

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 580
102ND GENERAL ASSEMBLY

1451H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 67.280, RSMo, and to enact in lieu thereof three new sections relating to building codes.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 67.280, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 67.280, 67.488, and 71.985, to read as follows:

67.280. 1. As used in this section, the following terms mean:

(1) "Code", any published compilation of rules prepared by various technical trade associations, federal agencies, this state or any agency thereof, but shall be limited to: regulations concerning the construction of buildings and continued occupancy thereof; mechanical, plumbing, and electrical construction; and fire prevention;

(2) "Community", any county, fire protection district, or municipality;

(3) "County", any county in the state;

(4) **"Dwelling", any single-family dwelling, two-family dwelling, or building consisting of three or more townhouse units;**

(5) "Fire protection district", any fire protection district in the state; **and**

~~[(5)]~~ (6) "Municipality", any incorporated city, town or village.

2. Any community, if the community otherwise has the power under the law to adopt such an ordinance, may adopt or repeal an ordinance which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof, properly identified as to date and source, without setting forth the provisions of such code in full. At least one copy of such code, portion or amendment which is incorporated or adopted by reference, shall be filed in the office of the clerk of the community and there kept available for public use, inspection, and examination. The filing requirements herein prescribed shall not be deemed

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 to be complied with unless the required copies of such codes, portion, or amendment or public
20 record are filed with the clerk of such community for a period of ninety days prior to the
21 adoption of the ordinance which incorporates such code, portion, or amendment by reference.

22 3. Any ordinance adopting a code, portion, or amendment by reference shall state the
23 penalty for violating such code, portion, or amendment, or any provisions thereof separately,
24 and no part of any such penalty shall be incorporated by reference.

25 **4. (1) Notwithstanding any other law to the contrary, no community shall adopt**
26 **any ordinance, resolution, regulation, code, or policy that:**

27 **(a) Prohibits, or has the effect of prohibiting, framed cavities in new dwellings**
28 **from being used as ducts or plenums; or**

29 **(b) Requires, or has the effect of requiring:**

30 **a. New dwellings to have a wood frame wall cavity insulation R-value greater**
31 **than thirteen;**

32 **b. New dwellings to utilize exterior continuous insulation;**

33 **c. New dwellings to have a ceiling insulation R-value greater than thirty-eight; or**

34 **d. New dwellings to have a maximum air leakage rate less than five air changes**
35 **per hour.**

36 **(2) Nothing in this subsection shall be construed to prohibit the owner or**
37 **purchaser of a dwelling from choosing to install, at such owner or purchaser's expense,**
38 **any of the features described under subdivision (1) of this subsection if feasible with the**
39 **design of the dwelling. Any ordinance, resolution, regulation, code, or policy adopted in**
40 **violation of this subsection shall be null and void.**

67.488. 1. This section shall be known and may be cited as the "Building Permit
2 **Reform Act".**

3 **2. For purposes of this section, the term "exempt homeowner" means a resident,**
4 **noncorporate owner of a detached, single-family residence.**

5 **3. (1) No political subdivision shall require an exempt homeowner to obtain any**
6 **license, certification, or professional registration or submit to any examination or testing**
7 **as a condition of applying for or utilizing a building or construction permit, provided all**
8 **work is performed by the owner or other current resident.**

9 **(2) If an exempt homeowner transfers ownership of the property within one year**
10 **of completing any work performed under the provisions of this subsection, the relevant**
11 **political subdivision is permitted to assess a one-time administration fee in an amount**
12 **not to exceed five thousand dollars. The homeowner shall be informed of this potential**
13 **administration fee at the time of permit application.**

14 **(3) Nothing in this subsection shall be construed to prohibit the enforcement of**
15 **any applicable building codes or relevant inspections as otherwise required by**
16 **ordinance or law.**

17 **(4) Nothing in this subsection shall be construed to prohibit an owner from**
18 **hiring a contractor otherwise authorized by law to perform work on behalf of the owner.**

19 **(5) The provisions of this subsection shall not apply to:**

20 **(a) Any structure being rented, leased, subleased, or otherwise occupied outside**
21 **of the owner's principal residence;**

22 **(b) Any gas appliance installation or repair or any work that requires the**
23 **installation or modification of any device or delivery system that utilizes a combustible**
24 **fuel source; or**

25 **(c) The act of making a direct connection to publicly provided water or sewer**
26 **service, or the modification to such existing connections at the point of service.**

27 **4. No political subdivision shall require any permit, license, variance, or other**
28 **type of prior approval for an exempt homeowner to perform any of the following**
29 **activities, provided all work is performed by the owner or other current resident:**

30 **(1) Replacing an existing electric appliance with a substantially similar one,**
31 **provided no major additions or modifications to existing building wiring are performed;**

32 **(2) Replacing an existing sink, faucet, or dishwasher, provided no major**
33 **modifications to existing building plumbing are performed;**

34 **(3) Repairing, replacing, or installing gypsum board, plaster, or other**
35 **nonstructural interior wall covering or cladding; and**

36 **(4) Repairing, replacing, or installing carpet, tile, vinyl, or other floor coverings.**

