

2025 -- S 0350

LC001151

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE

Introduced By: Senators Ciccone, Bissaillon, Tikoian, Lawson, and Burke

Date Introduced: February 21, 2025

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-27.3-100.1.4, 23-27.3-100.1.5 and 23-27.3-108.2 of the General
2 Laws in Chapter 23-27.3 entitled "State Building Code" are hereby amended to read as follows:

3 **23-27.3-100.1.4. Appointment and qualifications of the committee.**

4 (a) The building code standards committee shall be composed of twenty-five (25)
5 members, residents of the state who shall be appointed by the governor with the advice and consent
6 of the senate. Eight (8) members are to be appointed for terms of one year each, seven (7) for a
7 term of two (2) years each, and ten (10) for terms of three (3) years each. Annually, thereafter, the
8 governor, with the advice and consent of the senate, shall appoint members to the committee to
9 succeed those whose terms expired; the members to serve for terms of three (3) years each and until
10 their successors are appointed and qualified. Two (2) members shall be architects registered in the
11 state; three (3) shall be professional engineers registered in the state, one specializing in
12 mechanical, one specializing in structural, and one specializing in electrical engineering; one
13 landscape architect, registered in the state; one full-time certified electrical inspector; two (2) shall
14 be builders or superintendents of building construction; one shall be a public health official; one
15 shall be a qualified fire code official; two (2) shall be from the Rhode Island building trades council;
16 two (2) shall be from the Rhode Island Builders Association; one shall be a holder of Class "A"
17 electrician's license; one shall be a master plumber; two (2) shall be from the general public; three
18 (3) shall be building officials in office, one from a municipality with a population of sixty thousand
19 (60,000) persons or more, one from a municipality with a population of over twenty thousand

1 (20,000) persons but less than sixty thousand (60,000), and one from a municipality with a
2 population of less than twenty thousand (20,000) persons; one shall be a minimum housing official
3 in office from one of the local municipalities; and two (2) residents of the state who shall be persons
4 with disabilities as defined in § 42-87-1.

5 (b) All members shall have no less than five (5) years practical experience in their
6 profession or business. The committee shall elect its own chairperson and may elect from among
7 its members such other officers as it deems necessary. ~~Thirteen (13)~~ A majority of the current
8 members of the board shall constitute a quorum and the vote of a majority vote of those present
9 shall be required for action. The committee shall adopt rules and regulations for procedure. The
10 state building commissioner shall serve as the executive secretary to the committee. The committee
11 shall have the power, within the limits of appropriations provided therefor, to employ such
12 assistance as may be necessary to conduct business.

13 (c) Members of the committee shall be removable by the governor pursuant to § 36-1-7
14 and for cause only, and removal solely for partisan or personal reasons unrelated to capacity or
15 fitness for the office shall be unlawful.

16 (d) The state housing and property maintenance code subcommittee shall be composed of
17 nine (9) members, residents of the state. Five (5) of these members are to be current members of
18 the state building code standards committee and are to be appointed by that committee. The four
19 (4) remaining members are to be appointed by the governor, with the advice and consent of the
20 senate. The four (4) appointed by the governor, with the advice and consent of the senate, shall
21 initially be appointed on a staggered term basis, one for one year, one for two (2) years, and two
22 (2) for three (3) years. Annually thereafter, the building code standards committee, and the
23 governor, with the advice and consent of the senate, shall appoint the subcommittee members, for
24 which they are respectively responsible, to succeed those whose terms have expired; the members
25 to serve for terms of three (3) years each and until their successors are appointed and qualified. Of
26 the members appointed by the committee, one shall be a full-time certified electrical inspector; one
27 shall be a master plumber and mechanical equipment expert; one shall be a builder or
28 superintendent of building construction; one member shall be a qualified state fire code official;
29 one shall be a property manager; and one shall be a current minimum housing official from a local
30 municipality. The four (4) members to be appointed by the governor, with the advice and consent
31 of the senate, shall all be current minimum housing officials from local municipalities. One shall
32 be from a municipality with a population of sixty thousand (60,000) persons or more, two (2) from
33 municipalities with a population of over twenty thousand (20,000) persons but less than sixty
34 thousand (60,000), and one from a municipality with a population of less than twenty thousand

1 (20,000) persons.

