

AN ACT concerning business.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Capital Development Board Act is amended by changing Sections 10.09-1 and 10.18 as follows:

(20 ILCS 3105/10.09-1)

Sec. 10.09-1. Certification of inspection.

(a) No ~~After July 1, 2011,~~ no person may occupy a newly constructed commercial building or a substantially improved commercial building in a non-building code jurisdiction until:

(1) The property owner or property owner's ~~his or her~~ agent has first contracted for the inspection of the building by an inspector who meets the qualifications established by the Board; and

(2) The qualified inspector files a certification of inspection with the municipality or county having such jurisdiction over the property indicating that the building complies ~~meets compliance~~ with all of the ~~building codes adopted by the Board for non-building code jurisdictions based on~~ the following:

(A) to the extent they do not conflict with the codes and rules listed in subparagraphs (C) through (F), the ~~The~~ current edition or most recent preceding

edition ~~editions~~ of the following codes published
~~developed~~ by the International Code Council:

(i) the International Building Code, including
Appendix G and excluding Chapters 11, 13, and 29;

(ii) the International Existing Building Code;
and

(B) to the extent it does not conflict with the
codes and rules listed in subparagraphs (C) through
(F), the ~~The~~ current edition or most recent preceding
edition of the National Electrical Code ~~NFPA 70~~
published by the National Fire Protection
Association;

(C) either:

(i) The Energy Efficient Building Code adopted
under Section 15 of the Energy Efficient Building
Act; or

(ii) The Illinois Stretch Energy Code adopted
under Section 55 of the Energy Efficient Building
Act;

(D) the Illinois Accessibility Code adopted under
Section 4 of the Environmental Barriers Act;

(E) the Illinois Plumbing Code adopted under
Section 35 of the Illinois Plumbing License Law; and

(F) the rules adopted in accordance with Section 9
of the Fire Investigation Act.

(3) Once a building permit is issued, the applicable

requirements that are in effect on January 1 of the calendar year when the building permit was applied for, or, where a building permit is not required, on January 1 of the calendar year when construction begins, shall be the only requirements that apply for the duration of the building permit or construction.

(b) (Blank). ~~This Section does not apply to any area in a municipality or county having jurisdiction that has registered its adopted building code with the Board as required by Section 55 of the Illinois Building Commission Act.~~

(c) The qualification requirements of this Section do not apply to building enforcement personnel employed by a municipality or county who are acting in their official capacity ~~jurisdictions as defined in subsection (b).~~

(d) For purposes of this Section:

"Commercial building" means any building other than: (i) a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or townhouses; ~~townhomes~~ or (ii) a farm building as exempted from Section 3 of the Illinois Architecture Practice Act of 1989.

"Newly constructed commercial building" means any commercial building for which original construction has commenced on or after July 1, 2011.

"Non-building code jurisdiction" means any area of the State in a municipality or county having jurisdiction that: (i) has not adopted a building code; or (ii) is required to but

has not identified its adopted building code to the Board under Section 10.18 of the Capital Development Board Act ~~not subject to a building code imposed by either a county or municipality.~~

"Qualified inspector" means an individual ~~qualified by the State of Illinois,~~ certified as a commercial building inspector by the International Code Council or an equivalent ~~by a nationally recognized building inspector official~~ certification organization, qualified as a construction and building inspector by successful completion of ~~by~~ an apprentice program certified by the United States Department of Labor Bureau of Apprentice Training, or who has filed verification of inspection experience according to rules adopted by the Board for the purposes of conducting inspections in non-building code jurisdictions.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before damage occurred.

"Substantially improved commercial building" means, for work commenced on or after January 1, 2025, any commercial building that has undergone any repair, reconstruction, rehabilitation, alteration, addition, or other improvement, the cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started. If a commercial building has sustained substantial damage, any

repairs are considered substantial improvement regardless of the actual repair work performed. "Substantially improved commercial building" does not include: (i) any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (ii) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(e) Except as provided in Section 15 of the Illinois Residential Building Code Act, new ~~New~~ residential construction is exempt from this Section and is defined as any original construction of a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or townhouses ~~townhomes in accordance with the Illinois Residential Building Code Act.~~

(f) Local governments may establish agreements with other governmental entities within the State to issue permits and enforce building codes and may hire third-party providers that are qualified in accordance with this Section to provide inspection services.

(g) This Section does not limit the applicability of ~~regulate~~ any other statutorily authorized code or regulation administered by State agencies. These include without limitation the codes and regulations listed in subparagraphs

~~(C) through (F) of paragraph (2) of subsection (a) Illinois Plumbing Code, the Illinois Environmental Barriers Act, the International Energy Conservation Code, and administrative rules adopted by the Office of the State Fire Marshal.~~

(h) The changes to this Section made by this amendatory Act of the 103rd General Assembly shall apply beginning on January 1, 2025 ~~This Section applies beginning July 1, 2011.~~

(Source: P.A. 101-369, eff. 12-15-19; 102-558, eff. 8-20-21.)

(20 ILCS 3105/10.18)

Sec. 10.18. Identification of local building codes.

