

2024 -- H 7983 SUBSTITUTE B

LC005543/SUB B

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

Introduced By: Representatives Cruz, Potter, Diaz, Kislak, Kazarian, Giraldo, and Slater

Date Introduced: March 05, 2024

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

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

23-27.3-107.0. Department of building inspection. State building code office.

There exists within the department of business regulation a state building code office. The office is comprised of the state building code commissioner and the commissioner's staff, the contractors' registration and licensing board, the building code commission, the design professionals unit, and the building code standards committee and all other applicable subcommittees.

23-27.3-107.4. Qualifications and duties of the state building commissioner. Qualifications of the state building commissioner.

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

~~(b)~~ The state building commissioner shall be a member of the classified service, and for administrative purposes shall be assigned a position in the department of business regulation. Qualifications for the position of the state building commissioner shall be established in accordance 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 shall
12 have the authority to enforce and perform the duties required by the state building code, chapter 27
13 of this title, and all codes referenced therein and adopted thereunder, and all other provisions of the
14 general laws and public laws insofar as such powers and duties relate to building codes and building
15 inspection.

16 (b) The state building code commissioner shall work to standardize building code
17 interpretations across the state with input from the Rhode Island League of Cities and Towns and
18 ensure consistent enforcement of the code throughout the state.

19 ~~(b)(c)~~ (c) Permit fees for the projects shall be established by the committee. The fees shall be
20 deposited as general revenues.

21 ~~(e)(d)~~ (1) The local cities and towns shall charge each permit applicant an additional ~~+~~
22 ~~(.004)~~ one-tenth percent (0.1%) levy of the total construction cost for each commercial permit
23 issued, and two-tenths percent (0.2%) levy of the total construction cost for each residential permit
24 issued. The levy shall be limited to a maximum of ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100)
25 for each of the permits issued for one- and two-family (2) dwellings. This additional levy shall be
26 transmitted monthly to the state building office at the department of business regulation; and

27 (i) Fifty percent (50%) of this additional levy on residential permits and one hundred
28 percent (100%) of this additional levy on commercial permits shall be used to staff and support the
29 purchase or lease and operation of a web-accessible service and/or system to be utilized by the state
30 and municipalities for uniform, statewide electronic plan review, permit management, and
31 inspection system and other programs described in this chapter. ~~The~~ This portion of the fee levy
32 shall be deposited as general revenues.

33 (ii) Fifty percent (50%) of this additional levy on residential permits shall be transferred to
34 the department of labor and training and shall be deposited into the contractor training restricted

1 receipt account, which shall be exempt from the indirect cost recovery provisions of § 35-4-27.
2 Subject to appropriation by the general assembly, these funds shall be used to provide contractor
3 training grants for programs that shall include, but are not limited to, minority business enterprises
4 and state local building officials.

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

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

18 ~~(d)~~(e) The building commissioner shall, upon request by any state contractor described in
19 § 37-2-38.1, review, and when all conditions for certification have been met, certify to the state
20 controller that the payment conditions contained in § 37-2-38.1 have been met.

21 ~~(e)~~(f) The building commissioner shall coordinate the development and implementation of
22 this section with the state fire marshal to assist with the implementation of § 23-28.2-6. On or before
23 January 1, 2022, the building commissioner shall promulgate rules and regulations to implement
24 the provisions of this section and § 23-27.3-115.6.

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

30 (1) The identity of every municipality in full compliance with the provisions § 23-27.3-
31 115.6 and the rules and regulations promulgated pursuant to the provisions of this section;

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

1 noncompliance; and

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

4 ~~(e)(h)~~ The building commissioner shall assist with facilitating the goals and objectives set
5 forth in § 28-42-84(a)(9).

6 (i) The state building code commissioner shall serve as the executive secretary to the state
7 building code standards committee.

8 (j) In addition to the state building code commissioner's other duties as set forth in this
9 chapter, and notwithstanding the same, the state building code commissioner and the
10 commissioner's staff shall assume the authority for the purposes of enforcing the provisions of the
11 state building code in a municipality where there is no local building official or alternate as detailed
12 in § 23-27.3-107.2, or where there are no local building inspectors.

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

15 **23-27.3-108.3. State building code education and training academy.**

16 (a) There shall be a building code education and training program within the state building
17 code office, which shall be overseen by the state building code commissioner or the commissioner's
18 designee.

19 (b) The training program shall be responsible for implementing uniform building code
20 education and training programs, with input from the Rhode Island League of Cities and Towns,
21 for all building officials and inspectors statewide.

