

2012 -- H 7767

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LC01673  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO HEALTH AND SAFETY - STATE BUILDING CODE

Introduced By: Representatives Serpa, Ruggiero, Walsh, Gallison, and Ferri

Date Introduced: February 16, 2012

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-27.3-114.1 of the General Laws in Chapter 23-27.3 entitled  
2 "State Building Code" is hereby amended to read as follows:

3 **23-27.3-114.1. Action on application.** -- (a) The building official shall examine or cause  
4 to be examined all applications for permits and amendments thereto within fifteen (15) days after  
5 filing. Before a permit is granted for the excavation or for the erection of any building or  
6 structure, a written statement shall be furnished by the owner from a town or city engineer as to  
7 the established grades. If the application or plans do not conform to the requirements of this code  
8 or of all applicable laws, the building official shall reject the application citing the specific  
9 sections of this code or applicable law upon which the rejection is based. If the building official is  
10 satisfied that the proposed work conforms to the requirements of this code and all laws applicable  
11 thereto, he or she shall issue a permit.

12 (b) In cases where the permit application is for the construction of a new residential  
13 dwelling occupied by one, two (2), and/or three (3) families, the building official shall reject the  
14 application or issue the permit within forty-five (45) calendar days after the filing of the  
15 application. If after forty-five (45) calendar days the application has not been either rejected or a  
16 permit issued, the permit fee shall be reduced by fifty percent (50%). The review period shall  
17 begin on the date when the application is filed with the building official and shall include any  
18 actions on the application required by subsection (a) herein, subsection 23-28.1-2(b)(2) and 23-  
19 28.1-6 and actions by any other departments with authority over the issuance of the permit.

1 (c) In cases where the permit application is for the rehabilitation of an existing  
2 residential dwelling occupied by one, two (2), and/or three (3) families and affecting not more  
3 than fifty percent (50%) of the square footage of the original dwelling, the building official shall  
4 reject the application or issue the permit within fifteen (15) calendar days after the filing of the  
5 application. If after fifteen (15) calendar days the application has not been either rejected or a  
6 permit issued, the permit fee shall be reduced by fifty percent (50%). The provisions of this  
7 subsection shall apply to actions by other departments with authority over the issuance of the  
8 permit except in cases where the permit application requires plan review under sections 23-28.1-  
9 2(b)(2) and 23-28.1-6.

10 (d) In cases where the permit application is for the rehabilitation of an existing  
11 residential dwelling occupied by one, two (2), and/or three (3) families and affecting more than  
12 fifty percent (50%) of the square footage of the original dwelling, the building official shall reject  
13 the application or issue the permit within forty-five (45) calendar days after the filing of the  
14 application. If, after forty-five (45) calendar days, the application has not been either rejected or a  
15 permit issued, the permit fee shall be reduced by fifty percent (50%). The provisions of this  
16 subsection shall apply to actions by other departments with authority over the issuance of the  
17 permit except in cases where the permit application requires plan review under sections 23-28.1-  
18 2(b)(2) and 23-28.1-6.

19 (e) In cases where the permit application is for the construction of a new or existing light  
20 commercial building affecting not more than fifty thousand square feet (50,000 sq ft), the  
21 building official shall reject the application or issue the permit within forty-five (45) calendar  
22 days after the filing of the application. If, after forty-five (45) calendar days, the application has  
23 not been either rejected or a permit issued, the permit fee shall be reduced by fifty percent (50%).  
24 The provisions of this subsection shall apply to actions by other departments with authority over  
25 the issuance of the permit except in cases where the permit application requires plan review under  
26 sections 23-28.1-2(b)(2) and 23-28.1-6.

27 (f) If an application requires access by driveway to a state highway or state highway  
28 right of way, or the placement or alteration of curbs, or the connecting to, pumping or draining  
29 water to, the state highway drainage system, or making any alteration to the state highway  
30 system, a physical alteration permit shall first be obtained from the director of the department of  
31 transportation pursuant to rules and regulations promulgated under sections 24-8-9, 24-8-33 and  
32 24-8-34. ~~The director shall render a decision within ninety (90) days of receipt of request for~~  
33 ~~access.~~ The issuance of a physical alteration permit shall be a requirement for issuance of a  
34 building permit; however, the lack of a physical alteration permit shall not be cause for a building

1 [official to delay examination of the building permit application. The director of the department of](#)  
2 [transportation shall respond within thirty \(30\) business days; provided, however, the director of](#)  
3 [the department of transportation may extend the timeline for unusual circumstances or for](#)  
4 [complex projects.](#)

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would require a physical alteration permit for the issuance of a building permit.  
2   However, the lack of a physical alteration permit would not be cause for a building official to  
3   delay examination of the building permit application.

4           This act would further provide that the director of the department of transportation would  
5   respond to the permit application within thirty (30) business days, and the deadline would be  
6   extended due to unusual circumstances or complex projects.

7           This act would take effect upon passage.

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