

Changes to Building Code Laws in 2025: *A Guide for Municipalities*



A Joint Advisory of the New Hampshire Municipal Association and the New Hampshire Building Officials Association

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Introduction

This guidance has been prepared jointly by the New Hampshire Building Officials Association (NHBOA) and NHMA.

Summary of Changes Pursuant to HB 428

[HB 428](#) continues legislative changes from last session by further altering the authority and procedures for local amendments to the state fire code and the state building code. Permissible building code amendment and enforcement procedures have been moved from the zoning and planning statutes, Title LXIV, and placed in RSA chapter 155-A, New Hampshire Building Code. HB 428 primarily limits local amendments to the state fire code and state building code to matters involving issuance of permits, collection of fees, and similar administrative functions. Although no technical amendments to the state building code are permitted, such municipal technical amendments are allowed where the state building code is more than 2 editions behind the published model codes included in the state building code, are not less stringent than current state building codes, and have been confirmed by the state building code review board.

For the state fire code, the local legislative body is limited to adopting administrative amendments related to issuing permits, collection of fees, and other administrative functions. No amendments to the technical requirements of the state fire code are permitted.

Municipalities are permitted to adopt any nationally recognized code not included in the state building code that is not inconsistent with the state building code, except for a nationally recognized code which has the same or similar scope or purpose, as determined by the building code review board, that is included in the most recent edition of the state building code.

HB 428 repeals RSA 674:51 and RSA 47:22, the statutes governing town and city building code adoption and enforcement and moves the bulk of those statutes into an amended version of RSA 155-A:3, Enforcement Mechanism. Amended RSA 155-A:3 also address the following: locally adopted state building code amendments may require certificates of occupancy; state building code provisions shall not interfere with municipal employment practices; local ordinances shall be submitted to the state building code review board for review and confirmation, and such ordinances adopted before July 1, 2025 shall not be enforced unless submitted before July 1, 2025.

Effective Date: July 1, 2026

Statutes Amended: RSA 155-A:1; RSA 155-A:2; RSA 155-A:3; RSA 155-A:4; RSA 155-A:5; RSA 155-A:7, RSA 155-A:10; RSA 155-A:11-b; RSA 674:34; RSA 675:1.

Statutes Repealed: RSA 47:22; RSA 674:51.

Summary Changes pursuant to SB 188 – Use of Approved Agencies

SB 188 was introduced to accelerate the development process in New Hampshire by allowing licensed or certified third-party professionals—referred to as "approved agencies"—to conduct building inspections and construction document reviews in place of local building officials. Initially, the bill lacked adequate oversight mechanisms and raised concerns about conflicts with existing state building codes. In response, the New Hampshire Building Officials Association and the State Building Code Review Board collaborated with the bill's sponsors to draft amendments that preserved the bill's intent while aligning it with current state statutes. The bill requires that approved agencies be objective, independent, and properly credentialed (e.g., licensed engineers, architects, or ICC-certified building officials). It establishes clear roles, mandates liability insurance, allows electronic submissions, and implements municipal audit procedures to ensure compliance. The legislation also introduces significant permit fee reductions—up to 80%—when third-party providers are used for both plan review and inspections.

The final amended version of SB 188 clarified definitions to better align with the existing State Building Code, expanded and formalized audit procedures, and extended response timelines to reflect typical practices within local building departments. Importantly, the amendments preserved local authority by requiring that approved agencies be vetted by municipal officials and allowed municipalities to retain administrative fees associated with permit processing. If a building official does not act within the prescribed timelines, permit applications and certificates are deemed approved by default—though these timelines were adjusted to be more practical than those in the original version. Additionally, the legislation establishes formal appeal processes through the Building Code Review Board, the Board of Licensure for Professional Engineers, and the Board of Architects. The bill also directs the Building Code Review Board to update applicable sections of the state building code to reflect the provisions of this act.

To better assist municipalities with the implementation and enforcement of this new provision, a checklist has been attached to this guidance.

Effective Date: July 15, 2025

Statutes Amended: Although there is no indication of where SB 188 will be inserted into the statutory scheme, the original bill introduced indicated the language of SB 188 would be inserted as a new section numbered RSA 155-A:7-a.

State Building Codes Amendments: the International Building Code 2021, the International Existing Building Code 2021, the International Plumbing Code 2021, the International Mechanical Code 2021, the International Energy Conservation Code 2018, the International Swimming Pool and Spa Code 2021, the International Residential Code 2021, and the National Electrical Code 2020 shall be amended in a manner to authorize the use of the provisions in SB 188 by the state building code review board.

