**Q. Given public authority shutdowns, what are the new rules around builders doing private professional plan reviews and in field inspections?**

A.​  On Friday, March 20, 2020, the governor issued an executive order that makes it easier to employ private plan reviewers and inspectors to move the building process along without having to wait for building officials.   The governor determined that because of limited staffing and increasing wait times, all counties and cities that regulate inspections of buildings may not be able to react timely to requests for plan review or inspections.  Therefore, all applicants may immediately retain, at their own expense, a private professional provider to conduct the required plan review or inspection, without first seeking inspection or review from the county or city.  Because of the governor’s order, the applicant does not have to wait to see if the county or city will be able to provide the plan review or inspection within the time specified by the applicable statute (O.C.G.A. § 8-2-26(g)(4)).

​If the applicant elects to use the services of a private provider, the regulatory fees due to the county or city from the applicant shall be reduced by 50 percent.  The plan review or inspection conducted by the private provider must be no less extensive than the plan review or inspection that would have been conducted by the county or city.

​A private provider performing plan reviews shall review plans to determine compliance with all applicable regulatory requirements.  If the provider determines that the plans comply with the requirements, the provider shall prepare an affidavit certifying under oath that the plans comply and are in conformity with plans previously submitted to obtain governmental approval.  Once a permit applicant has submitted this affidavit, plan review report, and applicable fees, the local building official has 30 days to issue the requested permit or provide written notice to the applicant identifying the specific plan features that do not comply with the applicable regulatory requirements.

​The private provider may perform any field inspections required by the governing authority including but not limited to inspections for footings, foundations, concrete slabs, framing, electrical, plumbing, HVAC, and all other inspections necessary for the issuance of a building permit or certificate of occupancy.  However, the private provider may not issue a certificate of occupancy, which may only be issued by the local governing authority.  The private provider shall submit a copy of his inspection report to the local governing authority, and the local authority shall be required to accept the inspection without the necessity of further inspection or approval, unless it notifies the private provider within two business days after the submission of the report that it finds the report to be incomplete or the inspection inadequate and provides the private provider with a written description of the discrepancies.

​The private provider system does not apply to hospitals, ambulatory health care centers, nursing homes, jails, penal institutions, airports, buildings that impact national or state homeland security, or any building defined as a high-rise building in the State Minimum Standards Code.

The statute does not set out specific requirements for private providers but does require that they conduct plan reviews or inspections within the scope of their areas of competency. The statute also states that local governments may require private providers to be prequalified to perform plan reviews or inspections.

Finally, things are constantly changing in this arena.  Rules around employees, work hours, contracts, insurance and other issues are changing daily.  Moreover, the rules are different for every municipality and county. If you have specific questions regarding a particular project or local authority, please do not hesitate to contact me.