(a) Any municipality or county ~~All municipalities with a population of less than 1,000,000 or a county~~ adopting a new building code edition ~~or amending an existing building code~~ must, at least 30 days before ~~adopting~~ the effective date of the building code ~~or amendment~~, identify ~~provide an identification of the model code being adopted~~, by title and edition, and any local amendments ~~or the amendment~~ to the ~~Capital Development Board~~ Board in writing.

(b) No later than 180 days after the effective date of this amendatory Act of the 103rd General Assembly, any municipality or county that has adopted and is enforcing a building code must identify the adopted model code, by title and edition, and any local amendments, to the Board in writing.

(c) For each municipality and county subject to this Section, the ~~The Capital Development Board~~ must identify the

adopted model ~~proposed~~ code or codes, by ~~the~~ title and edition, ~~and~~ note if any local amendments were adopted, and identify the date when this information was reported to the Board ~~made to the public~~ on the Board's public Capital Development Board website.

(d) For the purposes of this Section, "building code" means a model ~~building~~ code adopted with or without local amendments to regulate ~~regulating~~ the construction or rehabilitation ~~and maintenance~~ of structures within the municipality or county. "Building code" does not include any zoning ordinance adopted under Division 13 of Article 11 of the Illinois Municipal Code or Division 5-12 of Article 5 of the Counties Code.

(e) Beginning January 1, 2025, any municipal building code or county building code must:

(1) regulate the structural design of new buildings, other than residential buildings, in a manner that is at least as stringent as the baseline building code;

(2) regulate the structural design of rehabilitation work in existing buildings, other than residential buildings, in a manner that is at least as stringent as the baseline existing building code; and

(3) regulate the structural design of residential buildings in a manner that is at least as stringent as the baseline residential code.

In this subsection:

"Baseline building code" means the edition of the International Building Code, including Appendix G, first published by the International Code Council during the current year or preceding 9 calendar years with the least restrictive provisions for structural design.

"Baseline existing building code" means the edition of the International Existing Building Code first published by the International Code Council during the current year or preceding 9 calendar years with the least restrictive provisions for structural design.

"Baseline residential code" means the edition of the International Residential Code for One- and Two-Family Dwellings first published by the International Code Council during the current year or preceding 9 calendar years with the least restrictive provisions for structural design.

"Residential building" means a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or townhouses.

"Structural design" means the capacity of a newly constructed structure or altered or repaired existing structure, including its foundation, to withstand forces, including, but not limited to, dead loads, live loads, snow loads, wind loads, soil loads and hydrostatic pressure, rain loads, and earthquake loads, and to resist flood damage.

This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the

concurrent exercise by home rule units of powers and functions exercised by the State.

(f) On an annual basis, the Board shall send written notification to the corporate authorities of each municipality and county subject to this Section of their obligations under this Section.

(Source: P.A. 99-639, eff. 7-28-16.)

Section 10. The Illinois Residential Building Code Act is amended by changing Sections 10 and 15 as follows:

(815 ILCS 670/10)

Sec. 10. Definitions. In this Act:

"International Residential Code" means the current edition or the most recent preceding edition of the International Residential Code for One- and Two-Family ~~One and Two Family~~ Dwellings published by the International Code Council, excluding Parts IV and VII ~~as now or hereafter amended by the Council.~~

"New residential construction" means any original construction of a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or townhouses ~~town houses~~.

"Non-building code jurisdiction" means any area of the State in a municipality or county having jurisdiction that:
(i) has not adopted a residential building code; or (ii) is

required to but has not identified its adopted residential building code to the Board under Section 10.18 of the Capital Development Board Act.

"Residential building code" means a model code adopted by a municipality or county, with or without local amendments, to regulate the construction of ~~an ordinance, resolution, law, housing or building code, or zoning ordinance that establishes, for residential building contractors, construction related activities applicable to~~ single-family or 2-family residential structures or townhouses within the municipality or county.

Home builder ~~"Residential building contractor"~~ means any individual, corporation, or partnership that constructs a fixed building or structure for sale or use by another as a residence or that, for a price, commission, fee, wage, or other compensation, undertakes or offers to undertake the construction of any building or structure to be used by another as a residence, if the individual, corporation, or partnership reasonably expects to earn a financial profit from that activity.

(Source: P.A. 93-778, eff. 1-1-05.)

(815 ILCS 670/15)

Sec. 15. Adoption of residential building code. A contract to build new residential construction ~~a home (1)~~ in any non-building code jurisdiction ~~municipality in this State that~~

~~does not have a residential building code in effect or (2) in any portion of a county that is not located within a municipality and does not have a residential building code in effect~~ must adopt as part of the construction contract the applicability of a residential building code that is agreed to by the home builder and the home purchaser as provided in this Section. The home builder and the home purchaser may agree to adopt the International Residential Code or any municipal residential building code or county residential building code that is in effect on the first day of construction in any county or municipality that is within 100 miles of the location of the new home. If the home builder and the home purchaser fail to agree to a residential building code or if no residential building code is stated in the contract, the code adopted under Section 15 of the Energy Efficient Building Act, the plumbing code promulgated by the Illinois Department of Public Health under Section 35 of the Illinois Plumbing License Law, ~~the National Electric Code as adopted by the American National Standards Institute,~~ and the current edition of the International Residential Code shall, by law, be adopted as part of the construction contract.

(Source: P.A. 93-778, eff. 1-1-05.)