37 **5. Any political subdivision that fails to perform an inspection pursuant to a**
38 **permit within ten business days of a request made by an exempt homeowner shall**
39 **refund fifty percent of any charges assessed for the permit. If the inspection is not**
40 **performed within twenty business days from the initial request, the political subdivision**
41 **shall waive the inspection requirements and allow the exempt homeowner to proceed as**
42 **if the exempt homeowner had passed the inspection.**

43 **6. No exempt homeowner shall be charged a fee to extend or renew an expiring**
44 **building or construction permit, provided the permit is not allowed to expire prior to**
45 **renewal. No limit shall be placed on the number of extensions or renewals of permits**
46 **issued to exempt homeowners unless the work being performed is visible from**
47 **neighboring properties or adjacent streets. Nothing in this subsection shall be construed**
48 **to prohibit a political subdivision from requiring job sites with uncompleted work to be**
49 **maintained in a state that does not pose an imminent threat to public health or safety.**

50 7. No exempt homeowner shall be assessed a fine or fee for work done without a
51 permit in an amount greater than double the charge that would have been assessed if the
52 permit had been issued at the time the unpermitted work was discovered.

53 8. No exempt homeowner shall be required to destroy, remove, or substantially
54 alter any structure or part of a structure upon which work was previously done without
55 permits unless the political subdivision having jurisdiction can demonstrate through
56 photographic or similar objective evidence that the work performed did not meet
57 applicable building codes or safety standards in place at the time the work was
58 performed.

59 9. (1) No political subdivision shall issue a stop-work order, citation, penalty, or
60 requirement for remediation for any ordinance or building code violation discovered
61 during an inspection if the violation found is outside the scope of work that was
62 requested to be inspected.

63 (2) Nothing in this subsection shall be interpreted to prohibit the production of a
64 report detailing such violations found, provided the report is provided directly to the
65 homeowner for informational purposes only and is not retained or otherwise utilized or
66 distributed by the political subdivision or its agents.

67 10. Any exempt homeowner who applies for any building or construction permit
68 and subsequently fails an inspection performed pursuant to such permit shall be
69 informed in writing as to the reasons the inspection was deemed a failure and the actions
70 required to be taken to pass a follow-up inspection.

71 11. No exempt homeowner shall be assessed a charge to reinspect previously
72 inspected work for an amount that exceeds the cost of the initial permit or inspection
73 unless a period of over ninety days has elapsed since the original inspection.

74 12. If the state or any of its political subdivisions enacts a statute, ordinance, or
75 administrative rule that incorporates by reference any third-party standard or code
76 otherwise subject to copyright protection, the state or political subdivision responsible
77 for the statute, ordinance, or administrative rule shall, upon request, provide, free of
78 charge in a digital or physical format, the third-party standard or code incorporated by
79 reference. Access to a physical format in a temporary or time-limited manner is
80 sufficient to meet the requirements of this subsection provided that a physical copy may
81 remain in the possession of the requestor until the completion of any currently
82 permitted work. The state or political subdivision shall pay all costs associated with
83 providing the third-party standard or code, except that the state or political subdivision
84 may alternatively declare by executive or administrative act that the provisions of the
85 standard or code incorporated by reference shall be repealed and not enforced until
86 such repeal is achieved.

87 **13. Notwithstanding any other provision of law, no agent of a political**
88 **subdivision shall have the authority to enter into a private residence for the purpose of**
89 **performing a safety inspection or investigation into municipal or code violations without**
90 **first securing permission from the property owner or the owner's designee or a warrant**
91 **from a court of competent jurisdiction.**

92 **14. Nothing in this section shall be construed to require any political subdivision**
93 **to enact any building codes or standards where none currently exist.**

71.985. 1. As used in this section, the term "request" shall mean an application
2 **for a building permit or variance from a political subdivision for an action related to the**
3 **development or improvement of a property.**

4 **2. If an applicant submits a request to a political subdivision, the political**
5 **subdivision shall approve or deny the applicant's request within 60 days.**

6 **(1) If no response is received by an applicant within 60 days, the request shall be**
7 **approved in this state.**

8 **(2) If the request is approved, the political subdivision shall not impose on the**
9 **applicant additional requirements related to the request.**

10 **(3) If the political subdivision denies the request, the political subdivision shall**
11 **state in writing to the applicant the reasons for the denial.**

12 **(4) The time limit in this subsection begins upon the political subdivision's**
13 **receipt of the applicant's request.**

14 **3. A political subdivision may deny an applicant's request under subsection 2 of**
15 **this section as incomplete.**

16 **(1) The request is incomplete if the political subdivision determines the request**
17 **fails to contain all information required by law, or by rule or ordinance of the political**
18 **subdivision, adopted prior to the submission of the request.**

19 **(2) If the political subdivision denies a request as incomplete, the political**
20 **subdivision shall state in writing to the applicant the reasons for the denial of the**
21 **request as incomplete.**

22 **(3) The time limit in subsection 2 of this section will reset only if, within 20 days**
23 **of receipt of the applicant's request, the political subdivision sends written notice to the**
24 **applicant of the denial of the request as incomplete.**

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