

REVENUE: No revenue impact  
FISCAL: Fiscal statement issued

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Action: Do Pass  
Vote: 10 - 0 - 0  
Yeas: Barton, Cameron, Edwards C., Esquivel, Holvey, Kennemer, Matthews, Thatcher, Witt, Schaufler  
Nays: 0  
Exc.: 0  
Prepared By: Theresa Van Winkle, Administrator  
Meeting Dates: 5/20

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**WHAT THE MEASURE DOES:** Requires municipal building inspection penalties to be assessed as civil penalties. Requires that notice be provided to civil penalty recipient. Specifies content of notice. Limits amount of municipal civil penalty to no more than amount authorized in the state building code.

**ISSUES DISCUSSED:**

- Number of stakeholders involved in developing the measure
- Current authority for municipalities to enforce building code
- Examples of how municipalities assess penalties for building code violations
- Examples of civil penalties that could be assessed for violating building code
- Frequency of certificates of occupancy being withheld due to violations

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** The Building Codes Division (BCD) of the Department of Consumer and Business Services provides building code development, administration, inspection, plan review, and building permit services. The BCD conducts building construction inspections and enforcement where local entities do not. After a 2003 statute changes, BCD required all building code enforcement jurisdictions to use standard, statewide-approved citation forms and filing procedures when issuing citations for violations.

SB 915-A establishes procedures for local jurisdictions to follow in regards to issuing penalties for building code violations. The measure requires that only civil penalties can be assessed, but does not prohibit a violator to be charged with an increased permit or investigative fee, or seeking injunctive relief or taking any enforcement action that does not include a monetary penalty. Furthermore, the civil penalty can be issued only after the municipality provides notice to the violator that contains information such as a description of the alleged violation, the intent and the amount of the civil penalty, and the administrative process available to challenge the penalty assessment.

Civil penalties for violations may not exceed the maximum civil penalty amount authorized for an equivalent specialty code violation.