

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.)