

2012 -- H 7318

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

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

Introduced By: Representatives Serpa, Walsh, Ruggiero, Tomasso, and Gallison

Date Introduced: February 01, 2012

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 ~~forty-five (45)~~ thirty (30) calendar days after the filing of
15 the application. If after ~~forty-five (45)~~ thirty (30) calendar days the application has not been either
16 rejected or a permit issued, the permit fee shall be reduced by fifty percent (50%). The review
17 period shall begin on the date when the application is filed with the building official and shall
18 include any actions on the application required by subsection (a) herein, subsection 23-28.1-

1 2(b)(2) and 23-28.1-6 and actions by any other departments with authority over the issuance of
2 the permit.

3 (c) In cases where the permit application is for the rehabilitation of an existing
4 residential dwelling occupied by one, two (2), and/or three (3) families and affecting not more
5 than fifty percent (50%) of the square footage of the original dwelling, the building official shall
6 reject the application or issue the permit within fifteen (15) calendar days after the filing of the
7 application. If after fifteen (15) calendar days the application has not been either rejected or a
8 permit issued, the permit fee shall be reduced by fifty percent (50%). The provisions of this
9 subsection shall apply to actions by other departments with authority over the issuance of the
10 permit except in cases where the permit application requires plan review under sections 23-28.1-
11 2(b)(2) and 23-28.1-6.

12 (d) In cases where the permit application is for the rehabilitation of an existing
13 residential dwelling occupied by one, two (2), and/or three (3) families and affecting more than
14 fifty percent (50%) of the square footage of the original dwelling, the building official shall reject
15 the application or issue the permit within forty-five (45) calendar days after the filing of the
16 application. If, after forty-five (45) calendar days, the application has not been either rejected or a
17 permit issued, the permit fee shall be reduced by fifty percent (50%). The provisions of this
18 subsection shall apply to actions by other departments with authority over the issuance of the
19 permit except in cases where the permit application requires plan review under sections 23-28.1-
20 2(b)(2) and 23-28.1-6.

21 (e) In cases where the permit application is for the construction of a new or existing light
22 commercial building affecting not more than fifty thousand square feet (50,000 sq ft), the
23 building official shall reject the application or issue the permit within forty-five (45) calendar
24 days after the filing of the application. If, after forty-five (45) calendar days, the application has
25 not been either rejected or a permit issued, the permit fee shall be reduced by fifty percent (50%).
26 The provisions of this subsection shall apply to actions by other departments with authority over
27 the issuance of the permit except in cases where the permit application requires plan review under
28 sections 23-28.1-2(b)(2) and 23-28.1-6.

29 (f) If an application requires access by driveway to a state highway or state highway
30 right of way, or the placement or alteration of curbs, or the connecting to, pumping or draining
31 water to, the state highway drainage system, or making any alteration to the state highway
32 system, a physical alteration permit shall ~~first~~ be obtained from the director of the department of
33 transportation pursuant to rules and regulations promulgated under sections 24-8-9, 24-8-33 and
34 24-8-34. [The issuance of a physical alteration permit shall be a requirement for issuance of a](#)

1 building permit; however, the lack of a physical alteration permit shall not be cause for the
2 building official to delay examination of the building permit application. The director ~~shall render~~
3 ~~a decision~~ of the department of transportation shall offer a response within ~~ninety (90) days of~~
4 ~~receipt of request for access~~ thirty (30) business days, provided however, the director of the
5 department of transportation may extend the timeline for unusual circumstances or for complex
6 projects.

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

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

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

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

17 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 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 application if the timeline for approval or disapproval is not achieved.

4 This act would take effect upon passage.

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