

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 167,
2 Page 1, Section A, Line 2, by inserting after all of said section and line the following:

3
4 "67.279. 1. This section shall be known and may be cited as the "Fairness to Homeowners
5 Act".

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

7 (1) "Building code", the building code adopted by the political subdivision that governs the
8 construction of residential structures, which may include, but is not limited to, the International
9 Residential Code and any updates or supplements thereto or a similar building code. Such
10 residential structures are limited to any new construction one or two family dwellings;

11 (2) "Political subdivision", the same meaning as that term is defined under section 70.120,
12 except limited to a municipality located in a charter county or a county of the first class and
13 including any board, contractor, commission, department, employee acting in an official capacity, or
14 governing body thereof.

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

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

21 (2) Any resubmission of denied building plans shall be evaluated within seven business days
22 of the resubmission of such building plans. If the denied building plan includes changes that
23 remedy all reasons for denial, such resubmission shall be approved and a permit made available. A
24 resubmission of a denied building plan shall not be denied for any requirement other than those
25 stated in the initial denial; except that, such resubmission may be denied for life or safety
26 requirements or where the revised plan includes changes not previously reviewed; and

27 (3) If the political subdivision fails to evaluate and either approve or deny any building plan
28 within the time required under this subsection, the political subdivision shall make a permit
29 available for the work described in the building plan within seven business days of the initial
30 submission or the resubmission.

31 4. When a set of residential building plans addressing the entirety of the project is signed
32 and sealed by an engineer or architect licensed in this state:

33 (1) A political subdivision shall approve or deny such sealed building plans for the work
34 described in such building plans within five business days of the submission of such building plans.
35 If approved, the permit shall be made available;

36 (2) Any resubmission of denied building plans shall be evaluated within five business days

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1 of the resubmission of such building plans. If the denied building plan includes changes that
2 remedy all reasons for denial, such resubmission shall be approved and permit made available. A
3 resubmission of a denied building plan shall not be denied for any requirement other than those
4 stated in the initial denial; except that, such resubmission may be denied for life or safety
5 requirements or where the revised plan includes changes not previously reviewed; and

6 (3) If the political subdivision fails to evaluate and either approve or deny any building plan
7 within the time required under this subsection, the political subdivision shall make a permit
8 available for work described in the building plan within five business days of the initial submission
9 or the resubmission of such building plans.

10 5. In lieu of the political subdivision conducting building permit inspections, the licensed
11 engineer that sealed the ultimate submission of plans for the permit shall be allowed to conduct the
12 footing, foundation, wall, and framing inspections in accordance with the procedures for such
13 inspections established by the political subdivision. Such licensed engineer or architect shall report
14 on such work by using the uniform inspection forms used by the political subdivision and shall
15 submit such forms to the political subdivision.

16 6. If an application for a certificate of occupancy inspection is deemed to be approved by
17 the political subdivision, that certificate of occupancy shall be made available to the applicant within
18 two business days by electronic mail, a website, or via facsimile.

19 7. If an application or inspection for a residential certificate of occupancy is to be denied but
20 the remaining requirements needed for approval are not necessary for safe habitability of the
21 residence, the political subdivision shall issue a temporary certificate of occupancy within one
22 business day of the submission of the application or inspection. A list of the requirements that need
23 to be remedied to receive a final certificate of occupancy shall be attached to the temporary
24 certificate of occupancy. A final certificate of occupancy shall not be denied for any requirement
25 other than those stated on the attached list, unless there were field changes that affect the life or
26 safety or that were not previously reviewed that require a reinspection.

27 8. A violation of this section by any member of a political subdivision shall result in a
28 refund of the building permit fee paid by the builder for the specific property.

29 9. Nothing within this section shall prohibit the development and formal adoption of a
30 memorandum of understanding and the terms therein negotiated by the local chapter of the
31 International Code Council and the local chapters of builder trade associations representing
32 residential structures. If a memorandum of understanding is agreed upon by the political
33 subdivisions, the local chapter of the International Code Council, and other pertinent parties, the
34 signatories of the memorandum of understanding shall be released from the requirements of this
35 section. The expiration, cancellation, breach, or other deterioration of the memorandum of
36 understanding shall result in the resumption of the requirements of this section within thirty days.";
37 and

38
39 Further amend said bill by amending the title, enacting clause, and intersectional references
40 accordingly.