



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2368

Introduced 2/10/2023, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

New Act
20 ILCS 3105/10.09-1
815 ILCS 670/Act rep.

Creates the State Building and Residential Codes Act. Provides that the Capital Development Board, in consultation with the Department of Natural Resources, shall adopt a Building Code that establishes minimum requirements for the construction of commercial buildings, that shall apply to the construction of, renovations to, and additions to all commercial buildings in the State. Provides that the Board, in consultation with the Environmental Protection Agency, shall also adopt a Residential Code as the minimum and maximum requirements for the construction of residential buildings, that shall apply to the construction of, renovations to, and additions to all residential buildings in the State. Contains provisions concerning applicability; technical assistance; enforcement; rules; input from interested parties; and a prohibition on grants. Preempts home rule powers. Amends the Capital Development Board Act to make conforming changes. Repeals the Illinois Residential Building Codes Act. Effective immediately.

LRB103 25789 SPS 52138 b

1 AN ACT concerning business.

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

4 Section 1. Short title. This Act may be cited as the State
5 Building and Residential Codes Act.

6 Section 5. Findings.

7 (a) The General Assembly finds that an effective building
8 code and residential code is essential to:

9 (1) protect Illinoisans from a wide range of hazards,
10 including flooding, fire, and storm damage;

11 (2) reduce economic losses associated with natural
12 disasters, that are expected to worsen due to climate
13 change;

14 (3) ensure new construction is based on the latest
15 science and technology to promote public safety and
16 health;

17 (4) improve efficiencies in permitting and enforcement
18 by setting a uniform standard for all communities; and

19 (5) help Illinois communities secure reduced insurance
20 premiums, lower bond ratings, and federal disaster
21 mitigation funding.

22 Section 10. Definitions.

1 "Agency" means the Environmental Protection Agency.

2 "Board" means the Capital Development Board.

3 "Building" includes residential buildings and commercial
4 buildings.

5 "Building Code" means the latest published edition of the
6 International Building Code (IBC) developed by the
7 International Code Council as adopted by the Board, including
8 any published supplements adopted by the Board and any
9 amendments and adaptations to the Code that are made by the
10 Board.

11 "Commercial building" means any building that is not a
12 residential building.

13 "Department" means the Department of Natural Resources.

14 "Municipality" means any city, village, or incorporated
15 town.

16 "Residential building" means (i) a detached one-family or
17 2-family dwelling; (ii) any building that is 3 stories or less
18 in height above grade that contains multiple dwelling units,
19 in which the occupants reside on a primarily permanent basis,
20 such as a townhouse, a row house, an apartment house, a
21 convent, a monastery, a rectory, a fraternity or sorority
22 house, a dormitory, and a rooming house; provided, however,
23 that when applied to a building located within the boundaries
24 of a municipality having a population of 1,000,000 or more; or
25 (iii) a building containing one or more dwelling units, not
26 exceeding 4 stories above grade, where occupants are primarily

1 permanent.

2 "Residential Code" means the latest published edition of
3 the International Residential Code (IRC) developed by the
4 International Code Council as adopted by the Board, including
5 any published supplements adopted by the Board and any
6 amendments and adaptations to the Code that are made by the
7 Board.

8 Section 15. Adoption of the Building Code and the
9 Residential Code.

10 (a) The Board, in consultation with the Department, shall
11 adopt a Building Code that establishes minimum requirements
12 for the construction of commercial buildings, that shall apply
13 to the construction of, renovations to, and additions to all
14 commercial buildings in the State, except as provided for in
15 Section 45.

16 (b) The Board, in consultation with the Agency, shall also
17 adopt a Residential Code as the minimum and maximum
18 requirements for the construction of residential buildings,
19 that shall apply to the construction of, renovations to, and
20 additions to all residential buildings in the State, except as
21 provided for in Section 45.

22 (c) The Board may appropriately adapt the Building Code
23 and the Residential Code to apply to the particular economy,
24 population distribution, geography, and climate of the State
25 and construction therein, consistent with the public policy

1 objectives of this Act.