USE OF APPROVED AGENCIES FOR BUILDING INSPECTIONS/CONSTRUCTION DOCUMENT REVIEW (2025)

A Checklist for Municipalities

PURPOSE

The purpose of *SB 188* is to facilitate speedier and more efficient development while ensuring public safety by authorizing licensed or certified third parties to certify documents and inspect buildings in compliance with applicable building and other codes. This document provides a checklist for municipalities to follow to ensure the statute and requirements set forth in the building code are properly adhered to.

APPLICATION AND APPROVAL OF “APPROVED AGENCIES”

- Applicant is an individual or entity that is authorized to perform building code inspection services and construction document reviews. (Applicants may include professionals such as engineers, architects, or ICC-certified building officials.)
- Applicant is objective, competent, and independent:
 - Independent:* Applicant is independent from the contractor responsible for the work being inspected.
 - Objectivity:* Applicant has disclosed possible conflicts of interest to allow for objectivity to be confirmed.
 - Competent:* Applicant will perform services only within the scope of their competence, license and/or certification. Applicant employs or contracts with experienced personnel educated in conducting, supervising, and evaluating construction document reviews and inspections of the work.
- Equipment:* Applicant has adequate equipment to perform required tests, and the equipment is periodically calibrated.
- Insurance:* Applicant may review construction documents or provide inspections only if the applicant maintains insurance for professional liability covering all services performed as an independent provider, unless such regulatory authority waives such requirement.
 - Limits:* Minimum policy limits of \$2 million per occurrence and \$4 million in the aggregate for any project with a construction cost of \$5 million or less and \$4 million per occurrence and \$8 million in the aggregate for any project with a construction cost of over \$5 million.
 - Certificate:* A certificate of insurance indicating the above shall be provided to the building official before services under this section are started, and such a certificate shall require notification of the building official 14 days prior to any cancellation or changes to the policy.
- Application is Complete:* All information necessary for a local building official to determine if the agency meets the requirements of the SDA has been submitted, including complete contact information for each individual performing services under the SDA.
- Approval/Denial:* Following application review by building official, written notification is sent to the applicant indicating approval or denial of application to become an approved agency under the SDA. If the building official denies an application, the written notification will include the reasons for the denial.

OBLIGATIONS OF OWNER/OWNER'S AGENT

- Indemnification of Owner/Owner's Authorized Agent:* The Owner/Owner's Authorized Agent shall provide a signed statement of indemnification to the building official prior to the approved agency proceeding with services.
 - Indemnification Statement:* The signed statement shall read:

I agree to indemnify the regulatory authority from and against losses, damages, and judgments arising from claims by third parties arising from my use of these licensed or certified personnel to provide development document reviews and building inspections with respect to the building or structure that is the subject of the enclosed application. The indemnification shall include reasonable attorneys' fees and expenses recoverable under applicable law, but only to the extent they are found to be caused by a negligent act, error, or omission of an approved agency or approved agency officers, directors, members, partners, agents, employees, or subconsultants.
- Contract & Payment:* The Owner/Owner's Authorized Agent shall contract with and make payment directly to the approved agency.

APPROVED AGENCY SERVICES & SCOPE

- Approved agencies are authorized to conduct building code inspections and construction document reviews which shall adhere to all applicable codes and standards set forth by the state building code pursuant to RSA 155-A:2 and any local bylaws or ordinances established pursuant to RSA 155-A:3.
- Completed Construction Document Review* includes:
 - Examination of:*
 - Construction documents defined as written, graphic, and pictorial documents prepared or assembled for describing the design, location, and physical characteristics of the elements of a project necessary for obtaining a building permit. Construction documents do not include applications or documents generated for zoning or planning approvals;
 - Deferred construction documents, if applicable; and
 - Amended construction documents, if applicable.
 - Affidavit of Compliance.* The approved agency shall submit an affidavit indicating that the documents were reviewed to the best of the knowledge, information, and belief of the reviewer and the documents comply with the New Hampshire state building code and any applicable municipal amendments.
- Building code inspections* include:
 - All inspections of an improvement to land as required by the state building code as part of a project to develop or improve an improvement to the land, building, or structure.
 - Affidavit of compliance.* The approved agency shall submit an affidavit upon completion of all inspections summarizing the inspections performed in accordance with the approved construction documents, the New Hampshire state building code, and any applicable municipal amendments. The approved agency and affidavit shall be subject to RSA 676:13.

- Electronic Signature and Transmission Allowed.* Approved agencies may use electronic signatures and transmission to submit construction documents where permitted by the municipality and for all reports and other documents required for compliance with this section.

