

SECOND REGULAR SESSION

HOUSE BILL NO. 2451

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CROSS.

6389H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to building permits, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.279, to read as follows:

67.279. 1. This section shall be known and may be cited as the "Fairness to Homeowners Act".

2. For purposes of this section, the following terms mean:

(1) "Building code", the building code adopted by the political subdivision that governs the construction of residential structures, which may include, but is not limited to, the International Residential Code and any updates or supplements thereto or a similar building code;

(2) "Political subdivision", the same meaning as that term is defined under section 70.120 and including any board, contractor, commission, department, employee acting in an official capacity, and governing body thereof.

3. For residential building plans not signed and sealed by an engineer or architect licensed in this state:

(1) A political subdivision shall evaluate and either approve or deny building plans within five business days of the submission of such building plans. A denial of any building plan shall state the reasons for denial, either written on the building plan itself or in an attached document, with specific citations to the building code and recommendations required for the building plans to receive approval;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (2) Any resubmission of denied building plans shall be evaluated within five
19 business days of the resubmission of such building plans. If the denied building plan
20 includes changes that remedy all reasons for denial, such resubmission shall be approved.
21 A resubmission of a denied building plan shall not be denied for any requirement other
22 than those stated in the initial denial; and

23 (3) If the political subdivision fails to evaluate and either approve or deny any
24 building plan within the time required under this subsection, such building plan shall be
25 deemed approved as submitted, and the political subdivision shall issue a permit for the
26 work described in the building plan within seven business days of the initial submission or
27 the resubmission.

28 4. For residential building plans signed and sealed by an engineer or architect
29 licensed in this state, a political subdivision shall approve such sealed building plans and
30 issue a permit for the work described in such building plans within two business days of
31 the submission of such building plans.

32 5. In lieu of the political subdivision conducting building permit inspections, the
33 recipient of a building permit may retain an engineer or architect licensed in this state to
34 conduct inspections of the work authorized by a building permit. Such licensed engineer
35 or architect shall report on such work by using the uniform inspection forms used by the
36 political subdivision and shall submit such forms to the political subdivision.

37 6. For certificates of occupancy not signed and sealed by an engineer or architect
38 licensed in this state:

39 (1) The political subdivision shall evaluate and either issue or deny a certificate of
40 occupancy within one business day of the application or inspection for the certificate. A
41 denial of any application or inspection shall state the reasons for denial, written with
42 specific citations to the building code, and shall include recommendations required for the
43 certificate of occupancy to receive approval;

44 (2) Any resubmission of a denied application or inspection for a certificate of
45 occupancy shall be evaluated within one business day of the resubmission of such
46 application or inspection. If the application or inspection includes changes that remedy
47 all reasons for denial, such resubmission shall be approved. A resubmission of a denied
48 application or inspection shall not be denied for any requirement other than those stated
49 in the initial denial; and

50 (3) If the political subdivision fails to evaluate and either approve or deny any
51 application or inspection for a certificate of occupancy within the time required under this
52 subsection, such application or inspection shall be deemed approved as submitted, and the

53 **political subdivision shall issue a certificate of occupancy within two business days of the**
54 **initial submission or the resubmission.**

55 **7. For applications or inspections for a certificates of occupancy signed and sealed**
56 **by an engineer or architect licensed in this state, a political subdivision shall approve such**
57 **sealed application or inspection and issue a certificate of occupancy within one business**
58 **day of the submission of the application or inspection.**

59 **8. If an application or inspection for a residential certificate of occupancy would**
60 **be denied but the remaining requirements needed for approval are not necessary for safe**
61 **habitability of the residence, the political subdivision shall issue a temporary certificate of**
62 **occupancy within one business day of the submission of the application or inspection. A**
63 **list of the requirements that need to be remedied to receive a final certificate of occupancy**
64 **shall be attached to the temporary certificate of occupancy. A final certificate of**
65 **occupancy shall not be denied for any requirement other than those stated on the attached**
66 **list.**

67 **9. Upon the submission of a written report from an engineer or architect licensed**
68 **in this state that a residence is eligible for the issuance of a final certificate of occupancy**
69 **or temporary certificate of occupancy with requirements, a political subdivision shall issue**
70 **the applicable certificate of occupancy within one business day of the submission. If the**
71 **engineer or architect submits a written report that all requirements of a temporary**
72 **certificate of occupancy are satisfied, the political subdivision shall issue a final certificate**
73 **of occupancy within one business day of the submission.**

74 **10. A violation of this section by any member of a political subdivision shall be a**
75 **class A misdemeanor for each violation and shall make the political subdivision liable to**
76 **the applicant for a civil penalty of five thousand dollars per violation.**

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