

2010 -- H 7218

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HEALTH AND SAFETY

Introduced By: Representatives Schadone, Winfield, Marcello, Edwards, and Gemma

Date Introduced: January 26, 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
19 actions by any other departments with authority over the issuance of the permit.

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

10 (d) If an application requires access by driveway to a state highway or state highway
11 right of way, or the placement or alteration of curbs, or the connecting to, pumping or draining
12 water to, the state highway drainage system, or making any alteration to the state highway
13 system, a physical alteration permit shall first be obtained from the director of the department of
14 transportation pursuant to rules and regulations promulgated under sections 24-8-9, 24-8-33 and
15 24-8-34. The director shall render a decision within ninety (90) days of receipt of request for
16 access provided however, nothing herein shall prevent the applicant from simultaneously
17 submitting an application to a municipality prior to the rendering of a decision.

18 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 authorize an applicant for a building permit to submit another application
- 2 for relief prior to the rendering of a decision by the municipality.
- 3 This act would take effect upon passage.

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