

2024 -- H 7701

LC004788

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE --
ADMINISTRATION AND ENFORCEMENT

Introduced By: Representatives Speakman, Knight, Edwards, Cortvriend, Giraldo, and
Potter

Date Introduced: February 23, 2024

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-27.3-107.0, 23-27.3-107.4 and 23-27.3-108.2 of the General
2 Laws in Chapter 23-27.3 entitled "State Building Code" are hereby amended to read as follows:

3 ~~23-27.3-107.0. Department of building inspection. Office of the state building code~~
4 ~~commissioner.~~

5 There is hereby established within the department of business regulation an office of the
6 building code commissioner. The director of business regulation shall grant to the building code
7 commissioner reasonable access to appropriate expert staff to carry out the duties of the office.

8 ~~23-27.3-107.4. Qualifications and duties of the state building commissioner.~~
9 ~~Qualifications of the state building code commissioner.~~

10 ~~(a) The state building commissioner shall serve as the executive secretary to the state~~
11 ~~building code standards committee. In addition to the state building commissioner's other duties as~~
12 ~~set forth in this chapter, the state building commissioner shall assume the authority for the purpose~~
13 ~~of enforcing the provisions of the state building code in a municipality where there is no local~~
14 ~~building official.~~

15 (b) The state building commissioner shall be a member of the classified service, and for
16 administrative purposes shall be assigned a position in the department of business regulation.
17 Qualifications for the position of the state building commissioner shall be established in accordance
18 with provisions of the classified service of the state, and shall include the provision that the

1 qualifications include at least ten (10) years' experience in building or building regulations
2 generally, and that the commissioner be an architect or professional engineer licensed in the state
3 or a certified building official presently or previously employed by a municipality and having at
4 least ten (10) years' experience in the building construction or inspection field.

5 **23-27.3-108.2. State building commissioner's duties. Duties of the state building code**
6 **commissioner.**

7 (a) ~~This code shall be enforced by the state building commissioner as to any structures or~~
8 ~~buildings or parts thereof that are owned or are temporarily or permanently under the jurisdiction~~
9 ~~of the state or any of its departments, commissions, agencies, or authorities established by an act~~
10 ~~of the general assembly, and as to any structures or buildings or parts thereof that are built upon~~
11 ~~any land owned by or under the jurisdiction of the state.~~ The state building code commissioner
12 ("building commissioner"), as the authority having jurisdiction, shall have the authority to enforce
13 and perform the duties required by the state building code, (chapter 27 of title 23), and all codes
14 referenced therein and adopted thereunder, and all other provisions of the general laws and public
15 laws insofar as such powers and duties relate to building codes and building inspection. It shall be
16 the duty of the building commissioner to enforce all laws of this state regarding:

17 (1) Conducting and supervising building code inspections of all residential and commercial
18 buildings regulated by the code within the state;

19 (2) Standardized building code interpretation;

20 (3) Statewide certification of all building officials and inspectors. No individual shall serve
21 as a building official, or inspector without first satisfying minimum qualifications as determined
22 through rules and regulation promulgated by the state building code commissioner; and

23 (4) Overseeing a comprehensive, professional, and consistent enforcement of the state
24 building code.

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

27 (c)(1) The local cities and towns shall charge each permit applicant an additional .1 (.001)
28 percent levy of the total construction cost for each permit issued. The levy shall be limited to a
29 maximum of fifty dollars (\$50.00) for each of the permits issued for one- and two-family (2)
30 dwellings. This additional levy shall be transmitted monthly to the state building office at the
31 department of business regulation, and shall be used to staff and support the purchase or lease and
32 operation of a web-accessible service and/or system to be utilized by the state and municipalities
33 for uniform, statewide electronic plan review, permit management, and inspection system and other
34 programs described in this chapter. The fee levy shall be deposited as general revenues.

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

6 (3) On or before December 1, 2013, the building commissioner, with the assistance of the
7 office of regulatory reform, shall implement the standard statewide process for electronic plan
8 review, permit management, and inspection. In addition, the building commissioner shall develop
9 a technology and implementation plan for a standard web-accessible service or system to be utilized
10 by the state and municipalities for uniform, statewide electronic plan review, permit management,
11 and inspection. The plan shall include, but not be limited to: applications; submission of building
12 plans and plans for developments and plots; plan review; permitting; inspections; inspection
13 scheduling; project tracking; fee calculation and collections; and workflow and report management.

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. On or before
19 January 1, 2022, the building commissioner shall promulgate rules and regulations to implement
20 the provisions of this section and § 23-27.3-115.6.

21 (f) The building commissioner shall submit, in coordination with the state fire marshal, a
22 report to the governor and general assembly on or before April 1, 2013, and each April 1 thereafter,
23 providing the status of the web-accessible service and/or system implementation and any
24 recommendations for process or system improvement. In every report submitted on or after April,
25 2024, the building commissioner shall provide the following information:

26 (1) The identity of every municipality in full compliance with the provisions § 23-27.3-
27 115.6 and the rules and regulations promulgated pursuant to the provisions of this section;

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

32 (3) Recommendations to achieve compliance by all municipalities with the provisions of §
33 23-27.3-115.6 and the rules and regulations promulgated pursuant to this section.

34 (g) The building commissioner shall assist with facilitating the goals and objectives set

1 forth in § 28-42-84(a)(9).

2 (h) The building commissioner shall serve as the executive secretary to the state building
3 code standards committee.

4 (i) In addition to the building commissioner's other duties as set forth in this chapter, the
5 building commissioner shall assume the authority for the purposes of enforcing the provisions of
6 the state building code in a municipality where there is no local building official.

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

9 **23-27.3-108.3. State building code education and training academy.**

10 (a) There shall be a building code education and training unit within the office of the state
11 building code commissioner. This unit shall be headed by a staff member appointed by the
12 commissioner responsible for operational development and oversight of the training unit.

13 (b) Other staff and resources, such as part-time instructors, shall be requested consistent
14 with the state budget process.

15 (c) This training unit shall be responsible for implementing uniform building code
16 education and training programs for all building officials and inspectors state-wide.

17 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE --
ADMINISTRATION AND ENFORCEMENT

- 1 This act would consolidate and transfer the duties of the state building inspector to the state
- 2 building code commissioner and establish a state building code education and training academy.
- 3 This act would take effect upon passage.

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