

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-00-00-2
REGULATION TITLE: Rhode Island One & Two-Family Dwelling 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) is proposing amendments to the Rhode Island One & Two Family Dwelling Code (Residential Code). The current version of this regulation adopted the International Code Council's (ICC) International Residential Code (IRC), 2018 version, with RI specific amendments. Currently, the BCSC has proposed adopting the 2021 version of the IRC. The proposed amendments to the IRC 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.

§§ 2.1 through 2.2 – Updated and simplified the provisions in these sections.

Chapter 1 contains the administrative provisions of IRC 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 IRC 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 IRC 2021 definitions.

Wind zone images following Chapter 2 were deleted because an updated chart is made part of SBC-2, Chapter 3.

Chapter 3 contains is adopted with minimal changes. The table included in the prior amendment was incorrect and has been corrected. Section 302.13 has been deleted without substitution to correct the erroneous inclusion of that section in the 2018 Code after it was previously deleted in the 2015 Code. A typographical error has been corrected in Section 310.8.

Chapter 4 is adopted without changes. The state specific amendments have been deleted because they are no longer necessary as the 2021 IRC includes substantively similar provisions.

Chapters 5 and 6 are adopted with no changes. The state specific amendments have been deleted because they would be duplicative of the IRC 2021. No changes to the status quo.

Chapter 8 is adopted with no changes. The state specific amendments have been deleted because they would be duplicative of the IRC 2021. No changes to the status quo.

Chapter 9 is adopted with no changes. The state specific amendments have been deleted because they would be duplicative of the IRC 2021. No changes to the status quo.

Chapter 10 is adopted with no changes. The state specific amendments have been deleted because they would be duplicative of the IRC 2021. No changes to the status quo.

Chapter 11 is deleted due to statutory requirement for adoption of the Rhode Island Energy Conservation Code.

Chapters 12 through 15 are adopted with no changes. RI Amendment would be duplicative of the IRC 2021.

Chapters 17 through 21 are adopted with no changes. RI Amendment would be duplicative of the 2021 IRC.

Chapter 22 is adopted with the addition of a single sentence related to material requirements for non-metallic storage tanks.

Chapters 23 and 24 are adopted with no changes. RI Amendment would be duplicative of the 2021 IRC.

Chapters 27 and 28 are adopted with no changes. RI Amendment would be duplicative of the 2021 IRC.

Chapters 32 and 33 are adopted with no changes.

Chapters 34 through 43 are deleted. Language is now found in the RI Electrical Code, SBC 5.

Chapter 44 is adopted with no changes. RI Amendments would be duplicative of the 2021 IRC.

Appendices AE, AH, AK, AM, AO, AQ, AR, AS, and AW are adopted and all other appendices are deleted.

B. Summary of the Regulatory Analysis

This regulation applies to all one and two-family dwellings. All 39 municipalities, builders and construction industry, design professionals, licensed trades, homeowners, property owners, and business owners.

These amendments move the Residential Code from IRC 2018 to IRC 2021.

There are no significant economic impacts associated with these amendments.

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; and 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 70%. 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 Resulting in Post-Comment Changes

The following differences exist between the text of the proposed rule as published in accordance with R.I. Gen. Laws § 42-35-2.7 and the rule as adopted. These changes are all consistent with, and are a logical outgrowth of, the proposed regulation in the notice of proposed rulemaking in accordance with R.I. Gen. Laws § 42-35-6.1. In addition to this summary of changes, a redlined document showing the exact changes is attached.

1. *Table 301.2(1) and Note 3* – Commentary was received suggesting the continued inclusion of Note 3b for Table 301.2(1) so that deck stair stringer requirements continue to be 12” below grade instead of frost depth.

After reviewing the commentary, the Committee concluded that the deletion of Note 3b for Table 301.2(1) was in error. The note related to 12” footings will be included as part of the Amended SBC-2 so that accessory attached and detached structures will continue to be required at 12” below grade rather than frost depth. While the notes in paragraphs 1, 2, and 3(a) are no longer necessary. The content in the Notes in paragraph 3 and 3(b) have been reinstated into the code and renumbered as Notes 1 and 1(a).

2. *§ R310.1* – Commentary was received that recommended the continued inclusion of Section R310.1 Emergency Escape and Rescue Required because removal would eliminate the option for converting lower levels to home offices, exercise space, or entertainment spaces.

After reviewing the commentary, the Committee concluded that this section was deleted in error and the exception will continue to be included as a Rhode Island amendment to the model code.

3. § R322.1 – Commentary was received recommending that § R322.1 should be corrected to reflect previous ICC error and the section should be titled “R322.2.1.”

Section R322.1 will be corrected to reflect the ICC revision and will read “R322.2.1”

Section R322.1 General will read as follows: “Buildings and structures constructed in whole or in part in flood hazard areas (including A or V Zones) as established in Table R301.2(1) shall be designed and constructed in accordance with ASCE 24. Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24. “

Section R322.2.1, #1 will read as follows: “Buildings and structures in flood hazard areas, not designated as coastal A zones or coastal high hazard areas, shall have the lowest floors elevated to or above the base flood elevation, plus one foot (1’), or the design flood elevation, whichever is higher.”

4. § R401.4.1 – Commentary was received recommending that the previous RI Amendment to Table R401.4.1 “Presumptive Load Bearing Values of Foundation Materials” continue to be included in Table R401.4.1 to make it simpler for contractors and building officials to grade soil bearing values without a third-party soil test.

Having reviewed the comment, the Building Code Standards Committee agrees that the previous Rhode Island amendment to Table R401.4.1 would benefit the industry and will continue to be include it as an amendment to the 2021 IRC.

D. 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-00-00-2 – Commentary was received encouraging the Building Code Commission to incorporate the passage of House Bill 5804 and Senate Bill 1089 which expand the state’s residential code to include 3- and 4-unit properties.

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.” At the time the proposed amendments to the SBC were noticed, the inclusion of 3- and 4-unit dwellings was not contemplated nor could it be considered a logical outgrowth of the proposed

amendments given the significant change to the residential code that results from the passage of HB 5804 and SB 1089. Accordingly, the Building Code Standards Committee will review the legislation and consider potential future amendments to SBC-2 at another time. The goal now is to complete this rulemaking and adopt the 2021 IRC.

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

2. § R105.2 – Commentary was received suggesting that the proposed amendment to Section R105.2 would revert the exception for work requiring permits from 200 sq. ft. to 64 sq. ft. and that the change would increase revenue rather than enhance health and safety.

The previous exemption from work permits for 200 sq. ft. or less was never enforced. The prior code requirement of 200 sq. ft. was a technical error and should not have changed from 64 sq. ft. in the prior code.

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

3. 510-RICR-00-00-2 – 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.

4. 510-RICR-00-00-2 – 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.