

Concise Explanatory Statement

Rhode Island Government Register

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

AGENCY: Rhode Island Department of Business Regulation

DIVISION: Building Code Commission

RULE IDENTIFIER: 510-RICR-00-00-1

REGULATION TITLE: RISBC-1 Rhode Island Building Code

RULEMAKING ACTION: Full Rulemaking
Amendment

COMMENT PERIOD: June 27, 2025- July 27, 2025

A. Statement of Purpose of the Amendments

The Building Code Standards Committee (BCSC) proposed amendments to the Rhode Island Building Code, which is the primary building code that applies to all buildings that are not a one or two-family residences. The current version of this regulation adopted the International Code Council's (ICC) International Building Code (IBC), 2018 version, with RI specific amendments. Currently, the BCSC has proposed adopting the 2021 version of the IBC. The proposed amendments to the IBC 2021 model code are for consistency with the other building code regulations in Title 510 and the Fire Safety Codes in Title 450, compliance with RI statutes, and ensure that the model codes align with the needs of this state.

Additionally, all the building code regulations simultaneously being amended have been edited for clarity and internal consistency of formatting and style, and to be easily read with the other building code regulations and the model codes that these regulations adopt. Formatting changes include: listing every model code chapter and stating whether each chapter is adopted, adopted with changes or deleted; leading the all changes with the model code section number for quick reference; and focusing on model code numbering to simplify citation and avoid confusion.

§§ 1.1 through 1.2 – Updated and simplified the provisions in these sections.

Chapter 1 contains the administrative provisions of IBC 2021, which are amended for consistency with R.I. Gen. Laws Chapter 23-27.3 and other RI building codes within Title 510 and the Rhode Island Fire Safety Codes in RICR Title 450.

Chapter 2 of IBC 2021 is adopted with no changes. The state specific amendments to the definitions have been deleted because they are no longer necessary as those terms are defined in statute (commissioner and committee) or are now included in the IBC 2021 definitions (nightclub). No change to status quo.

Chapter 3 of IBC 2021 is adopted with no changes. The RI amendments to Chapter 3 have been deleted because these groups are now sufficiently defined in IBC 2021. No change to status quo.

Chapter 4 of IBC 2021 is adopted with changes.

The state specific amendments to section 401 (which added 2 new paragraphs to the model code) have been deleted because they are unnecessary, additional references to the Fire Safety Code. No change to status quo.

The state specific amendments adding section 429 regarding manufactured home is retained with a cross reference update to SBC2.

The state specific amendments adding section 430 regarding modular construction is updated to conform to recent changes per PL 2024 ch. 27 & 28 enacted 5/28/24, which repealed the IIBC compact, such that inspection, verification and approval of modular construction is now conducted in accordance with procedures established by the State Building Commissioner.

Chapters 5, 6, 8, 12, 17, 19, 20, 22, 24, 25, 26, and 32 of IBC 2021 are adopted with no changes. No change to the status quo.

Chapter 7 of IBC 2021 is adopted with no changes. It was deleted/reserved in error in the current version of the regulation.

Chapter 9 of IBC 2021 is adopted with minimal RI amendments for consistency with the State Fire Safety Code, which does not adopt the ICC codes referenced in IBC 2021. Some of the prior RI amendments have been deleted because that content is now included in SBC 2021. No change to status quo.

Chapter 10 of IBC 2021 is adopted with no changes. The prior RI amendment is no longer necessary because the language in IBC 2021 is now consistent with the provisions of the RI Fire Safety Code. No change to status quo.

Chapter 11 of IBC 2021 is adopted with no changes. The prior RI amendments are no longer necessary because these provisions are now included in IBC 2021. No change to status quo.

Chapter 12 of IBC 2021 is adopted with no changes. No change to status quo.

Chapter 13 of IBC 2021 is adopted with no changes. The prior RI amendments were not substantive and no longer required due to the statutory requirement to adopt the unamended IECC. No change to status quo.

