

SB2368 FAQs

Q: Why do we need this bill?

In recent years, Congress has allocated billions of dollars to help states and communities proactively reduce natural disaster risks and build climate resilience. Unfortunately, Illinois is not competitive for these federal funds today because the state does not have a statewide building code or evidence that current building codes are widely adopted at the local level.

Q: What does this bill do?

SB2368 ensures newly built and substantially improved existing commercial buildings throughout Illinois are designed and built in accordance with current national standards for resilience to natural disasters such as snowstorms, high winds, tornadoes, earthquakes, and flooding, whether or not the building is located in a county or municipality that adopts a local building code.

This bill will enhance safety for Illinoisans who live or work in new and substantially improved buildings and make it faster and easier for communities to recover after natural disasters.

Q: Does this bill require local building code adoption?

No. As with current law, this bill does not require any county or municipality to adopt a local building code if they do not want to.

Q: Is Chicago exempt from this bill?

No. This bill will remove the existing exemption for very large cities like Chicago.

Q: Can my community adopt a local code with stricter requirements?

Yes.

Q: Will my community be required to adopt non-structural requirements from model building codes?

No. Counties and municipalities are not restricted in how their local codes address any other topic covered by a model building code, such as soundproofing or residential fire sprinklers.

Q: If local building codes aren't required, how does this create a statewide minimum?

This bill will create a statewide minimum standard for **structural design** within the framework of existing Illinois laws on building and construction, recognizing places with and without local building codes.

For new one- and two-family homes being built in places without a local building code, current Illinois law already requires that the contract between home builder and home buyer identify either a recent model residential building code or nearby local residential building code as the minimum standard for construction.

For *existing* one- and two-family homes in places without a local code, this bill does **not** impose any requirements for any type of repair or improvement work, including substantial improvement.

For all other new buildings being built in places without a local code, current Illinois law already requires those buildings to comply with a recent model code as a minimum standard. Architects and engineers, who are licensed by the state, must design buildings to this standard as a condition of their license. Current Illinois law also requires the building owner to hire a certified private inspector, at their own expense, to verify construction work is code compliant before the building is legal to occupy.

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This bill extends the existing minimum standards to also apply to repair or improvement of existing commercial buildings when the repair or improvement work will increase the value of the existing building 50 percent or more.

Places with a Building Code

Q: What does this bill require for places that do adopt a local building code?

This bill requires that by January 1, 2025, any local building code include requirements for **structural design** that are at least as stringent as the requirements for structural design in a national model building code published during the past 9 years.

The bill defines structural design as “the capacity of a [building] to withstand forces [such as] snow loads, wind loads, soil loads and hydrostatic pressure, rain loads, and earthquake loads, and to resist flood damage.” Counties and municipalities are not restricted in how their local codes address any other topic covered by a building code, such as soundproofing or residential fire sprinklers.

The bill also requires places that adopt a local building code to report each new building code edition that they adopt to the Capital Development Board at least 30 days before the new building code edition takes effect locally. (The Capital Development Board is required to publish this information about local building codes on a public web site.)

Q: What does this mean for communities that already have a building code in effect?

A: For new construction commercial buildings: Requires that the structural design provisions in any locally adopted code be at least as strict as one of the three most recent editions of the *International Building Code* (IBC).

For renovation of existing commercial buildings: Requires that the structural design provisions in any locally adopted code be at least as strict as one of the three most recent editions of the *International Existing Building Code* (IEBC). The IEBC contains modified requirements that recognize it is not practical or economical to require work in existing buildings to fully meet standards intended for new construction.

For residential construction: Requires that the structural design provisions in any locally adopted residential code be at least as strict as one of the three most recent editions of the *International Residential Code* (IRC).

Non-Building Code Jurisdictions

Q: What does this mean for new commercial construction if my community has not adopted a local building code?

A: Under existing Illinois law, new commercial construction must comply with one of the two most recent editions of the *International Building Code* (IBC). The property owner is required to hire a certified building inspector, at their own expense, to verify that the construction work is code compliant before it is legal to occupy the building. Farm buildings are exempt.

This bill clarifies that a new building does not need to comply with provisions of the IBC that conflict with the Illinois Plumbing Code, Illinois Accessibility Code, or Illinois Energy Code. It also clarifies that applicable code requirements are determined on January 1 of the year when a building permit is issued or construction starts and do not change over the course of construction.

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Q: What does this mean for new residential construction if my community has not adopted a local building code?

