

CHAPTER 246
SB 188-FN - FINAL VERSION

03/06/2025 0294s
03/06/2025 0563s
22May2025... 1951h

2025 SESSION

25-0998
06/09

SENATE BILL ***188-FN***

AN ACT relative to the state building code.

SPONSORS: Sen. Murphy, Dist 16; Sen. Innis, Dist 7; Sen. McGough, Dist 11; Sen. Pearl, Dist 17;
Rep. Alexander Jr., Hills. 29; Rep. Osborne, Rock. 2

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill authorizes licensed or certified third parties to certify documents and inspect buildings in compliance with applicable building and other codes.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 246
SB 188-FN - FINAL VERSION

03/06/2025 0294s
03/06/2025 0563s
22May2025... 1951h

25-0998
06/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to the state building code.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 246:1 Short Title. This act shall be cited as the "Speeding Development Act".

2 246:2 Purpose. The purpose of this act is to facilitate speedier and more efficient development while
3 ensuring public safety by authorizing licensed or certified third parties to certify documents and inspect
4 buildings in compliance with applicable building and other codes.

5 246:3 Definitions.

6 I. In this act:

7 (a) "Applicable codes" means the New Hampshire state building code and any local technical
8 amendments, excluding fire prevention and fire safety codes except as referenced by the state building
9 code.

10 (b) "Approved agency" means an individual or entity that is authorized as permitted by this
11 section to perform building code inspection services and construction document reviews as an alternative
12 to those conducted by local government agencies. Private providers may include professionals such as
13 engineers, architects, or ICC-certified building officials.

14 (c) "Audit" means the process to assess that construction document review and inspection
15 services have generally been performed properly by the private provider.

16 (d) "Approved agency services" means the review of construction documents and inspection
17 services to determine compliance with applicable codes, each as required by the state building code.

18 (e) "Construction documents" means written, graphic, and pictorial documents prepared or
19 assembled for describing the design, location, and physical characteristics of the elements of a project
20 necessary for obtaining a building permit. Construction documents do not include applications or
21 documents generated for zoning or planning approvals.

22 (f) "Building inspection" means the inspection of an improvement to land as required by the
23 state building code as part of a project to develop or improve an improvement to the land, building, or
24 structure.

25 (g) "Building permit or permit" means an official document or certificate issued by the building
26 official that authorizes performance of a specified activity.

27 (h) "Building official" means the officer or other designated authority charged with the
28 administration and enforcement of this act, or a duly authorized representative.

29 (i) "ICC" means the International Code Council.

30 246:4 Approved Agencies.

CHAPTER 246
SB 188-FN - FINAL VERSION
- Page 2 -

1 I. An approved agency shall provide all information as necessary for the building official to
2 determine that the agency meets the applicable requirements specified in this section. If the building
3 official does not approve a proposed agency, the reasons shall be stated in writing.

4 II. An approved agency shall be objective, competent, and independent from the contractor
5 responsible for the work being inspected. The agency shall disclose to the building official possible
6 conflicts of interest so that objectivity can be confirmed. Individuals shall perform services only within the
7 scope of their competence and, where applicable, license or certification.

8 III. An approved agency shall have adequate equipment to perform required tests. The
9 equipment shall be periodically calibrated.

10 IV. An approved agency shall employ or contract with experienced personnel educated in
11 conducting, supervising, and evaluating construction document reviews and inspections of the work.

12 V. An approved agency may review construction documents or provide inspections only if the
13 approved agency maintains insurance for professional liability covering all services performed as an
14 independent provider, unless such regulatory authority waives such requirement. Such insurance shall
15 have minimum policy limits of \$2 million per occurrence and \$4 million in the aggregate for any project
16 with a construction cost of \$5 million or less and \$4 million per occurrence and \$8 million in the aggregate
17 for any project with a construction cost of over \$5 million. A certificate of insurance indicating the above
18 shall be provided to the building official before services under this section are started, and such certificate
19 shall require notification to the building official 14 days prior to any cancellation or changes to the policy.

20 VI. The approved agency shall provide complete contact information for each individual
21 performing services under this section.

22 246:5 Approved Agency Services.

23 I. The owner or owner's authorized agent may use approved agencies for building code
24 inspections and construction document reviews as permitted by this section.

