

2025 -- H 5804 SUBSTITUTE A

LC002164/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO HEATH AND SAFETY -- STATE BUILDING CODE

Introduced By: Representatives Shekarchi, Casey, Tanzi, Blazejewski, Speakman,
Cotter, Dawson, Stewart, Finkelman, and Hull
Date Introduced: February 27, 2025
Referred To: House Municipal Government & Housing

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, 23-27.3-107.0, 23-27.3-107.4
2 and 23-27.3-108.2 of the General Laws in Chapter 23-27.3 entitled "State Building Code" are
3 hereby amended to read as follows:

4 **23-27.3-100.1.4. Appointment and qualifications of the committee.**

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

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

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

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

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

thousand (60,000), and one from a municipality with a population of less than twenty thousand (20,000) persons.

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

(a) The state building [code](#) standards committee has the authority to adopt, promulgate, and administer a state building code, which shall include:

~~(a)~~(1) Provisions and amendments as necessary to resolve conflicts between fire safety codes and building codes, as provided for in § 23-28.01-6; and

~~(b)~~(2) A rehabilitation building and fire code for existing buildings and structures.

(b) The building code may be promulgated in several sections, with a section applicable to one ~~and~~ two [\(2\), three \(3\) and four \(4\)](#)-family ~~(2)~~ dwellings [using the International Residential Code from the International Code Council \("ICC"\)](#); to multiple dwellings [with more than four \(4\) residential units](#), and hotels and motels [using the Commercial International Building Code from the ICC](#); to general building construction; to plumbing; and to electrical.

(c) The building code shall incorporate minimum standards for the location, design, construction, and installation of wells that are appurtenances to a building in applicable sections. For purposes of this chapter, “appurtenance” includes the installation, alteration, or repair of wells connected to a structure consistent with chapter 13.2 of title 46.

(d) The building code and the sections thereof shall be reasonably consistent with recognized and accepted standards adopted by national model code organizations and recognized authorities. To the extent that any state or local building codes, statutes, or ordinances are inconsistent with the Americans with Disabilities Act, Title III, Public Accommodations and Services Operated by Private Entities, 42 U.S.C. § 12181 et seq., and its regulations and standards, they are hereby repealed. The state building code standards committee is hereby directed to adopt rules and regulations consistent with the Americans with Disabilities Act, Title II and III (28 C.F.R. 35 and 28 C.F.R. 36, as amended), as soon as possible, but no later than February 15, 2012, to take effect on or before March 15, 2012. The state building code standards committee is hereby authorized and directed to update those rules and regulations consistent with the future revisions of the Americans with Disabilities Act Accessibility Standards.

(e) All electrical work done in the state shall be in accordance with the latest edition of the National Electrical Code (NEC). The state building ~~commission~~ [code standards committee](#) shall adopt the latest edition of the NEC, including any amendments to the NEC by the ~~commission~~ [committee](#). The adoption of the NEC by the commission shall be completed so that it will take effect on the first day of July of the year the edition is dated.

23-27.3-107.0. State building code office. [Effective January 1, 2025.]

1 There exists ~~within the department of business regulation a state building code office a~~
2 state building code office within the office of the state fire marshal, who is the head of the
3 department of business regulation's division of building, design, and fire professionals pursuant to
4 § 23-28.2-1. The office is comprised of the state building code commissioner ~~and,~~ the
5 commissioner's staff, the contractors' registration and licensing board, the building code
6 ~~commission standards committee~~, the design professionals ~~unit, and the building code standards~~
7 ~~committee~~ registration boards for engineers, land surveyors, architects and landscape architects and
8 all other applicable subcommittees.

9 **23-27.3-107.4. Qualifications of the state building commissioner. [Effective January**
10 **1, 2025.]**

11 The state building code commissioner shall be a member of the classified service, and for
12 administrative purposes shall be assigned a position in the department of business ~~regulation~~
13 regulation's division of building, design and fire professionals. Qualifications for the position of
14 the state building commissioner shall be established in accordance with provisions of the classified
15 service of the state, and shall include the provision that the qualifications include at least ten (10)
16 years' experience in building or building regulations generally, and that the commissioner be an
17 architect or professional engineer licensed in the state or a certified building official presently or
18 previously employed by a municipality and having at least ten (10) years' experience in the building
19 construction or inspection field.

20 **23-27.3-108.2. Duties of the state building code commissioner. [Effective January 1,**
21 **2025.]**

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

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

34 (c) Permit fees for the projects shall be established by the committee. The fees shall be

1 deposited as general revenues.

