Statewide Building Construction Code Inspections in "Opt-Out" or "Non-Code" Jurisdictions

The State Fire Marshal's Office is responsible for establishing statewide building construction safety standards. Pursuant to state law, counties and municipalities may elect to exempt the county or municipality from the application of statewide standards for one- and two-family dwellings within the jurisdictional boundaries of the county or municipality. The counties and municipalities that have elected to exempt their jurisdiction from the application of statewide standards for one- and two-family dwellings are often referred to as "opt-out" or "non-code" jurisdictions.

In 2017, the Tennessee General Assembly passed a law that allows an owner of a building, structure or premises located within an "opt-out" or "non-code" jurisdiction to request the State Fire Marshal's Office to inspect the building, structure or premises to determine if it meets the statewide building construction safety standards. *Tenn. Code Ann. § 68-120-101(b)(1)(D).*

What does this mean for owners of one- or two-family dwellings within "opt-out" or "non-code" jurisdictions? Their home may now be inspected by an inspector with the State Fire Marshal's Office during the construction process, both for new construction and additions to existing homes. If the one- or two-family dwelling is determined to meet the statewide building construction safety standards, the State Fire Marshal's Office will release a Certificate of Occupancy, often referred to as a "CO."

In addition, owners of one- or two-family dwellings may now be able to access lenders and loan programs previously unavailable to them because those lenders or loan programs required a CO.

How can you request an inspection by the State Fire Marshal's Office? The owner of a one- or two-family dwelling or the contractor performing work on the dwelling may obtain a state building permit at various locations throughout the state or online at www.tn.gov/commerce/fire/residential-permits.html.

If you have questions about the inspection, please contact Tim Planer, Residential Building Inspection Supervisor, at (615) 532-8361 or tim.planer@tn.gov.