventing conflicts of interests. The construction code currently adopted by the SFMO, the International Residential Code, requires that smoke alarms be no more than ten (10) years old.

Additionally, Tenn. Code Ann. § 67-4-2910(a)(1) requires that contractors or homeowners who purchase a permit receive an estimated tax liability from the county. To ensure compliance with this statute for jurisdictions that impose the tax and are part of the SFMO building program, the Department is adding the requirement that the person provide a receipt of the estimated tax liability when the permit is purchased.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

This rule would impact contractors building or property owners of a one- and two-family dwelling, as well as residential building inspectors who may have been inspecting the work of family members.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

A local government may incur minimal administrative costs to store statements guaranteeing that the local government will not allow inspectors to inspect the work of family members. The rule makes no changes to existing fees.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Gary Farley, Assistant Commissioner for Fire Prevention
Mary Beth Gribble, Director of Programs and Policy for Fire Prevention
Joseph White, Director of Electrical, Residential Building, and Marina Section

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Gary Farley, Assistant Commissioner for Fire Prevention
Mary Beth Gribble, Director of Programs and Policy for Fire Prevention

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

500 James Robertson Parkway
Nashville, TN 37243

Gary Farley; gary.farley@tn.gov; 615-516-9558
Mary Beth Gribble, marybeth.gribble@tn.gov; 615-574-9437

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

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0780-02-23-.15	Dwelling Units

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). 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>.

**RULES OF
THE 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 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; ~~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 a 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 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).

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 residential 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 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 (5,000) square feet.
- ~~(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.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Commissioner (board/commission/other authority) on _____ (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 05/15/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 07/10/2023

Date: _____

Signature: _____

Name of Officer: _____

Title of Officer: _____

Agency/Board/Commission: Department of Commerce and Insurance | Fire Prevention Division

Rule Chapter Number(s): 0780-02-23: One- and Two- Family Dwellings and Townhouses

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Jonathan Skrametti
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

The Department received one (1) comment on the proposed rules before the hearing, at the hearing, or in the two (2) week comment period following the hearing.

The Division received a written comment from Erika Scheffer, Head of State Government Relations for Carrier Corporation on behalf of Kidde. Commenter offered support to the proposed change to Rule 0780-02-23-.15, which requires smoke alarms in dwelling units 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.

Division Response: The Department of Commerce and Insurance (Division of Fire Prevention) appreciates the supportive comment.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

1. The type or types of small business and an identification and estimate of the number of small businesses subject to the rule being proposed that would bear the cost of, or directly benefit from the rule being proposed;

All contractors or homeowners who receive a permit to build one (1) and two (2) family dwellings within Tennessee, unless exempt, would be subject to the rule amendment. The rule amendment would impose no additional costs to the contractor. The Board for Licensing Contractors does not identify which licensees are small businesses.

2. The projected reporting, recordkeeping and other administrative costs required for compliance with the rule being proposed, including the type of professional skills necessary for preparation of the report or record;

The rule amendment to Tenn. Comp. R. & Regs. 0780-02-23-.12(1)(a)(6) requires local governments that meet the requirements of Tenn. Code Ann. § 68-120-101 to provide the Division a statement guaranteeing that the local government will not allow inspectors (contractors or employees) to inspect the work of family members where it would create a conflict of interest or the appearance of impropriety. The amendment to Tenn. Comp. R. & Regs. 0780-02-23-.05(4)(a)(7) requires that persons pulling permits through the Department provide proof that they have received a tax estimate if they are required to do so by law. The costs and professional skills necessary would be minimal to prepare such statement and the requirement that they receive the tax estimate is already set out in law. No additional costs.

3. A statement of the probable effect on impacted small businesses and consumers;

Pursuant to Tenn. Code Ann. § 67-4-2910(a)(1), the rule amendment to Tenn. Comp. R. & Regs. 0780-02-23-.05(4)(a)(7) will minimally impact contractors or homeowners that are subject to providing proof that they received an estimate of their tax liability that they are already required to obtain by law.