2 **23-27.3-100.1.5. Building code — Adoption and promulgation by committee.**

3 The state building [code](#) standards committee has the authority to adopt, promulgate, and
4 administer a state building code, which shall include: (a) Provisions and amendments as necessary
5 to resolve conflicts between fire safety codes and building codes, as provided for in § 23-28.01-6;
6 and (b) A rehabilitation building and fire code for existing buildings and structures.
7 [Notwithstanding any provision of law to the contrary, the building code, including any amendments](#)
8 [adopted by the state building code standards committee, shall be adopted by the state and shall be](#)
9 [fully enforceable by the state building code office within ninety \(90\) days of approval by the state](#)
10 [building code standards committee.](#) The building code ~~may~~ shall be promulgated in several
11 sections, with a section applicable: to one-, [two \(2\), three \(3\), and four \(4\)](#) ~~and two-family (2)~~
12 dwellings [using the 2024 International Residential Code \(IRC\) or any subsequent version thereof;](#)
13 to multiple dwellings [with more than four \(4\) family dwellings,](#) and hotels and motels [using the](#)
14 [2024 commercial International Building Code \(IBC\) or any subsequent version thereof;](#) to general
15 building construction; to plumbing; and to electrical. The building code shall incorporate minimum
16 standards for the location, design, construction, and installation of wells that are appurtenances to
17 a building in applicable sections. For purposes of this chapter, “appurtenance” includes the
18 installation, alteration, or repair of wells connected to a structure consistent with chapter 13.2 of
19 title 46. The building code and the sections thereof shall be reasonably consistent with recognized
20 and accepted standards adopted by national model code organizations and recognized authorities.
21 To the extent that any state or local building codes, statutes, or ordinances are inconsistent with the
22 Americans with Disabilities Act, Title III, Public Accommodations and Services Operated by
23 Private Entities, 42 U.S.C. § 12181 et seq., and its regulations and standards, they are hereby
24 repealed. The state building code standards committee is hereby directed to adopt rules and
25 regulations consistent with the Americans with Disabilities Act, Title II and III (28 C.F.R. 35 and
26 28 C.F.R. 36, as amended), as soon as possible, but no later than February 15, 2012, to take effect
27 on or before March 15, 2012. The state building code standards committee is hereby authorized
28 and directed to update those rules and regulations consistent with the future revisions of the
29 Americans with Disabilities Act Accessibility Standards. All electrical work done in the state shall
30 be in accordance with the latest edition of the National Electrical Code (NEC). The state building
31 commission shall adopt the latest edition of the NEC, including any amendments to the NEC by
32 the commission. The adoption of the NEC by the commission shall be completed so that it will take
33 effect on the first day of July of the year the edition is dated.

34 **23-27.3-108.2. Duties of the state building code commissioner.**

1 (a) The state building code commissioner shall have the authority to enforce and perform
2 the duties required by the state building code, chapter 27.3 of this title, and all codes referenced
3 therein and adopted thereunder, and all other provisions of the general laws and public laws insofar
4 as such powers and duties relate to building codes and building inspection; provided, however, that
5 for the purposes of this section structures constituting tents and/or membrane frame structures as
6 defined in this state building code and any regulations promulgated hereunder shall be subject to
7 an annual certification process to be established by the state building commissioner in conjunction
8 with the state fire marshal and shall not be subject to recurring permit and fee requirements as
9 otherwise required by this code.

10 (b) The state building code commissioner shall work to standardize building code
11 interpretations across the state with input from the Rhode Island League of Cities and Towns and
12 ensure consistent enforcement of the code throughout the state.

13 (c) Permit fees for the projects shall be established by the committee. The fees shall be
14 deposited as general revenues.

15 (d)(1) The local cities and towns shall charge each permit applicant an additional one-tenth
16 percent (0.1%) levy of the total construction cost for each commercial permit issued, and two-tenths
17 percent (0.2%) levy of the total construction cost for each residential permit issued. The levy shall
18 be limited to a maximum of one hundred dollars (\$100) for each of the permits issued for one- ~~and~~,
19 two- ~~(2), three (3), and four (4)~~ family ~~(2)~~ dwellings. This additional levy shall be transmitted
20 monthly to the state building office at the department of business regulation; and

21 (i) Fifty percent (50%) of this additional levy on residential permits and one hundred
22 percent (100%) of this additional levy on commercial permits shall be used to staff and support the
23 purchase or lease and operation of a web-accessible service and/or system to be utilized by the state
24 and municipalities for uniform, statewide electronic plan review, permit management, and
25 inspection system and other programs described in this chapter. This portion of the fee levy shall
26 be deposited as general revenues.