A: Under existing Illinois law, a home construction contract must identify either one of the two most recent editions of the *International Residential Code* (IRC) or a local residential building code in effect within 100 miles of the home site. If the contract is silent, the most recent edition of the *International Residential Code* is, by law, made a part of the contract. For construction undertaken by a homeowner (without a contractor), this law does not apply.

This bill standardizes the definition of “non-building code jurisdiction” between the separate statutes that govern residential and commercial construction. It also clarifies that new residential buildings do not need to comply with provisions of the *International Residential Code* that conflict with the Illinois Plumbing Code or Illinois Energy Code.

Q: What about repair and renovation projects and building additions in a community that has not adopted a local building code?

A: This bill will require existing commercial buildings that are undergoing substantial improvement (as defined in the regulations of the National Flood Insurance Program), to comply with either of the two most recent editions of the *International Existing Building Code* (IEBC). The IEBC contains modified requirements that recognize it is not practical or economical to require work in existing buildings to fully meet standards intended for new construction.

There are no requirements when the cost of work is less than 50 percent of the market value of the building before work is done. (This is not considered substantial improvement.)

There are no requirements for any work to repair or improve existing one- or two-family homes.

Designated historic buildings are exempt.

Enforcement/Inspections

Q: Does this bill require local enforcement of a statewide code?

No. This bill does not require a county or municipality without a local building code to perform building inspections or to enforce a statewide code.

As under existing Illinois law, a county or municipality without a local building code is only required to accept code compliance certification paperwork filed with the county or municipality by a private building inspector hired by the building’s owner. It is not required to review or approve that paperwork.

Q: Does this bill authorize inspections by state inspectors in places without local inspectors?

No. There are no provisions in this bill for state inspectors.

In places that do not adopt a local building code, this bill clarifies the current legal requirement for the developer of a building (other than a one- or two-family home) to hire a qualified private inspector, at the building owner’s expense, to verify code compliance. That inspector must file a written report with the county or municipality before it is legal to occupy the building.

For one- and two-family homes, code compliance remains a contractual matter between the home builder and home buyer.

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Q: Does my community have to now hire a local building inspector?

No. As under existing law, code compliance of a new commercial building must be verified by a certified private inspector, hired by the property owner, before it is legal to occupy the new building. SB2368 will also require the property owner to hire a certified private inspector to verify code compliance when the cost of work done to an existing building equals or exceeds 50 percent of the market value of the building before work is done (substantial improvement).

Building inspections are not required for construction or remodeling of a one- or two-family home.

Q: Are there any qualified private inspectors available in my community?

Yes. There is at least one qualified private inspector based in 98 out of the State's 102 counties and more than 17,000 statewide. Under existing rulemaking of the Capital Development Board (CDB), all Illinois-licensed architects and professional engineers are qualified to act as private building inspectors. (71 Ill. Admin. Code 300.30.) As of March 31, 2023, there are currently **5,615** licensed architects and **11,359** licensed professional engineers based in Illinois.

This bill also recognizes private inspectors who hold a nationally recognized building inspector certification or have successfully completed a US Department of Labor recognized building inspector apprenticeship program.

Other Questions

Q: What if I want to build a deck or a sunroom off of my existing home?

This bill does not impose any requirements for work in existing one- and two-family homes or require municipalities or counties to regulate home remodeling.

If a municipality or county chooses to adopt a local code that applies to remodeling one- and two-family homes, that local code will be required to include minimum requirements for structural design based on recent national standards for work in existing buildings by January 1, 2025.

Q: Won't this significantly increase the cost of construction?

No. Many local building codes in Illinois already meet or exceed this minimum standard for **structural design** established by this bill.

For places that need to update their requirements for **structural design** under this bill, those updates are expected to have a relatively small impact on construction costs.

The National Association of Home Builders (NAHB) publishes [an analysis of cost changes due to each new edition of the model codes](#). Very little of the cost increase in recent reports is attributed to **structural design** requirements. Some recent changes in model code structural requirements have actually decreased construction costs by recognizing new materials or construction methods.

Q: Does this bill include requirements for residential sprinklers?

A: No. This bill does not change existing local authority to require or not require sprinklers in one- and two-family homes.

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Q: Will FEMA still provide assistance if we do not adopt minimum structural standards?

A: Yes, but not as much. When municipalities apply for post-disaster assistance, FEMA *requires* they adopt one of the two most recent model codes to access the maximum amount of post-disaster recovery assistance. By setting a statewide minimum structural standard, municipalities will be able to unlock more federal assistance sooner in the wake of disasters.