

2011 -- S 0536

LC01373

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

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

Introduced By: Senators Lynch, and DiPalma

Date Introduced: March 10, 2011

Referred To: Senate Housing & 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)~~ thirty (30) calendar days after the filing of the  
15 application. If after ~~sixty (60)~~ thirty (30) calendar days the application has not been either rejected  
16 or a permit issued, the permit fee shall be reduced by fifty percent (50%). The review period shall  
17 begin on the date when the application is filed with the building official and shall include any  
18 actions on the application required by subsection (a) herein, subsection 23-28.1-2(b)(2) and 23-

1 28.1-6 and actions by any other departments with authority over the issuance of the permit.

2 (c) (i) 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 (ii) In cases where the permit application is for the rehabilitation of an existing residential  
12 dwelling occupied by one, two (2), and/or three (3) families and affecting more than fifty percent  
13 (50%) of the square footage of the original dwelling, the building official shall reject the  
14 application or issue the permit within thirty (30) calendar days, after the filing of the application.  
15 If, after thirty (30) calendar days, the application has not been either rejected or a permit issued,  
16 the permit fee shall be reduced by fifty percent (50%). The provisions of this subsection shall  
17 apply to actions by other departments with authority over the issuance of the permit.

18 (d) In cases where the permit application is for the construction of a new or existing light  
19 commercial building, the building official shall reject the application or issue the permit within  
20 thirty (30) calendar days after the filing of the application. If, after thirty (30) calendar days, the  
21 application has not been either rejected or a permit issued, the permit fee shall be reduced by fifty  
22 percent (50%). The review period shall begin on the date when the application is filed with the  
23 building official and shall include any actions on the application required by subsection (a)  
24 herein, subdivision 23-28.1-2(b)(2) and 23-28.1-6 and actions by any other departments with  
25 authority over the issuance of the permit. For the purposes of this section, "light commercial  
26 building" shall mean the scope of a construction contract consisting of fifty thousand (50,000)  
27 square feet or less for new and existing commercial buildings.

28 ~~(d)~~ (e) If an application requires access by driveway to a state highway or state highway  
29 right of way, or the placement or alteration of curbs, or the connecting to, pumping or draining  
30 water to, the state highway drainage system, or making any alteration to the state highway  
31 system, a physical alteration permit shall first be obtained from the director of the department of  
32 transportation pursuant to rules and regulations promulgated under sections 24-8-9, 24-8-33 and  
33 24-8-34. The director shall render a decision within ninety (90) days of receipt of request for  
34 access.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would shorten, from 60 to 30 days, the amount of time a building official can  
2 reject or accept an application for a building permit. It would also establish provisions for permit  
3 applications for commercial buildings.

4           This act would take effect upon passage.

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