Chapters 14 and 15 of IBC 2021 are adopted with no changes. The prior RI amendments are no longer necessary because these provisions are included in IBC 2021. No change to status quo.

Chapter 16 of IBC 2021 is adopted with changes. The only RI amendments being retained are the RI specific snow and wind load and frost depth tables, which have been updated and relocated to the end of the Regulation in § 1.4. The rest of the RI amendments are being deleted which means the provisions of IBC 2021 will apply. The information in the original chart in Risk Category III is now separated into risk category III and IV with the wind speeds being the same,

just in separate columns. The frost depth varied across the state with the shallowest being 2'6" in New Shoreham to the deepest in some north/western municipalities being 4'6". Except for New Shoreham, which is unchanged, the minimum frost depth for all RI municipalities is proposed to be set at 4'. The seismic coefficients were from the former chart were deleted because they are now found elsewhere in the model code. No change from status quo.

Chapter 18 of IBC 2021 is adopted with minimal changes necessary for consistency with the amendments to Chapter 16 and to reference to the RI specific frost depth chart, now included in § 1.5. No change to status quo.

Chapters 21 is adopted with no changes. Chapter 21 was mistakenly reserved in the prior regulation. That error has been fixed with these amendments. No change to the status quo.

Chapter 23 is adopted with a reduction of the RI specific amendments related to the use of Native Lumber. The deleted provisions have been relocated to 510-RICR-00-00-18, Use of Native Lumber. Amendments to that regulation are being promulgated simultaneously with this regulation. No change to status quo, just a reorganization of the provisions and updated cross reference to Part 18.

Chapter 27 of IBC 2021 is deleted. All prior RI amendments are also deleted as they are covered by the Electrical Code, 510-RICR-00-00-5. No change to status quo.

Chapter 28 of IBC 2021 is deleted. All prior RI amendments are also deleted as they are covered by the Mechanical Code, 510-RICR-00-00-4 and other provisions referenced in this updated amendment. No change to status quo.

Chapter 29 of IBC 2021 is deleted. All prior RI amendments are also deleted as they are covered by the Plumbing Code, 510-RICR-00-00-3. No change to status quo.

Chapter 30 of IBC 2021 is adopted with minimal changes necessary to refer to the regulation of Elevators by the Department of Labor and Training. The RI amendment for 3001.1.1 was deleted because the provision is now included in IBC 2021. No change to status quo.

Chapter 31 is adopted with no changes. The prior RI amendments have been deleted. The general provision, definition of membrane-covered cable structure and provisions for fabric structures are now included in IBC 2021 and are no longer needed as state specific amendments. The BCSC has deleted the Temporary Structures permitting requirement in the RI amendments to IBC section 3103. Deleting the RI amendment and following the IBC provisions for temporary structure permitting is an improvement/benefit as temporary structures are specifically identified and defined as opposed to confusing/outdated classifications in the RI amendment.

Chapter 33 is adopted with no changes. The prior RI amendments are no longer necessary as those terms are now defined in SBC 2021. No change to status quo.

Chapter 34 is adopted with no changes. The content of Chapter 34 was relocated to a new model code in 2012. It now only contains a one sentence cross reference, therefore, the RI amendments to Chapter 34 are no longer necessary and have been deleted. The IEBC is better organized and

easier to navigate while being very similar to the current building components in the Rehabilitation Code. This provides another option for renovations to existing buildings.

Chapter 35 is adopted with the existing general statement regarding use of these referenced standards. No change to status quo.

IBC 2021 requires appendices to be specifically adopted or deleted. Minor changes were made after reviewing the appendices to IBC 2021. No change to status quo.

§ 1.4 – An updated Snow Load, Wind Speed and Frost Depth Table has been added at the end of the regulation, replacing the tables deleted in Chapter 16. We replaced the color coding with symbols so the chart remains useful if printed in black and white. There is no change to the status quo – chart has been relocated and visually improved.