25 II. Approved agencies shall be licensed professionals, including engineers, architects, or ICC-
26 certified building officials.

27 III. Approved agencies shall adhere to all applicable codes and standards set forth by the state
28 building code pursuant to RSA 155-A:2 and any local bylaws or ordinances established pursuant to RSA
29 155-A:3.

30 IV. Approved agencies may use electronic signatures and transmission for submitting
31 construction documents where permitted by the municipality and for all reports and other documents
32 required for compliance with this section.

33 V. Local enforcement agencies appointed pursuant to RSA 674:51 or RSA 47:22 shall audit a
34 percentage of inspections performed by approved agencies within their jurisdiction to ensure compliance
35 with applicable codes. Audits shall be conducted randomly and without prior notice to the approved
36 agency. The local enforcement agency shall have the authority to take corrective action if any violations
37 are found during the audit.

38 246:6 Scope of Approved Agency Services.

CHAPTER 246
SB 188-FN - FINAL VERSION
- Page 3 -

1 I. The approved agency shall examine the construction documents, including deferred or
2 amended documents described in this act. Upon determining compliance, the approved agency shall
3 prepare an affidavit or affidavits certifying that the documents were reviewed pursuant to this section and
4 that to the best of the knowledge, information, and belief of the reviewer, the documents comply with the
5 New Hampshire state building code and any applicable municipal amendments.

6 II. The approved agency shall perform inspections as set forth in this act. Upon completion of all
7 inspections, the approved agency shall submit to the regulatory authority an affidavit summarizing the
8 inspections performed in accordance with the approved construction documents, the New Hampshire
9 state building code, and any applicable municipal amendments. The approved agency and affidavit shall
10 be subject to RSA 676:13.

11 246:7 Use of Approved Agencies for Document Review and Inspections.

12 I. Notwithstanding any law, rule, or regulation, at the discretion of the permit applicant, approved
13 agencies shall be permitted to perform reviews of construction documents and/or inspections of the work,
14 each as required by this section.

15 II. The provisions of this section shall address permits where the owner or owner's authorized
16 agent chooses to utilize the services of an approved agency for the services identified in this section but
17 shall not be interpreted to restrict any other authorization for the building official to obtain or require the
18 services of an approved agency.

19 III. Prior to the approved agency proceeding with the services under this section, the owner or the
20 owner's authorized agent shall provide the following signed statement to the building official with the
21 permit application:

22 I agree to indemnify the regulatory authority from and against losses, damages, and judgments
23 arising from claims by third parties arising from my use of these licensed or certified personnel to provide
24 development document reviews and building inspections with respect to the building or structure that is
25 the subject of the enclosed application. The indemnification shall include reasonable attorneys' fees and
26 expenses recoverable under applicable law, but only to the extent they are found to be caused by a
27 negligent act, error, or omission of an approved agency or approved agency officers, directors, members,
28 partners, agents, employees, or subconsultants.

29 IV. The owner or the owner's authorized agent shall contract with and make payment directly to
30 the approved agency.

31 246:8 State Building Code Changes.

32 I. The state building code review board shall amend the International Building Code 2021 as set
33 forth in this act. The International Existing Building Code 2021, the International Plumbing Code 2021, the
34 International Mechanical Code 2021, the International Energy Conservation Code 2018, the International
35 Swimming Pool and Spa Code 2021, the International Residential Code 2021, and the National Electrical
36 Code 2020 shall be amended in a manner to authorize the use of the provisions in this act.

37 246:9 Municipal Responsibilities.

38 I. Where an approved agency is used for the review of all construction documents in lieu of
39 building official review, permit fees shall be reduced by 40 percent. Where an approved agency is used

CHAPTER 246
SB 188-FN - FINAL VERSION
- Page 4 -

1 for all inspections required by this act, permit fees shall be reduced by 40 percent. Where both functions
2 are performed, permit fees shall be reduced by 80 percent.

3 II.(a) If an owner or an owner's contractor contracts with an approved agency to review
4 construction documents and/or to provide inspections required by this act, the building official shall
5 provide equal access to all related documents to the approved agency, owner, or owner's authorized
6 agent that would be provided to the building official in completing review of construction documents or
7 inspections.