22 SECTION 3. Section 35-4-27 of the General Laws in Chapter 35-4 entitled "State Funds"
23 is hereby amended to read as follows:

24 **35-4-27. Indirect cost recoveries on restricted receipt accounts.**

25 Indirect cost recoveries of ten percent (10%) of cash receipts shall be transferred from all
26 restricted-receipt accounts, to be recorded as general revenues in the general fund. However, there
27 shall be no transfer from cash receipts with restrictions received exclusively: (1) From contributions
28 from nonprofit charitable organizations; (2) From the assessment of indirect cost-recovery rates on
29 federal grant funds; or (3) Through transfers from state agencies to the department of administration
30 for the payment of debt service. These indirect cost recoveries shall be applied to all accounts,
31 unless prohibited by federal law or regulation, court order, or court settlement. The following
32 restricted receipt accounts shall not be subject to the provisions of this section:

33 Executive Office of Health and Human Services

34 Organ Transplant Fund

1	HIV Care Grant Drug Rebates
2	Health System Transformation Project
3	Rhode Island Statewide Opioid Abatement Account
4	HCBS Support-ARPA
5	HCBS Admin Support-ARPA
6	Department of Human Services
7	Veterans' home — Restricted account
8	Veterans' home — Resident benefits
9	Pharmaceutical Rebates Account
10	Demand Side Management Grants
11	Veteran's Cemetery Memorial Fund
12	Donations — New Veterans' Home Construction
13	Department of Health
14	Pandemic medications and equipment account
15	Miscellaneous Donations/Grants from Non-Profits
16	State Loan Repayment Match
17	Healthcare Information Technology
18	Department of Behavioral Healthcare, Developmental Disabilities and Hospitals
19	Eleanor Slater non-Medicaid third-party payor account
20	Hospital Medicare Part D Receipts
21	RICLAS Group Home Operations
22	Commission on the Deaf and Hard of Hearing
23	Emergency and public communication access account
24	Department of Environmental Management
25	National heritage revolving fund
26	Environmental response fund II
27	Underground storage tanks registration fees
28	De Coppet Estate Fund
29	Rhode Island Historical Preservation and Heritage Commission
30	Historic preservation revolving loan fund
31	Historic Preservation loan fund — Interest revenue
32	Department of Public Safety
33	E-911 Uniform Emergency Telephone System
34	Forfeited property — Retained

1	Forfeitures — Federal
2	Forfeited property — Gambling
3	Donation — Polygraph and Law Enforcement Training
4	Rhode Island State Firefighter's League Training Account
5	Fire Academy Training Fees Account
6	Attorney General
7	Forfeiture of property
8	Federal forfeitures
9	Attorney General multi-state account
10	Forfeited property — Gambling
11	Department of Administration
12	OER Reconciliation Funding
13	Health Insurance Market Integrity Fund
14	RI Health Benefits Exchange
15	Information Technology restricted receipt account
16	Restore and replacement — Insurance coverage
17	Convention Center Authority rental payments
18	Investment Receipts — TANS
19	OPEB System Restricted Receipt Account
20	Car Rental Tax/Surcharge-Warwick Share
21	Grants Management Administration
22	RGGI-Executive Climate Change Coordinating Council Projects
23	Executive Office of Commerce
24	Housing Resources Commission Restricted Account
25	Housing Production Fund
26	Department of Revenue
27	DMV Modernization Project
28	Jobs Tax Credit Redemption Fund
29	Legislature
30	Audit of federal assisted programs
31	Department of Children, Youth and Families
32	Children's Trust Accounts — SSI
33	Military Staff
34	RI Military Family Relief Fund

1	RI National Guard Counterdrug Program
2	Treasury
3	Admin. Expenses — State Retirement System
4	Retirement — Treasury Investment Options
5	Defined Contribution — Administration - RR
6	Violent Crimes Compensation — Refunds
7	Treasury Research Fellowship
8	Business Regulation
9	Banking Division Reimbursement Account
10	Office of the Health Insurance Commissioner Reimbursement Account
11	Securities Division Reimbursement Account
12	Commercial Licensing and Racing and Athletics Division Reimbursement Account
13	Insurance Division Reimbursement Account
14	Historic Preservation Tax Credit Account
15	Marijuana Trust Fund
16	Social Equity Assistance Fund
17	Judiciary
18	Arbitration Fund Restricted Receipt Account
19	Third-Party Grants
20	RI Judiciary Technology Surcharge Account
21	Department of Elementary and Secondary Education
22	Statewide Student Transportation Services Account
23	School for the Deaf Fee-for-Service Account
24	School for the Deaf — School Breakfast and Lunch Program
25	Davies Career and Technical School Local Education Aid Account
26	Davies — National School Breakfast & Lunch Program
27	School Construction Services
28	Office of the Postsecondary Commissioner
29	Higher Education and Industry Center
30	IGT STEM Scholarships
31	Department of Labor and Training
32	Job Development Fund
33	<u>Contractor Training Restricted Receipt Account</u>
34	Rhode Island Council on the Arts

- 1 Governors' Portrait Donation Fund
- 2 Statewide records management system account
- 3 SECTION 4. This act shall take effect on January 1, 2025.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE

1 This act would amend various provisions relative to the duties of the state building
2 commissioner and would establish a building code education and training program to educate
3 building officials and inspectors statewide.

4 This act would take effect on January 1, 2025.

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