MUNICIPAL RESPONSIBILITIES

- Fee Reduction.* Where an approved agency is used for in lieu of a building official, permit fees shall be reduced as follows:
 - Construction Document Review.* Permit fees shall be reduced by 40 percent when all construction documents are reviewed by an approved agency.
 - Building Code Inspections.* Permit fees shall be reduced by 40 percent when all inspections required by the SDA are completed by an approved agency.
 - Both (Construction Document Review & Building Code Inspections).* Permit fees shall be reduced by 80 percent when both functions are performed by an approved agency.
- Access to related documents.*
 - The building official shall provide equal access to all related documents to the approved agency or owner/owner's authorized agent that would be provided to the building official in completing review of construction documents or inspections.
 - Provide documents in electronic format within 2 business days of request by the approved agency or owner/owner's authorized agent if such access is normally provided by software that protects exempt records from disclosure.
- Audits:* Local enforcement agencies appointed pursuant to RSA 674:51 or RSA 47:22 shall audit a percentage of inspections performed by approved agencies within their jurisdiction to ensure compliance with applicable codes.
 - Audits may be conducted only after the building official has created a formal audit evaluation.
 - Audits shall be conducted randomly and without prior notice to the approved agency.
 - The same approved agency may be audited no more than 4 times in a month, unless the building official determines that the condition of a building constitutes an immediate threat to public safety and welfare.
 - The local enforcement agency shall have the authority to take corrective action if any violations are found during the audit.
- Suspension of Approved Agency:* The building official may decide an approved agency has been negligent in providing construction document reviews or building inspections.
 - Burden of Proof.* The building official must provide clear and convincing evidence of the approved agencies' negligence in providing construction document reviews or building inspections.
 - Duration of Suspension.* If the burden of proof is fulfilled, the building official may suspend the approved agency from further work on that project and in that municipality for not more than one year.

- Report to Licensing Agency.* The building official may file a complaint per RSA 310-A:22 for engineers, per RSA 310-A:47 for architects, or with the building code review board for ICC-certified building officials.
- Stop Work Orders:* The SDA shall not be construed to limit or deny the authority of the building official to issue a stop-work order for a project or any portion of the project, as provided by law, if the building official determines that a condition on the building site constitutes an immediate threat to public safety and welfare.

ISSUANCE OF BUILDING PERMIT

- Building Permit Issuance:* A building permit shall be issued no more than **14 calendar days** after the following is completed:
 - Construction document review affidavit is completed and submitted.
 - Applicable fees have been paid.
- Written Notification of Deficiencies:* Upon completion of the above relative to issuance of building permits, the building official has **14 calendar days** to issue a written notice identifying the specific features that do not comply with the applicable codes and regulations or the lack of signoffs from other federal, state, or municipal agencies, as well as the specific code or regulation reference.
- Building Permit Application Revisions:* If an applicant submits revisions, the building official has the remainder of the tolled business days plus one business day from the date of resubmittal to issue the building permit or provide a second written notification of deficiencies that includes the information specified above.
- Default Issuance of Permit:* If the requisite documents are received and no written notification of non-compliance is issued within **14 calendar days** then the building permit shall be deemed approved as a matter of law, and any necessary permit or permits shall be issued by the building official on the next business day. Additionally, if revised documents are submitted and no indication of deficiency is received, the building permit shall be deemed approved as a matter of law, and any necessary permits shall be issued by the building official on the next business day

ISSUANCE OF CERTIFICATE OF OCCUPANCY OR COMPLETION

- Certificate of Occupancy or Completion Issuance:* A certificate of occupancy or completion shall be issued no more than **10 calendar days** after the following is completed:
 - The Building Code Inspection affidavit is completed and submitted indicating all necessary inspections are completed.
 - Applicable fees have been paid.
- Written Notification of Deficiencies:* Upon completion of the above relative to issuance of certificate of occupancy or completion, the building official has **10 calendar days** to issue a written notice identifying any specific deficiencies in the affidavit, with reference to specific code chapters.
- Default Issuance of Permit:* If the requisite documents are received and no written notification of non-compliance is issued within **10 calendar days** then the certificate of occupancy or completion shall be deemed approved as a matter of law and shall be issued by the building official on the next business day.

APPEALS

- Any decisions other than negligence regarding the issues addressed by this section may be appealed to the Building Code Review Board, which shall adjudicate the dispute per statute.
- Any decisions of the Building Code Review Board may be appealed to Superior Court in accordance with RSA 155-A:12.