



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3641

Introduced 2/17/2023, by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

20 ILCS 3105/10.09-1
20 ILCS 3105/10.19 new

Amends the Capital Development Board Act. Provides that ordinances of units of local government may not be enforced against construction, reconstruction, improvement, or installation of State facilities. Provides that units of local government cannot require payment of permitting fees or require permit inspections for the construction, reconstruction, improvement, or installation of State facilities. Provides that the provisions apply to construction, reconstruction, improvement, or installation of projects that are ongoing on the effective date of the amendatory Act and to all projects started on or after the effective date of the amendatory Act. Provides that the regulation of local ordinances, fees, and inspections affecting the construction, reconstruction, improvement, or installation of State facilities are exclusive powers and functions of the State. Effective immediately.

LRB103 30390 HLH 56820 b

1 AN ACT concerning State government.

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 Section 10.09-1 and by adding Section 10.19 as
6 follows:

7 (20 ILCS 3105/10.09-1)

8 Sec. 10.09-1. Certification of inspection.

9 (a) After July 1, 2011, no person may occupy a newly
10 constructed commercial building in a non-building code
11 jurisdiction until:

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

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

22 (A) The current edition or most recent preceding
23 editions of the following codes developed by the

1 International Code Council:

2 (i) International Building Code;

3 (ii) International Existing Building Code; and

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

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

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

13 (d) For purposes of this Section:

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

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

22 "Non-building code jurisdiction" means any area of the
23 State not subject to a building code imposed by either a county
24 or municipality.

25 "Qualified inspector" means an individual qualified by the
26 State of Illinois, certified by a nationally recognized

1 building official certification organization, qualified by an
2 apprentice program certified by the Bureau of Apprentice
3 Training, or who has filed verification of inspection
4 experience according to rules adopted by the Board for the
5 purposes of conducting inspections in non-building code
6 jurisdictions.

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

12 (f) Except as provided in Section 10.19, local ~~Local~~
13 governments may establish agreements with other governmental
14 entities within the State to issue permits and enforce
15 building codes and may hire third-party providers that are
16 qualified in accordance with this Section to provide
17 inspection services.

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

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

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

1 (20 ILCS 3105/10.19 new)

2 Sec. 10.19. Local regulation of construction,
3 reconstruction, improvement, or installation of State
4 facilities.

5 (a) Notwithstanding any other provision of law, ordinances
6 of units of local government may not be enforced against the
7 construction, reconstruction, improvement, or installation of
8 State facilities and units of local government cannot require
9 payment of permitting fees or require permit inspections for
10 the construction, reconstruction, improvement, or installation
11 of State facilities.

12 (b) This Section applies to construction, reconstruction,
13 improvement, or installation projects that are ongoing on the
14 effective date of this amendatory Act of the 103rd General
15 Assembly and to all projects started on or after the effective
16 date of this amendatory Act of the 103rd General Assembly.

17 (c) The regulation of local ordinances, fees, and
18 inspections affecting the construction, reconstruction,
19 improvement, or installation of State facilities are exclusive
20 powers and functions of the State. A home rule unit may not
21 regulate how local ordinances, fees, and inspections affect
22 the construction, reconstruction, improvement, or installation
23 of State facilities. This Section is a denial and limitation
24 of home rule powers and functions under subsection (h) of
25 Section 6 of Article VII of the Illinois Constitution.

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.