

# Code Compliance Strategies



Successful strategies for improving  
compliance with building energy codes

## Third-Party Plan Review

Fall 2011



1

Building owner or developer hires plan reviewer for their project from a list of certified plan reviewers.

2

Construction documents are submitted to the plan reviewers for review.

3

Construction documents are reviewed by plan reviewers and necessary corrections are made by the designer before being certified.

4

Construction documents are submitted to city or state officials and are given highest priority for review and permit issuance.

5

When corrections have been made to all deficient items, the drawings are approved and permits are issued.

**T**his compliance model seeks to reduce the expense to a state or local building department, and increase the level of quality assurance for plan reviews, by utilizing third-party plan reviewers. Often this compliance model will benefit the builder or developer by providing an expedited plan review process, and will benefit the local jurisdiction by realizing tax revenue from the completed project sooner than under the traditional model.

## Strategy Overview

Many states and jurisdictions offer the option for third-party plan reviews, often enabling large projects with extensive construction plans to complete the plan review process in half the standard time. When the developer hires a third-party plan reviewer (at an average cost of \$560<sup>i</sup>) to ensure that construction documents conform to the requirements of the building code, the project is typically granted priority status for the local jurisdiction plan review. Local jurisdictions may or may not choose to lower permit fees when a third-party plan reviewer is used. As a safeguard, plan reviewers must not be involved in any part of the design or preparation of construction documents.

## Training

Third-party plan reviewers should hold valid and current licenses as professional engineers or architects. In addition, certification, training, and continuing education for plan reviewers should be required. Initial certification through the International Code Council<sup>ii</sup> is usually required for various components (building, mechanical, plumbing, electrical, and energy). Four hours of continuing education training annually is a common standard. An increasingly popular approach to code update training at the state level is online education, which has no commuting or fixed time re-

**\$560**

**Average cost of  
hiring third-party  
plan reviewer**

quirements. In the state of Virginia, statewide continuing education and code update training are covered by 2% of permit fees.

## Consequences

Certification as a plan reviewer can be revoked for consistently recommending non-compliant plans, not following program guidelines, or not maintaining the minimum qualifications for certification. Prior to revocation of certification, a jurisdiction may opt to issue warnings or enforce a temporary suspension. The jurisdiction should specify the consequences for unsatisfactory performance and any appeals process when a third-party plan review program is implemented.

## Requirements for Implementation

- As with all third-party code enforcement methods, continuing education and training are required to keep up with changing codes.
- There must be a pool of qualified plan reviewers, or at a minimum, training available for potential plan reviewers.
- The jurisdiction must establish a process for evaluating and approving third-party plan reviewers and a process for quality assurance.

## Options for Implementation

- To prevent conflict of interest, a governing body may choose to contract a single third party to conduct expedited plan reviews, rather than allowing the owner to choose the third-party plan reviewer.
- Informing architects, engineers, and licensed design professionals of the consequences of incorrect plan reviews provides an added measure of quality assurance.
- In addition to standard ICC certification requirements, jurisdictions may choose to require initial training that is specific to the local building code or other local ordinances.
- Specific certification requirements may be established by the building official for the person or agency submitting such reports.
- Building owners wishing to further expedite the plan review process may submit their plans throughout the design phase to a plan reviewer.
- Third-party plan review can also be combined with third-party inspections.

55

Number of  
approved  
third-party  
plan reviewers  
in Fairfax  
County,  
Virginia

## Benefits

- Local and state plan reviewers provide a level of quality assurance over the third-party plan reviewers.
- Fewer plan reviewers should be needed in state or local building departments as a result of third-party plan reviewers conducting extensive plan reviews, while the building departments are simply auditing plans for quality assurance.
- The plan review process is often shortened for builders and developers, reducing costs and timelines for large-scale projects.
- A faster plan review process expedites project completion, which means that the completed building appears on the jurisdiction's tax rolls sooner as well.

## Challenges

- Energy conservation requirements tend to be overlooked when plan reviewers are responsible for multiple building components (i.e. life safety and structural code requirements).
- Oversight and administration of third-party plan reviewers can be burdensome to building officials.
- It may take time for a local jurisdiction to develop a level of trust with the quality of the third-party plan reviewers.

## Selected Examples

### >> Fairfax County, Virginia

- Three continuing education courses are required for third-party plan reviewers each year. These 70-minute courses are offered on a weekly basis. Additionally, web-based code update training is required with the implementation of new codes.
- The county has approved 55 third-party plan reviewers.
- A single building official is responsible for oversight of expedited plan reviews, spending just 15% of his/her time on these duties.
- The penalty for consistently recommending non-compliant plans, not following program guidelines, or not maintaining the minimum qualifications for certification is the suspension of the third party's approval status.
- When third-party approved plans are found to be significantly invalid, the plan reviewer is required to meet with building code officials to discuss the discrepancies between the plans and codes.

## >> Dayton, Ohio

- The city designates a single third party to conduct an alternative plan review to avoid conflict of interest.
- Applicants must meet with the building official to get approval to use a third-party plan reviewer.
- Only structures regulated by the Ohio Building Code (new or remodel) can use this service.
- This optional approach was created to speed up plan review for time-sensitive projects.
- The owner pays for the third-party plan review in addition to the city's normal permit fees.

## >> Washington, D.C.

- In order to be certified to participate in the Third Party Plan Review Program, each party seeking to qualify as a Third Party Plan Review Agency must submit an application to the Department of Consumer and Regulatory Affairs so its qualifications can be evaluated.
- The property owner or their agent is responsible for contracting with an approved third-party plan reviewer.
- The city provides a Third Party Plan Review Procedure Manual<sup>iii</sup> which establishes an application process, minimum qualifications, and duties and responsibilities for third-party plan review agencies as well as quality assurance procedures and a process to remove third parties from the program for inadequate performance.
- Approved third-party plan review agencies may review plans for the following disciplines: elevators, structural/non-structural, mechanical, plumbing, electrical, fire and life safety, green compliance review.
- Permit fees remain the same regardless of whether a third-party or the city conducts the plan review.
- The city also allows for the use of third-parties for inspections.

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## References

- This value was determined using the assumption that third-party plan reviews (structural, mechanical, electrical, plumbing, accessibility, and fire safety) take an average of 8 hours at an average cost of \$70 per hour.
- <http://www.iccsafe.org/Accreditation/Pages/safetyprofexams.aspx>
- <http://dcra.dc.gov/DC/DCRA/Permits/Third+Party+Plan+Review+Program>

## About the Institute for Market Transformation

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