

# BBS MEMO

Ohio Board of Building Standards

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6606 Tussing Road, Reynoldsburg, Ohio 43068

## ADDENDUM LETTERS, CORRECTION LETTERS AND ADJUDICATION ORDERS

It is common practice today for building departments and plans examiners, in particular, to issue what is called an addendum letter with the plan approval. This is a document that owners and applicants are usually made to sign and return signifying their agreement to comply with the conditions listed therein. There are several problems associated with addendum letters including the following:

1. Addendum letters issued by building departments are not provided for in the Ohio Basic Building Code (OBBC) or the Ohio Revised Code (ORC). The OBBC mentions only three documents: the certificate of plan approval (section 4101:2-1-26), the certificate of occupancy (section 4101:2-1-27) and the adjudication order (section 4101:2-1-35). The use of other documents tends to expand a building department's responsibility. In some cases, building department personnel actually take on the role of designer.
2. Many addendum letters include items that should be in a correction letter/adjudication order. An addendum letter requiring work not shown on approved plans is in conflict with section 4101:2-1-25 OBBC which requires the building to be constructed in accordance with approved plans. It is also in conflict with sections 4101:2-1-17 and 4101:2-1-19 OBBC which require construction documents to be sufficiently clear, comprehensive, detailed and legible. An addendum letter issued by a building department cannot be a substitute for required construction documents because: 1) It is not a construction document generated by the designer and 2) Unlike a construction document, it cannot describe or coordinate the work it requires.
3. Addendum letters usually state that they are not appealable orders and that failure to sign and return them makes the plan approval null and void. Some even contain items not previously required on the construction documents. It is illegal to use such non-appealable and binding contracts because they violate the applicant's right to due process under Chapter 119 ORC.
4. Because the the work has already been approved, revised plans are rarely submitted to the building department documenting the revisions required by the addendum letter. The building department is left without any record of the changes that occurred.
5. An addendum letter is unfair to the building inspector and the contractor because they do not receive approved plans to match the required work. The building inspector's job is to make sure the building is constructed in accordance with the approved plans. He or she should not be required to "imagine" how the work should comply with the OBBC.

ORC section 3791.04 (E) requires that plans be approved *within* 30 days after they are submitted and failure to approve such plans or to state the reasons why they cannot be approved creates an adjudication order. The practice of issuing of addendum letters requiring compliance with the OBBC without recourse to appeal is unacceptable and, above all, it is contrary to law.

If the intent is to expedite the work, the building department should use the plan approval options in section 4101:2-1-23 OBBC. If the intent is to notify the owner of any special stipulations or conditions, the building department should use the certificate of occupancy provisions in section 4101:2-1-27 (F) OBBC. The certificate of occupancy is issued *after* the completion of inspection and resolution of all pending orders. It is not a license to get compliance through other means. It is intended to create a record that allows individuals involved after the approval process, such as fire inspectors, to access and understand the conditions of approval long after the building department has left the scene.

If you have any questions, please write or call the board staff at (614) 644-2613.