2 Section 20. Applicability.

3 (a) The Board shall review and adopt the Building Code and
4 the Residential Code within one year after their publication.
5 The Building Code and the Residential Code shall take effect
6 within 6 months after they are adopted by the Board, except
7 that, beginning January 1, 2024, the Building Code and the
8 Residential Code adopted in 2024 shall take effect on January
9 1, 2025. Except as otherwise provided in this Act, the
10 Building Code and the Residential Code shall apply to (i) any
11 new building or structure in this State for which a building
12 permit application is received by a municipality or county and
13 (ii) beginning on the effective date of this Act, each State
14 facility specified in Section 4.01 of the Capital Development
15 Board Act. In the case of any addition, alteration,
16 renovation, or repair to an existing residential or commercial
17 structure, the Building Code and the Residential Code adopted
18 under this Act applies only to the portions of that structure
19 that are being added, altered, renovated, or repaired.

20 (b) The following buildings shall be exempt from the
21 Building Code and the Residential Code:

22 (1) Buildings otherwise exempt from the provisions of
23 a locally adopted building code and buildings that do not
24 contain a conditioned space.

25 (2) Historic buildings. This exemption shall apply to

1 those buildings that are listed on the National Register
2 of Historic Places or the Illinois Register of Historic
3 Places, and to those buildings that have been designated
4 as historically significant by a local governing body that
5 is authorized to make such designations.

6 (3) Other buildings specified as exempt by the
7 International Building Code or the International
8 Residential Code.

9 (c) Additions, alterations, renovations, or repairs to an
10 existing building, building system, or portion thereof shall
11 conform to the provisions of the Building Code and the
12 Residential Code as they relate to new construction without
13 requiring the unaltered portion of the existing building or
14 building system to comply with the Building Code and the
15 Residential Code.

16 (d) A unit of local government that does not regulate
17 building standards is not required to adopt, enforce, or
18 administer the Building Code and the Residential Code, but any
19 building standards adopted by a unit of local government must
20 comply with this Act. If a unit of local government does not
21 regulate building standards, any construction, renovation, or
22 addition to buildings or structures is subject to the
23 provisions contained in this Act.

24 Section 25. Technical assistance.

25 (a) The Department shall make available to builders,

1 designers, engineers, and architects implementation materials
2 and training to explain the requirements of the Building Code
3 and the Residential Code and describe methods of compliance
4 acceptable to code enforcement officials. The materials shall
5 include software tools, simplified prescriptive options, and
6 other materials as appropriate. The simplified materials shall
7 be designed for projects in which a design professional may
8 not be involved.

9 (b) The Department shall provide local jurisdictions with
10 technical assistance concerning implementation and enforcement
11 of the Building Code and the Residential Code.

12 Section 30. Enforcement. The Board, in consultation with
13 the Department, shall determine procedures for compliance with
14 the Building Code and the Residential Code. These procedures
15 may include, but need not be limited to, certification by a
16 national, State, or local accredited program or inspections
17 from private certified inspectors using the Building Code and
18 the Residential Code.

19 Section 35. Rules. The Board may adopt any rules that are
20 necessary for the implementation of this Act.

21 Section 40. Input from interested parties. When developing
22 Building Code and the Residential Code adaptations, rules, and
23 procedures for compliance with the Building Code and the

1 Residential Code, the Capital Development Board shall seek
2 input from representatives from the building trades, design
3 professionals, construction professionals, code
4 administrators, and other interested entities affected. Any
5 board or group that the Capital Development Board seeks input
6 from must include the following:

7 (1) a representative from a group that represents
8 environmental justice;

9 (2) a representative of a nonprofit or professional
10 association advocating for the environment;

11 (3) a climate adaptation advocate with technical expertise
12 in single-family residential buildings;

13 (4) a climate adaptation advocate with technical expertise
14 in commercial buildings; and

15 (5) a climate adaptation advocate with technical expertise
16 in multifamily buildings, such as an affordable housing
17 developer.