27 (ii) Fifty percent (50%) of this additional levy on residential permits shall be transferred to
28 the department of labor and training and shall be deposited into the contractor training restricted
29 receipt account, which shall be exempt from the indirect cost recovery provisions of § 35-4-27.
30 Subject to appropriation by the general assembly, these funds shall be used to provide contractor
31 training grants for programs that shall include, but are not limited to, minority business enterprises
32 and state local building officials.

33 (2) On or before July 1, 2013, the building commissioner shall develop a standard statewide
34 process for electronic plan review, permit management, and inspection. The process shall include,

1 but not be limited to: applications; submission of building plans and plans for developments and
2 plots; plan review; permitting; inspections; inspection scheduling; project tracking; fee calculation
3 and collections; and workflow and report management.

4 (3) On or before December 1, 2013, the building commissioner, with the assistance of the
5 office of regulatory reform, shall implement the standard statewide process for electronic plan
6 review, permit management, and inspection. In addition, the building commissioner shall develop
7 a technology and implementation plan for a standard web-accessible service or system to be utilized
8 by the state and municipalities for uniform, statewide electronic plan review, permit management,
9 and inspection. The plan shall include, but not be limited to: applications; submission of building
10 plans and plans for developments and plots; plan review; permitting; inspections; inspection
11 scheduling; project tracking; fee calculation and collections; and workflow and report management.

12 (e) The building commissioner shall, upon request by any state contractor described in §
13 37-2-38.1, review, and when all conditions for certification have been met, certify to the state
14 controller that the payment conditions contained in § 37-2-38.1 have been met.

15 (f) The building commissioner shall coordinate the development and implementation of
16 this section with the state fire marshal to assist with the implementation of § 23-28.2-6. On or before
17 January 1, 2022, the building commissioner shall promulgate rules and regulations to implement
18 the provisions of this section and § 23-27.3-115.6.

19 (g) The building commissioner shall submit, in coordination with the state fire marshal, a
20 report to the governor and general assembly on or before April 1, 2013, and each April 1 thereafter,
21 providing the status of the web-accessible service and/or system implementation and any
22 recommendations for process or system improvement. In every report submitted on or after April,
23 2024, the building commissioner shall provide the following information:

24 (1) The identity of every municipality in full compliance with the provisions § 23-27.3-
25 115.6 and the rules and regulations promulgated pursuant to the provisions of this section;

26 (2) The identity of every municipality failing to fully implement and comply with the
27 provisions of § 23-27.3-115.6 and/or the rules and regulations promulgated pursuant to the
28 provisions of this section, and the nature, extent, and basis or reason for the failure or
29 noncompliance; and

30 (3) Recommendations to achieve compliance by all municipalities with the provisions of §
31 23-27.3-115.6 and the rules and regulations promulgated pursuant to this section.

32 (h) The building commissioner shall assist with facilitating the goals and objectives set
33 forth in § 28-42-84(a)(9).

34 (i) The state building code commissioner shall serve as the executive secretary to the state

1 building code standards committee.

2 (j) In addition to the state building code commissioner's other duties as set forth in this
3 chapter, and notwithstanding the same, the state building code commissioner and the
4 commissioner's staff shall assume the authority for the purposes of enforcing the provisions of the
5 state building code in a municipality where there is no local building official or alternate as detailed
6 in § 23-27.3-107.2, or where there are no local building inspectors.

7 SECTION 2. This act shall take effect upon passage.

=====
LC001151
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE

1 This act would define a quorum of the building code standards committee to be a majority
2 of the current board members, provide for prompt adoption and enforcement of updated building
3 codes, amend the state building code to require that sections provide that dwelling units from one
4 to four (4) units use the 2024 and subsequent versions of the international residential code and that
5 multiple dwellings with more than four (4) units, hotels and motels use the 2024 and subsequent
6 versions of the commercial international building code, and expand the additional levy on
7 residential permits for one and two (2) family dwellings to three (3) and four (4) unit dwellings.

8 This act would take effect upon passage.

=====
LC001151
=====