

Energy Code Opt Out and Sample Resolution

During the 2009 legislative session, the General Assembly passed Public Chapter No. 529, commonly known as the Tennessee Clean Energy Future Act of 2009. This act requires, among other things, the State Fire Marshal to adopt and enforce statewide building construction and safety standards for one-family and two-family residential dwellings.

A city can exempt itself from applicability of the statewide standards within its jurisdictional boundaries by adopting and adequately enforcing codes meeting the state's minimum standards or opting out via resolution. A city choosing to adopt and enforce codes meeting the minimum state standards must notify the State Fire Marshal via the Local Government Residential Exemption Authorization form linked below. Cities who decide to exempt one-family and two-family dwellings in their jurisdiction from applicability of the state standards can do so via a resolution passed by a two-thirds majority. A sample resolution is provided below.

It is important to note that an opt-out resolution expires one hundred eighty (180) days following the date of the next election of the governing body after its passage. Furthermore, the decision to opt out should be made only after careful examination of the totality of the circumstances in the considering municipality.

For further information contact your MTAS Management Consultant.

Suggested links and resources

State Fire Marshal <http://tn.gov/commerce/sfm/index.shtml>

Department of Commerce and Insurance FAQs

<http://tn.gov/commerce/sfm/documents/FAQ040810.pdf>

Proposed Rules promulgated pursuant to Public Chapter No. 529 of the 2009 Public Acts, also known as the "Tennessee Clean Energy Future Act of 2009" http://state.tn.us/sos/rules_filings/03-44-10.pdf