

2024 -- S 2761

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE

Introduced By: Senators Kallman, Gu, Acosta, Mack, Valverde, Bissailon, DiMario, and
Murray

Date Introduced: March 08, 2024

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 and 23-27.3-100.1.5 of the General Laws in
2 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 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. The building
7 code may be promulgated in several sections, with a section applicable to one- ~~and two-~~family ~~(2)~~
8 dwellings [and multiple dwellings with six \(6\) dwellings or fewer](#); to multiple dwellings [with more](#)
9 [than six \(6\) dwellings](#), and hotels and motels; to general building construction; to plumbing; and to
10 electrical. The building code shall incorporate minimum standards for the location, design,
11 construction, and installation of wells that are appurtenances to a building in applicable sections.
12 For purposes of this chapter, “appurtenance” includes the installation, alteration, or repair of wells
13 connected to a structure consistent with chapter 13.2 of title 46. The building code and the sections
14 thereof shall be reasonably consistent with recognized and accepted standards adopted by national
15 model code organizations and recognized authorities. To the extent that any state or local building
16 codes, statutes, or ordinances are inconsistent with the Americans with Disabilities Act, Title III,
17 Public Accommodations and Services Operated by Private Entities, 42 U.S.C. § 12181 et seq., and
18 its regulations and standards, they are hereby repealed. The state building code standards committee
19 is hereby directed to adopt rules and regulations consistent with the Americans with Disabilities
20 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
21 than February 15, 2012, to take effect on or before March 15, 2012. The state building code
22 standards committee is hereby authorized and directed to update those rules and regulations
23 consistent with the future revisions of the Americans with Disabilities Act Accessibility Standards.
24 All electrical work done in the state shall be in accordance with the latest edition of the National
25 Electrical Code (NEC). The state building commission shall adopt the latest edition of the NEC,
26 including any amendments to the NEC by the commission. The adoption of the NEC by the
27 commission shall be completed so that it will take effect on the first day of July of the year the
28 edition is dated.

29 SECTION 2. Chapter 23-27.3 of the General Laws entitled "State Building Code" is hereby
30 amended by adding thereto the following sections:

31 **23-27.3-100.1.5.9. Residential code for small multiple dwellings.**

32 [\(a\) The state building standards committee shall amend the state building code adopted](#)
33 [pursuant to § 23-27.3-100.1.5 to include multiple dwellings with six \(6\) dwellings or fewer under](#)
34 [the same section as one and two \(2\) family dwellings. In so doing, the committee may establish](#)

1 prescriptive requirements for maximum building height and travel distance to egress; but shall not
2 require the installation of automatic fire sprinkler systems or a greater than two (2) hour fire
3 resistance rating for wall, floor, and ceiling separation assemblies.

4 (b) The state fire marshal and the state building commissioner shall develop by July 1, 2025
5 comprehensive recommendations for resolving any conflicts between fire safety codes and the
6 building code as amended pursuant to subsection (a) of this section. The recommendations shall be
7 submitted to the fire safety code board of appeal and review and the state building code standards
8 committee, as appropriate, for consideration and for implementation by rule or agreement by
9 January 1, 2026. The fire safety code board of appeal and review and the state building code
10 standards committee shall hold a joint hearing or hearings, consistent with the provisions of chapter
11 35 of title 42, for the purposes of considering and adopting such rules, regulations, and agreements
12 as may be necessary to implement the purposes of this section.

13 **23-27.3-100.1.5.10. Point access blocks.**

14 (a) The state fire marshal and the state building commissioner shall develop by July 1, 2025
15 comprehensive recommendations for standards that enable a single-exit stairway to serve multiple-
16 dwelling buildings up to six (6) stories in height, above grade plane (a “point access block”). The
17 recommendations shall be submitted to the fire safety code board of appeal and review and the state
18 building code standards committee, as appropriate, for consideration and for implementation by
19 rule or agreement by January 1, 2026. The fire safety code board of appeal and review and the state
20 building code standards committee shall hold a joint hearing or hearings, consistent with the
21 provisions of chapter 35 of title 42, for the purposes of considering and adopting such rules,
22 regulations, and agreements as may be necessary to implement the purposes of this section.

23 (b) In implementing subsection (a) of this section, the state fire marshal and the state
24 building commissioner shall consider existing precedents for how to safely regulate point access
25 blocks.

26 SECTION 3. 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 require the state building standards committee to amend the state building
2 code to include multiple dwellings with six (6) dwellings or fewer under the same section as one-
3 and two-family dwellings. This act would also require the state fire marshal and the state building
4 commissioner to develop recommendations for resolving any conflicts between fire safety codes
5 and the building code. In addition, this act would require the state fire marshal and the state building
6 commissioner to develop recommendations for standards that enable a single-exit stairway to serve
7 multiple-dwelling buildings up to six (6) stories in height.

8 This act would take effect upon passage.

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