

2010 -- H 7589

LC01133

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE -- NEW BUILDINGS  
AND STRUCTURES

Introduced By: Representatives Serpa, Walsh, Williams, Shallcross Smith, and Gablinske

Date Introduced: February 24, 2010

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 sixty (60) calendar days after the filing of the application. If  
15 after sixty (60) calendar days the application has not been either rejected or a permit issued, the  
16 permit fee shall be reduced by fifty percent (50%). The review period shall begin on the date  
17 when the application is filed with the building official and shall include any actions on the  
18 application required by subsection (a) herein, subsection 23-28.1-2(b)(2) and 23-28.1-6 and

1 actions by any other departments with authority over the issuance of the permit.

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

11 (d) If an application requires access by driveway to a state highway or state highway  
12 right of way, or the placement or alteration of curbs, or the connecting to, pumping or draining  
13 water to, the state highway drainage system, or making any alteration to the state highway  
14 system, a physical alteration permit shall ~~first~~ be obtained from the director of the department of  
15 transportation pursuant to rules and regulations promulgated under sections 24-8-9, 24-8-33 and  
16 24-8-34. The issuance of a physical alteration permit shall be a requirement for issuance of a  
17 building permit; however, the lack of a physical alteration permit shall not be cause for the  
18 building official to delay examination of the building permit application. The director of the  
19 department of transportation shall render a decision within ~~ninety (90)~~ fifteen (15) days ~~of receipt~~  
20 ~~of request for access.~~

21 (e) If an application fails to be approved or disapproved in accordance with the timeline  
22 established in subsection (a) above, at the sole discretion of the applicant, one of the following  
23 options may be chosen:

24 (1) Any fee associated with the processing of the application shall be reduced by fifty  
25 percent (50%); or

26 (2) The applicant may elect to obtain approval of the permit within the parameters  
27 afforded by section 23-27.3-128.5.1, waiver of plan examination; or

28 (3) Any fee associated with the processing of the application shall be reduced by fifty  
29 percent (50%) and the applicant shall be granted the authority to move the application to the  
30 office of the state building commissioner.

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

=====  
LC01133  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE -- NEW BUILDINGS  
AND STRUCTURES

\*\*\*

1           This act would specify that lack of a physical alteration permit would not be cause for  
2 delay of the review of a building permit application and would establish options for the building  
3 permit applicant if the timeline for approval or disapproval is not achieved.

4           This act would take effect upon passage.

=====  
LC01133  
=====