The rule amendment to Tenn. Comp. R. & Regs. 0780-02-23-.07(6) could minimally impact a contractor's ability to find an unrelated inspector. If there is no other option, the State Fire Marshal's Office ("SFMO") can provide an alternative inspector to ensure the inspection is conducted without the conflict. Homeowners of one (1) and two (2) family dwellings will benefit from the security of quality inspections.

4. A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the rule being proposed that may exist, and to what extent the alternative means might be less burdensome to small business;

There are no other less costly alternative methods to achieve the purpose and objective of the rule amendment to Tenn. Comp. R. & Regs. 0780-02-23-.05(4)(a)(7), which is to ensure that persons pulling permits have met their obligations to obtain a tax estimate as required by Tenn. Code Ann. § 67-4-2910(a)(1).

There are no less costly alternative methods to achieve the purpose and objective of the rule amendment to Tenn. Comp. R. & Regs. 0780-02-23-.07(6). The rule amendment minimizes the opportunity for impropriety.

The rule amendment to Tenn. Comp. R. & Regs. 0780-02-23-.12(1)(a)(6) requires minimal administrative costs to store the statements and provide documentation to the Division when applicable.

5. A comparison of the rule being proposed with any federal or state counterparts; and

There are no federal or state counterparts to compare to this rule.

6. Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the rule being proposed.

There would be no effect of the possible exemptions of contractors from any of the rule amendments.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

The proposed rules will have little, if any, impact on local governments. The rule amendment requires minimal administrative costs to store statements guaranteeing that the local government will not allow inspectors to inspect the work of family members.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The rule clarifies the prohibition on family members inspecting work to include where the relationship would create the appearance of impropriety regardless of the degree of kinship. The rule also requires that in the jurisdictions where an additional local tax is required, the person or company purchasing a permit must show proof of estimated tax liability before the SFMO will conduct the initial inspection. Finally, the rule requires smoke alarms in dwelling units be no more than ten (10) years old from date of manufacture, and, if such devices are battery-powered, be powered by a ten (10) year sealed battery.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

The state fire marshal is authorized to promulgate rules establishing minimum statewide building construction safety standards and adopt a minimum construction code, pursuant to Tenn. Code Ann. § 68-120-101. This includes the authority to regulate the quality of inspections. The rule amendment to Tenn. Comp. R. & Regs. 0780-02-23-.07(6), Tenn. Comp. R. & Regs. 0780-02-23-.12(1)(a)(6), and Tenn. Comp. R. & Regs. 0780-02-23-.13 reinforces these minimum quality standards are met by preventing conflicts of interests. The construction code currently adopted by the SFMO, the International Residential Code, requires that smoke alarms be no more than ten (10) years old.

Additionally, Tenn. Code Ann. § 67-4-2910(a)(1) requires that contractors or homeowners who purchase a permit receive an estimated tax liability from the county. To ensure compliance with this statute for jurisdictions that impose the tax and are part of the SFMO building program, the Department is adding the requirement that the person provide a receipt of the estimated tax liability when the permit is purchased.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

This rule would impact contractors building or property owners of a one- and two-family dwelling, as well as residential building inspectors who may have been inspecting the work of family members.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

A local government may incur minimal administrative costs to store statements guaranteeing that the local government will not allow inspectors to inspect the work of family members. The rule makes no changes to existing fees.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Gary Farley, Assistant Commissioner for Fire Prevention
Mary Beth Gribble, Director of Programs and Policy for Fire Prevention
Joseph White, Director of Electrical, Residential Building, and Marina Section

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Gary Farley, Assistant Commissioner for Fire Prevention
Mary Beth Gribble, Director of Programs and Policy for Fire Prevention

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

500 James Robertson Parkway
Nashville, TN 37243

Gary Farley; gary.farley@tn.gov; 615-516-9558
Mary Beth Gribble, marybeth.gribble@tn.gov; 615-574-9437

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.