18 Section 45. Home rule.

19 (a) No unit of local government, including any home rule
20 unit, may regulate building standards for residential
21 buildings in a manner that is either less or more stringent
22 than the standards established pursuant to this Act; however,
23 the following entities may regulate building standards for
24 residential or commercial buildings in a manner that is more
25 stringent than the provisions contained in this Act:

1 (1) a unit of local government, including a home rule
2 unit, that has, on or before the date of enactment,
3 adopted or incorporated by reference building standards
4 for residential or commercial buildings that are
5 equivalent to or more stringent than the 2021
6 International Building Code or the 2021 International
7 Residential Code;

8 (2) a unit of local government, including a home rule
9 unit, that has, on or before the date of enactment,
10 provided to the Capital Development Board, as required by
11 Section 10.18 of the Capital Development Board Act, an
12 identification of a building code or amendment that is
13 equivalent to or more stringent than the 2021
14 International Building Code or the 2021 International
15 Residential Code; and

16 (3) a municipality with a population of 1,000,000 or
17 more.

18 (b) No unit of local government, including any home rule
19 unit or unit of local government that is subject to adopts the
20 Building Code and the Residential Code, may hereafter enact
21 any annexation ordinance or resolution, or require or enter
22 into any annexation agreement, that imposes building standards
23 for residential or commercial buildings that are either less
24 or more stringent than the standards in effect, at the time of
25 construction, throughout the unit of local government.

26 (c) This Section is a limitation under subsection (i) of

1 Section 6 of Article VII of the Illinois Constitution on the
2 concurrent exercise by home rule units of powers and functions
3 exercised by the State.

4 Section 50. Prohibition on grants. No member of a board or
5 group created under Section 40 may receive State grants for
6 teaching or administering continuing education concerning any
7 recommendation or rule proposed by the board or group.

8 Section 90. The Capital Development Board Act is amended
9 by changing Section 10.09-1 as follows:

10 (20 ILCS 3105/10.09-1)

11 Sec. 10.09-1. Certification of inspection.

12 (a) After July 1, 2011, no person may occupy a newly
13 constructed commercial building in a non-building code
14 jurisdiction until:

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

19 (2) The qualified inspector files a certification of
20 inspection with the municipality or county having such
21 jurisdiction over the property indicating that the
22 building meets compliance with the building codes adopted
23 by the Board for non-building code jurisdictions based on

1 the following:

2 (A) The current edition or most recent preceding
3 editions of the following codes developed by the
4 International Code Council:

5 (i) International Building Code;

6 (ii) International Existing Building Code; and

7 (B) The current edition or most recent preceding
8 edition of the National Electrical Code NFPA 70.

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

13 (c) The qualification requirements of this Section do not
14 apply to building enforcement personnel employed by
15 jurisdictions as defined in subsection (b).

16 (d) For purposes of this Section:

17 "Commercial building" means any building other than a
18 single-family home or a dwelling containing 2 or fewer
19 apartments, condominiums, or townhomes or a farm building as
20 exempted from Section 3 of the Illinois Architecture Practice
21 Act of 1989.

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

25 "Non-building code jurisdiction" means any area of the
26 State not subject to a building code imposed by either a county

1 or municipality.

2 "Qualified inspector" means an individual qualified by the
3 State of Illinois, certified by a nationally recognized
4 building official certification organization, qualified by an
5 apprentice program certified by the Bureau of Apprentice
6 Training, or who has filed verification of inspection
7 experience according to rules adopted by the Board for the
8 purposes of conducting inspections in non-building code
9 jurisdictions.

10 (e) New residential construction is exempt from this
11 Section and is defined as any original construction of a
12 single-family home or a dwelling containing 2 or fewer
13 apartments, condominiums, or townhomes in accordance with the
14 State Building and Residential Codes Act ~~Illinois Residential~~
15 ~~Building Code Act~~.

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

21 (g) This Section does not regulate any other statutorily
22 authorized code or regulation administered by State agencies.
23 These include without limitation the Illinois Plumbing Code,
24 the Illinois Environmental Barriers Act, the International
25 Energy Conservation Code, and administrative rules adopted by
26 the Office of the State Fire Marshal.

1 (h) This Section applies beginning July 1, 2011.

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

3 (815 ILCS 670/Act rep.)

4 Section 95. The Illinois Residential Building Codes Act is
5 repealed.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.