



CELEBRATING
55 YEARS

nerej

2012 legislative session good for the industry

August 09, 2012 - Rhode Island

As the 2012 session of the Rhode Island General Assembly wound down, lawmakers gave some much-appreciated support to the residential construction industry in terms of the fire code, local wetlands rules, electronic permitting and property tax relief.

RIBA thanks the legislative leadership -- Senate President Teresa Paiva Weed (D-Newport, Jamestown), Senate Majority Leader Dominick Ruggerio (D-Providence, North Providence), Speaker of the House Gordon Fox (D-Providence) and House Majority Leader Nicholas Mattiello (D-Cranston) - the bill sponsors, and all those who supported our legislative work.

State fire code

Contractors who have been laboring under overly restrictive fire code interpretations should find some relief in new legislation backed by the Rhode Island Builders Association.

The revised fire code law is intended to ease the compliance burden on small businesses, including contractors. It considers advances in fire-prevention technology that have taken place over the past decade, allowing contractors to use more cost effective ways to comply with the code while still creating and maintaining safe structures.

For example, the code allows less expensive wiring methods and places an increased emphasis on "fire separation" in construction. Fire separation has to do with the strategic use of fire barriers, the fire-resistance of construction materials, and the distance between buildings and lot lines.

The revised law also calls for Rhode Island to update from the 2003 edition of the National Fire Protection Association (NFPA) code to the 2012 edition. However, the law also provides that any property that is in compliance with the 2003 code as of December 31, will be considered compliant under the 2012 code. No updates will be required until December 31, 2015.

The law stresses a strong statewide fire code (as opposed to sometimes conflicting local rules) under the jurisdiction of the state Fire Safety Code Board of Appeal and Review, with final authority to enforce and interpret the code in the hands of the state fire marshal rather than local fire authorities.

This is the first major revision of the state fire code since those made in the aftermath of the Station nightclub fire of 2003.

"The bill we just passed acknowledges that today - as a result of [recent technological] advances - there are different, easier, less-costly ways for businesses to comply with the law without compromising safety," Sen. William Walaska (D-Warwick), the bill's prime sponsor, was quoted as saying.

RIBA believes that this measure will save contractors and property owners money on already-compliant properties, and that it should substantially reduce the inconsistency of code interpretation and enforcement that is such a problem for members working in more than one municipality.

The code changes take effect no later than January 1, 2013.

RIBA thanks the sponsors of this measure. In the Senate, along with Sen. Walaska, these included Senate President Teresa Paiva Weed (D-Newport, Jamestown), and Sens. Erin P. Lynch (D-Warwick), David E. Bates (R-Barrington, Bristol), and Joshua Miller (D-Cranston, Warwick). In the House of Representatives, Rep. Frank Ferri (D-Warwick) was the sponsor.

Local wetlands regulations

Lawmakers also passed legislation that will subject wetlands and septic system laws passed by municipalities to scrutiny and approval/disapproval by the Dept. of Environmental Management (DEM). Communities must now submit technical and scientific justification to DEM for any such ordinances they wish to implement.

The intent of the law is to encourage statewide standards for these environmental regulations. This will ease the regulatory burden on builders and developers by bringing simplification and consistency to these regulations and their interpretation from town to town.

RIBA thanks the sponsors of this measure. In the Senate, the sponsor was Sen. William Walaska. In the House, sponsors included Reps. John Edwards (D-Portsmouth, Tiverton), Daniel Patrick Reilly (R-Middletown, Newport, Portsmouth), Spencer Dickinson (D-South Kingstown), Raymond Gallison Jr., (D-Bristol, Portsmouth), and Jared Nunes (D-Coventry, West Warwick).

Electronic permitting

Under the guidance of the legislative leadership, another major boost for the industry came in the 2012-2013 state budget as passed by lawmakers.

The budget funds the setup of an Internet-based, uniform statewide system of electronic permitting and tracking, including application, permit management, inspection, plan review, etc., a process that builders and developers have needed for years. The system is to be developed in conjunction with the Office of Regulatory Reform and the state fire marshal.

RIBA hailed this action as a boon to builders because it will simplify and speed up permitting throughout the state, eliminating many costly delays for contractors and clients, and helping to energize the state's housing market.

RIBA backed a separate measure that would have achieved the same goal, and we thank the sponsors of that legislation. Senate sponsors included Sens. Susan Sosnowski (D-New Shoreham, South Kingstown), Erin Lynch (D-Warwick), Frank Lombardo III (D-Johnston), Rhoda Perry (D-Providence), and William Walaska (D-Warwick). In the House, sponsors were Patrick O'Neill (D-Pawtucket), Kale Keable (D-Burrillville, Glocester), Peter Petrarca (D-Johnston, Lincoln, Smithfield), Raymond Johnston Jr. (D-Pawtucket), Jared Nunes (D-Coventry, West Warwick), Donna Walsh (D-Charlestown, New Shoreham, South Kingstown, Westerly), Teresa Tanzi (D-Narragansett, South Kingstown), and Patricia Serpa (D-Coventry, Warwick, West Warwick).

Housing bond

The governor's budget also included an important RIBA goal, placing a \$25 million housing bond issue on the November ballot.

Unfortunately, Gov. Chafee vetoed an important, RIBA-backed measure that would have provided builders with some much-needed property-tax relief.

RIBA President Bob Baldwin praised the efforts that resulted in these legislative achievements, noting that the association is already working on legislation for the 2013 General Assembly session. For more information on the 2012 legislation or on what you can do to help RIBA's legislative action as the 2013 General Assembly session approaches, watch The Rhode Island Builder Report, visit

RIBUILDERS.org.

Paul Eno is the owner and editor-in-chief of New River Press, Woonsocket and is the editor of the monthly RIBA newsletter, The Rhode Island Builder Report.

New England Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540