B. Summary of the Regulatory Analysis

This regulation applies to all buildings that are not a one or two-family residence. All 39 municipalities, builders and construction industry, design professionals, licensed trades, homeowners, property owners, and business owners.

These amendments move the Building Code from IBC 2018 to IBC 2021. The ICC updates its codes every three years, through a code development process that “provides an international forum for discussion and deliberation about building design, construction methods, safety, performance requirements, technological advances and innovative products.” (IBC 2021, Preface: Introduction, <https://codes.iccsafe.org/content/IBC2021P2/preface>). IBC 2021 “is intended to establish provisions that adequately protect public health, safety and welfare; that do not unnecessarily increase construction costs; that do not restrict the use of new materials, products or methods of construction; and that do not give preferential treatment to particular types of classes of materials, products or methods of construction.” (IBC 2021 Preface: Development, same link as above.)

In general, state and local governments rely heavily on building codes to ensure a baseline level of life safety, resilience to natural disasters, and to mitigate the potential damaging effects of a variety of hazards on commercial and residential structures. Building codes have improved steadily over several decades in response to observed building performance during natural hazards, changes in construction methods, and advances in research and testing of materials and methods. In particular, the ICC codes that the state adopts are vetted by hundreds of people with expertise in the numerous subject areas covered in IBC 2021.

As part of an effort to simplify the requirements and reduce unnecessary RI amendments, the BCSC has:

- Deleted and relocated content that belongs in or already exists within other building code regulations in Title 510 (consolidation of Native Lumber provisions in SBC-18, adoption of the International Existing Building Code; and simplified cross references to other RI building codes and fire safety codes).

- Deleted RI amendments that are no longer necessary due to that content now being included in the IBC 2021.
- Simplified and standardized the formatting for a more user-friendly document that is easily read alongside IBC 2021.

Overall, the length of this regulation has been reduced by 75%. The result is a simpler regulation with less Rhode Island amendments. These amendments benefit all of the many and diverse users of the building code statewide.

C. Summary of Comments Not Resulting in Regulatory Language Changes

Below is a summary of other public comments received that did not result in changes to the text of the Regulation and a brief description of the Department's reasons for not making any such changes after due consideration.

1. *510-RICR-00-00-1* Commentary was received suggesting the adoption without amendment of the most up-to-date version of the model codes.

The proposed amendments to the State Building Codes reflect a conscientious effort to ensure that the Rhode Island State Building Code is updated in accordance with national standards while taking into consideration that the model code may not capture the circumstances that exist for building in Rhode Island. Therefore, certain amendments to the model codes have been made.

Accordingly, the Department declines to make a change in response to this comment.

2. *510-RICR-00-00-1* – Commentary was received recommending that the Department adopt the 2024 Codes instead of the 2021 Codes.

In general, it is not advisable to skip code cycles (notwithstanding the unique circumstances of Part 8 adopting the 2024 IECC). The complexity of comparing the model codes from year to year is already a challenge that would be substantially more difficult if the state were to skip the 2021 codes all together. Incremental change is easier to implement and better for industry overall.

The Committee voted on amendments necessary to adopt the 2021 codes and that was what was proposed. It will move forward to finalize these codes. It will start the process to review the 2024 ICC codes and consider if any state-specific amendments may be necessary. However, at this time, the Committee declines to make a change in response to this comment. Furthermore, pursuant to R.I.G.L. § 24-35-6.1, “[a]n agency may not file a rule that differs from the rule proposed in the notice of proposed rulemaking unless the

final rule is consistent with, and a logical outgrowth of, the rule proposed in the notice.” The amendments and adoption noticed for the State Building Code reflect the 2021 Codes and, therefore, the 2024 Codes cannot be substituted for the rules as originally proposed.

Accordingly, the Department declines to make a change in response to this comment.