

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

6 (20 ILCS 3105/10.09-1)

7 Sec. 10.09-1. Certification of inspection.

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

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

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

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

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

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

5 (ii) the International Existing Building Code;

6 and

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

13 (C) either:

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

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

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

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

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

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

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

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

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

15 (d) For purposes of this Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (20 ILCS 3105/10.18)

10 Sec. 10.18. Identification of local building codes.

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

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

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

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

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

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

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

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

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

26 In this subsection:

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

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

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

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

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

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



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

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

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

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

10 (815 ILCS 670/10)

11 Sec. 10. Definitions. In this Act:

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

18 "New residential construction" means any original  
19 construction of a single-family home or a dwelling containing  
20 2 or fewer apartments, condominiums, or townhouses ~~town~~  
21 ~~houses.~~

22 "Non-building code jurisdiction" means any area of the  
23 State in a municipality or county having jurisdiction that:

24 (i) has not adopted a residential building code; or (ii) is

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

4 "Residential building code" means a model code adopted by  
5 a municipality or county, with or without local amendments, to  
6 regulate the construction of ~~an ordinance, resolution, law,~~  
7 ~~housing or building code, or zoning ordinance that~~  
8 ~~establishes, for residential building contractors,~~  
9 ~~construction related activities applicable to~~ single-family or  
10 2-family residential structures or townhouses within the  
11 municipality or county.

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

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

22 (815 ILCS 670/15)

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

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

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