

STATEWIDE BUILDING CODES AND COUNTIES

Public Act 103-0510 amends the Capital Development Board Act (20 ILCS 3105/1 et seq.). Under the Act, certain building code standards must be adopted or followed effective January 1, 2025. The Act does not require counties without building codes to adopt codes but does require minimum construction standards within those jurisdictions. Counties that have adopted building codes must ensure the codes meet certain requirements. Having a county zoning ordinance is separate from having a county building code.

Counties With Building Codes

Any county that has adopted and is currently enforcing a building code must identify the code, by title and edition, and any local amendments and inform the Illinois Capitol Development Board (CDB) in writing no later than 180 days after the effective date of the Act.

Any county choosing to adopt a new building code edition must, at least 30 days before the effective date of the new code, identify the model code being adopted, by title and edition, and any local amendments and inform CDB in writing.

Beginning January 1, 2025, any county building code must:

1. Regulate the structural design of new buildings, other than residential buildings, in a manner that is at least as stringent as the baseline statewide building code standard;
2. Regulate the structural design of rehabilitation work in existing buildings, other than residential buildings, in a manner that is at least as stringent as the baseline statewide existing building code standard; and
3. Regulate the structural design of residential buildings in a manner that is at least as stringent as the baseline statewide residential code standard.

The baseline standards are the International Building Code including Appendix G, International Existing Building Code and International Residential Code, published in the current year or preceding nine calendar years.

This requirement is a limitation on the concurrent exercise by home rule units of powers and functions exercised by the state.

Counties Without Building Codes

Commercial Construction

Newly constructed commercial buildings or substantially improved commercial buildings in a non-building code jurisdiction cannot be occupied until:



- 1) The property owner or property owner’s agent has first contracted for the inspection of the building by an inspector who meets the qualifications established by CDB; and
- 2) A qualified inspector files a certification of inspection with the county having such jurisdiction over the property, indicating that the building complies with all of the following:
 - a. The International Building Code including Appendix G (current or most preceding edition);
 - b. The National Electric Code published by National Fire Protection Association (current or most preceding edition);
 - c. Either:
 - i. The Illinois Energy Efficiency Building Code adopted under Section 15 of the Energy Efficient Building Act; or
 - ii. The Illinois Stretch Energy Code adopted under Section 55 of the Energy Efficient Building Act;
 - d. The Illinois Accessibility Code adopted under Section 4 of the Environmental Barriers Act;
 - e. The Illinois Plumbing Code adopted under Section 35 of the Illinois Plumbing License Law; and,
 - f. The rules adopted in accordance with Section 9 of the Fire Investigation Act.

Residential Construction

A home builder and the home purchaser may agree to adopt the International Residential Code or any municipal residential building code or county residential building code that is, on the first day of construction, in effect within 100 miles of the location of the new home. If the home builder and the home purchaser fail to agree to a residential building code, or if no residential building code is stated in the contract, the code adopted under Section 15 of the Energy Efficient Building Act, the Illinois Plumbing Code adopted under Section 35 of the Illinois Plumbing Licensing Law and the current edition of the International Residential Code are, by law, adopted as part of the construction contract.

Building Permits

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

