

2020 -- H 7846

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LC004872
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO HEALTH AND SAFETY - STATE BUILDING CODE

Introduced By: Representatives Diaz, Edwards, and Tobon

Date Introduced: February 26, 2020

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-27.3-107.1, 23-27.3-107.2, 23-27.3-107.3 and 23-27.3-108.2 of
2 the General Laws in Chapter 23-27.3 entitled "State Building Code" are hereby amended to read as
3 follows:

4 **23-27.3-107.1. Local building official -- Appointment.**

5 (a) The Each appropriate local authority shall appoint ~~an officer~~ a building official to
6 administer the building code codes. ~~The officer shall be known as the building official.~~ Two (2) ~~or~~
7 ~~more~~ communities may combine in the appointment of a building official for the purpose of
8 enforcing the provisions of this chapter, ~~including officials serving in such capacity on January 1,~~
9 ~~1977, shall serve at the pleasure of the appointing authority, except that such incumbent officials~~
10 ~~shall not be required to meet the official provisions for local building officials set forth in this~~
11 ~~chapter.~~ If a local authority does not have a building official or a building official shared with one
12 other community, then the state building code commissioner may appoint a building official, in
13 accordance with § 23-27.3-107.3, to assume the duties of the local authority in enforcing the
14 provisions of this chapter.

15 (b) A municipality shall not require a local building official to perform duties not set forth
16 in the building code when any building code duties are pending and can or should be addressed.

17 **23-27.3-107.2. Alternate local building official. [Effective January 1, 2020.]**

18 The appropriate local authority shall appoint an alternate building official to act on behalf
19 of the building official during any period of disability caused by, but not limited to, illness, absence,

1 or conflict of interest. The alternate building official shall meet the qualifications of § 23-27.3-
2 107.5. The appropriate local authority shall appoint an alternate local building official within ten
3 (10) calendar days or request the state building office's services as allowed in § 23-27.3-107.3.
4 When the office's services are used due to the lack of a local building official, the salary and
5 operating expenses of the commissioner, or his or her designee, shall be reimbursed to the state as
6 allowed by § 23-27.3-108.2(e)(g).

7 **23-27.3-107.3. Appointment of personnel by state building commissioner.**

8 (a) The state building commissioner may appoint such other personnel as shall be necessary
9 for the administration of the code. In the absence of a local building official or an alternate, as
10 detailed in § 23-27.3-107.2, the commissioner shall assume the responsibility of the local building
11 official and inspectors as required by § 23-27.3-107.4 and shall designate one of the following
12 agents to enforce the code:

13 (1) A member of the commissioner's staff who meets the qualifications of § 23-27.3-107.5
14 and is certified in accordance with § 23-27.3-107.6.

15 (2) An architect or engineer contracted by the commissioner through the department of
16 business regulation [who is certified in accordance with § 23-27.3-107.6](#).

17 (3) A building official who is selected from a list of previously certified officials or
18 inspectors.

19 (b) The salary and operating expenses for services provided in accordance with subsection
20 (a)(1), (2), or (3) shall be reimbursed to the state by the city or town receiving the services [in](#)
21 [accordance with § 23-27.3-108.2\(g\)](#) ~~and shall be deposited as general revenues~~. The attorney
22 general shall be informed of any failure of the appropriate local authority to appoint a local building
23 official to enforce the code in accordance with §§ 23-27.3-107.1 or 23-27.3-107.2.

24 **23-27.3-108.2. State building commissioner's duties. [Effective January 1, 2020.]**

25 (a) This code shall be enforced by the state building commissioner as to any structures or
26 buildings or parts thereof that are owned or are temporarily or permanently under the jurisdiction
27 of the state or any of its departments, commissions, agencies, or authorities established by an act
28 of the general assembly, and as to any structures or buildings or parts thereof that are built upon
29 any land owned by or under the jurisdiction of the state.

30 (b) Permit fees for the projects shall be established by the committee. The fees shall be
31 deposited as general revenues.

32 (c)(1) The local cities and towns shall charge each permit applicant an additional .1 (.001)
33 percent levy of the total construction cost for each permit issued. The levy shall be limited to a
34 maximum of fifty dollars (\$50.00) for each of the permits issued for one- and two-family (2)

1 dwellings. This additional levy shall be transmitted monthly to the state building office at the
2 department of business regulation, and shall be used to staff and support the purchase or lease and
3 operation of a web-accessible service and/or system to be utilized by the state and municipalities
4 for uniform, statewide electronic plan review, permit management, and inspection system and other
5 programs described in this chapter. The fee levy shall be deposited as general revenues.

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

8 (3) On or before December 1, 2013, the building commissioner, with the assistance of the
9 office of regulatory reform, shall implement the standard statewide process for electronic plan
10 review, permit management, and inspection. In addition, the building commissioner shall develop
11 a technology and implementation plan for a standard web-accessible service or system to be utilized
12 by the state and municipalities for uniform, statewide electronic plan review, permit management,
13 and inspection.

14 (d) The building commissioner shall, upon request by any state contractor described in §
15 37-2-38.1, review, and when all conditions for certification have been met, certify to the state
16 controller that the payment conditions contained in § 37-2-38.1 have been met.

17 (e) The building commissioner shall coordinate the development and implementation of
18 this section with the state fire marshal to assist with the implementation of § 23-28.2-6.

19 (f) 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 1st
21 thereafter, providing the status of the web-accessible service and/or system implementation and
22 any recommendations for process or system improvement.

23 (g) When the state building commissioner's services are used due to the lack of a local
24 building official, the salary and operating expenses of the commissioner, or designee, shall be
25 reimbursed to the commissioner's account. The state building code commission shall collect any
26 and all applicable fees for services performed, as would otherwise have been collected by the local
27 authority.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY - STATE BUILDING CODE

1 This act would prohibit more than two (2) communities from combining to appoint a shared
2 building official. If a municipality does not have a building official or a shared building official,
3 the state building commissioner would provide personnel to assume the duties of the local building
4 official. Costs of this service would be reimbursed by the municipality.

5 This act would take effect upon passage.

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