

**RULES
OF
DEPARTMENT OF COMMUNITY AFFAIRS**

**CHAPTER 110-11
GEORGIA STATE MINIMUM STANDARD CODES**

**SUBJECT 110-11-2
APPEALS SUBCOMMITTEE**

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110-11-2-.01. Definitions

- (1) **“Commissioner”** means the Commissioner of the Georgia Department of Community Affairs.
- (2) **“Department”** means the Georgia Department of Community Affairs.
- (3) **“Private Professional provider”** means a professional engineer who holds a certificate of registration issued under Chapter 15 of Title 43 or a professional architect who holds a certificate of registration issued under Chapter 4 of Title 43, who is not an employee of or otherwise affiliated with or financially interested in the person, firm, or corporation engaged in the construction project to be reviewed or inspected.
- (4) **“Regulatory Requirements”** means the requirements determined by a county or municipality to be necessary for approval of plans, permits, or applications under this chapter; provided, however, that with respect to any application, such requirements shall include the Georgia State Minimum Standard Codes most recently adopted by the Department of Community Affairs and any locally adopted ordinances and amendments to such codes; applicable zoning ordinances and conditions; design standards; and other state and local laws, regulations and ordinances applicable to the application in question.
- (5) **“State Codes Advisory Committee” (SCAC)** means the advisory committee consisting of 21 members as defined in O.C.G.A. 8-2-24.

Authority: O.C.G.A. § 8-2-26.

110-11-2-.02. Scope of Rule

- (1) When, as provided for in, and in accordance with Code Section 8-2-26(g) of Part 2 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated (O.C.G.A.), a decision by a local building official is appealed to the Department of Community Affairs, an

Appeals Subcommittees, as established herein, shall be convened to review and rule upon the appeal. Decisions by the local official can only be appealed to the Department of Community Affairs if there is no local Board of Appeals.

Authority: O.C.G.A. § 8-2-26.

110-11-2-.03. Filing Information/ Fee Structure

(1) In order for a Plan Review Appeals Subcommittee to be convened to review and rule upon an appeal, the appeal must be properly filed with the Department. “Proper filing” shall mean forwarding the following information via certified mail to the Department:

Office of Construction Codes and Industrialized Buildings
60 Executive Park South, NE
Atlanta, GA 30329

- (a) A notarized affidavit filed by the appellant containing thorough descriptions of (a) the decision by the local building official and (b) the nature of the dispute; (c) specific code citations (e.g., code(s), edition(s), section(s), subsection(s), state/local amendment(s), etc.) applicable to the subject matter in dispute.
- (b) Any and all documentation from the appealing party, which may assist the subcommittee in its review.
- (c) A filing fee in the amount of \$250.00, in the form of a cashier’s check, made payable to the “Georgia Department of Community Affairs,” paid by the party appealing the decision by the local building official; and
- (d) Any party that appeals a decision will also be charged for reasonable costs incurred by the department while conducting an investigation related to travel or when applicable, to pay an expert to provide consultation and specific knowledge related to the complaint.
- (e) Reasonable costs should generally not exceed \$500.00.
- (f) Reasonable costs will be determined by the State of Georgia State Accounting Office State Travel Policy. ([State Travel Policy | State Accounting Office of Georgia](#))
- (g) Once an estimate of the reasonable costs is available, the appealing party will receive the information and will have a choice to withdraw if they do not agree to pay the additional costs. The filing fee will be non-refundable.

Authority: O.C.G.A. §8-2-26.

110-11-2-.04. Meetings/ Process

- (1) Meetings relating to appeals may be held via conference call, in person immediately before or after a regularly scheduled SCAC meeting, or for a special called in person meeting.
- (2) Investigatory findings may be discussed via email or conference call.
- (3) After a properly filed appeal has been received, DCA shall have five (5) business days to accept an application as complete; reject the application for just cause and provide an explanation; or deem the application incomplete. If the application is incomplete, the appealing party shall have five (5) additional business days to supply any missing information.
- (4) As soon as an application is deemed complete, the city and or county will be notified. They

will have ten (10) business days to respond to the appeal and submit any pertinent documentation.

- (5) The subcommittee shall have sixty (60) days from the time all documentation from both parties is received to conduct an onsite investigation, review the materials, and make a decision. The subcommittee will review and rule on the appeal based on only the information that has been received. Additional information may not be considered.
- (6) Once the applicable subcommittee makes its finding, the Department shall forward copies of the subcommittee's ruling to each of the disputing parties. The ruling of the subcommittee shall be binding.

Authority: O.C.G.A. §8-2-26.

110-11-2-.05. Appeals

- (1) A subcommittee will be created and comprised of six members of the Department's State Codes Advisory Committee (SCAC): four county and municipal building official members of the SCAC, all of whom will serve on every such subcommittee, and two other SCAC members appointed by the chairman of the SCAC whose experience uniquely qualifies them in the subject area of, or whose individual fields of expertise are closely related to, the subject matter being appealed.
- (2) At the first State Codes Advisory Committee Meeting of each calendar year, an agenda item will be added to appoint which four SCAC members will serve on all Appeals Subcommittees if any appeal is filed during that calendar year.
- (3) If an appeal is filed, the Chairman of the SCAC shall have five (5) business days to appoint the additional two SCAC members to serve for that particular appeal based on their experience relating to the subject area.

Authority: O.C.G.A. § 8-2-26.