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

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

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

20 (2) On or before July 1, 2013, the building commissioner shall develop a standard statewide
21 process for electronic plan review, permit management, and inspection. The process shall include,
22 but not be limited to: applications; submission of building plans and plans for developments and
23 plots; plan review; permitting; inspections; inspection scheduling; project tracking; fee calculation
24 and collections; and workflow and report management.

25 (3) On or before December 1, 2013, the building commissioner, with the assistance of the
26 office of regulatory reform, shall implement the standard statewide process for electronic plan
27 review, permit management, and inspection. In addition, the building commissioner, through the
28 department of business regulation shall develop a technology and implementation plan for a
29 standard web-accessible service or system to be utilized by the state and municipalities for uniform,
30 statewide electronic plan review, permit management, and inspection. The plan shall include, but
31 not be limited to: applications; submission of building plans and plans for developments and plots;
32 plan review; permitting; inspections; inspection scheduling; project tracking; fee calculation and
33 collections; and workflow and report management.

34 (e) All electronic permitting fees collected by the state building code office shall be

1 remitted to the department of business regulation, which funds shall be used to staff and support
2 the purchase or lease and operation of a web-accessible service or system to be utilized by the state
3 and municipalities for electronic permitting.

4 (f) The building commissioner shall, upon request by any state contractor described in §
5 37-2-38.1, review, and when all conditions for certification have been met, certify to the state
6 controller that the payment conditions contained in § 37-2-38.1 have been met.

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

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

16 (1) The identity of every municipality in full compliance with the provisions § 23-27.3-
17 115.6 and the rules and regulations promulgated pursuant to the provisions of this section;

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

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

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

26 (j) The state building code commissioner shall serve as the executive secretary to the
27 state building code standards committee.

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

33 SECTION 2. Section 23-28.2-1 of the General Laws in Chapter 23-28.2 entitled "Office of
34 State Fire Marshal" is hereby amended to read as follows:

1 **23-28.2-1. Establishment of office of the state fire marshal.**

2 (a) There shall be an office of the state fire marshal within the department of business
3 regulation's division of building, design and fire professionals, the head of which office shall be
4 the state fire marshal. The state fire marshal shall be appointed by the governor with the advice and
5 consent of the senate and shall serve for a period of five (5) years. During the term the state fire
6 marshal may be removed from office by the governor for just cause. All authority, powers, duties
7 and responsibilities previously vested in the division of fire safety are hereby transferred to the
8 office of the state fire marshal.

9 (b) There exists, a state building code office within the office of the state fire marshal as
10 set forth in § 23-27.3-107.0.

11 SECTION 3. Section 42-35-2.9 of the General Laws in Chapter 42-35 entitled
12 "Administrative Procedures" is hereby amended to read as follows:

13 **42-35-2.9. Regulatory analysis.**

14 (a) An agency shall prepare a regulatory analysis for a proposed rule. The analysis must be
15 completed before notice of the proposed rulemaking is published. The summary of the analysis
16 prepared under subsection (c) must be published with the notice of proposed rulemaking.

17 (b) A regulatory analysis must contain:

18 (1) An analysis of the benefits and costs of a reasonable range of regulatory alternatives
19 reflecting the scope of discretion provided by the statute authorizing the proposed rule;

20 (2) Demonstration that there is no alternative approach among the alternatives considered
21 during the rulemaking proceeding which would be as effective and less burdensome to affected
22 private persons as another regulation. This standard requires that an agency proposing to write any
23 new regulation must identify any other state regulation which is overlapped or duplicated by the
24 proposed regulation and justify any overlap or duplication; and

25 (3) A determination whether:

26 (i) The benefits of the proposed rule justify the costs of the proposed rule; and

27 (ii) The proposed rule will achieve the objectives of the authorizing statute in a more cost-
28 effective manner, or with greater net benefits, than other regulatory alternatives.

29 (iii) An agency preparing a regulatory analysis under this section shall prepare a concise
30 summary of the analysis.

31 (iv) If an agency has made a good-faith effort to comply with this section, a rule is not
32 invalid solely if there are errors or paucity of data in the regulatory analysis for the proposed rule.

33 (c) The regulatory analysis for any amendments to the state fire safety code or the state
34 building code, or the state rehabilitation building and fire code for existing buildings and structures

1 including those amendments which incorporate and adopt by reference all or parts of a nationally
2 recognized model code shall be completed within one hundred fifty (150) days of the
3 recommendation of the passage of such amendments by the state official, agency or board
4 responsible for hearing and review of such amendments.

5 SECTION 4. This act shall take effect upon passage.

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LC002164/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEATH AND SAFETY -- STATE BUILDING CODE

- 1 This act would amend the composition of the building code standards committee and would
- 2 make several technical amendments relative to the building code office and would establish a state
- 3 building code office within the office of state fire marshal.
- 4 This act would take effect upon passage.

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