8 (b) If such access is normally provided by software that protects exempt records from
9 disclosure, the regulatory authority shall provide requested permitting or inspection documents and
10 reports to the independent provider, owner, or contractor within 2 business days of a request in electronic
11 format.

12 III. No more than 14 calendar days after receipt of a construction document affidavit, an
13 application for a building permit, and the payment of applicable fees, the building official shall issue the
14 building permit or shall provide a written notice to the applicant identifying the specific features that do not
15 comply with the applicable codes and regulations or the lack of sign-offs from other federal, state, or
16 municipal agencies, as well as the specific code or regulation reference. If no written notice of
17 deficiencies is provided within the prescribed period, the document or permit shall be deemed approved
18 as a matter of law, and any necessary permit or permits shall be issued by the building official on the next
19 business day. If the permit applicant submits revisions, the building official has the remainder of the tolled
20 business days plus one business day from the date of resubmittal to issue the building permit or provide a
21 second written notice to the permit applicant stating which of the previously identified documents or permit
22 features remain in noncompliance with the applicable codes, with specific reference to the relevant code
23 or regulation reference. If the building official does not provide the second written notice within the
24 prescribed period, the construction document or building permit shall be deemed approved as a matter of
25 law, and any necessary permits shall be issued by the building official on the next business day.

26 IV. No more than 10 calendar days after the receipt of the inspection affidavit indicating the
27 completion of all necessary inspections, and after the payment of all outstanding required fees, a
28 certificate of occupancy or completion shall be issued by the building official, or the building official shall
29 provide a notice to the approved agency of any specific deficiencies in the affidavit, with reference to
30 specific code chapters and if the regulatory authority does not issue the certificate of occupancy or
31 completion or provide notice within the required number of days, the certificate of occupancy or
32 completion is considered granted as a matter of law and shall be issued the next business day.

33 V.(a) Each building official may audit the performance of approved agencies operating within
34 their jurisdiction and demand of the owner or owner's authorized agent to know the times of requested
35 building inspections by the approved agency, although the fact of the audit shall not be given to the
36 approved agency.

37 (b) Audits may be conducted only after the building official has created a formal audit
38 evaluation.

CHAPTER 246
SB 188-FN - FINAL VERSION
- Page 5 -

1 (c) The same approved agency may be audited no more than 4 times in a month, unless the
2 building official determines that the condition of a building constitutes an immediate threat to public safety
3 and welfare.

4 (d) The building official may, upon clear and convincing evidence, decide that an
5 independent provider has been negligent in providing construction document reviews or building
6 inspections, suspend the approved agency from further work on that project and in that municipality for
7 not more than one year. Notwithstanding any provision of this section, the building official may file a
8 complaint per RSA 310-A:22 for engineers, per RSA 310-A:47 for architects, or with the building code
9 review board for ICC-certified building officials.

10 VI.(a) A municipality may not adopt or enforce any ordinances, laws, rules, procedures, policies,
11 qualifications, or standards regarding independent providers more restrictive than those prescribed by this
12 subdivision.

13 (b) This section shall not be construed to limit or deny the authority of the building official to
14 issue a stop-work order for a project or any portion of the project, as provided by law, if the building official
15 determines that a condition on the building site constitutes an immediate threat to public safety and
16 welfare.

17 VII.(a) Notwithstanding any provision of this section, any decisions other than negligence
18 regarding the issues addressed by this section may be appealed to the building code review board, which
19 shall adjudicate the dispute per statute.

20 (b) If an applicant believes that the building code review board has interpreted the
21 requirements of this section in error, the approved agency or owner or owner's authorized agent may file a
22 proceeding per RSA 155-A:12 seeking a determination that the issues addressed by this section comply
23 with all relevant requirements and seek an order requiring the building official to issue any necessary
24 building permits or certificate of occupancy or completion.

25 246:10 Severability. The provisions of this act are hereby declared to be severable. If any provision
26 of this act or the application of such provision to any person or circumstance is declared or held to be
27 invalid for any reason, such declaration or holding shall not affect the validity of the remaining portions of
28 this act and the application of its provisions to any other persons or circumstances.

29 246:11 Effective Date. This act shall take effect upon its passage.

Approved: July 15, 2025
Effective Date: July 15, 2025

