

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-00-00-7

REGULATION TITLE: Rhode Island Existing Building Code

RULEMAKING ACTION: Full Rulemaking

Adoption

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

A. Statement of Purpose of the Amendments

The Building Code Standards Committee (BCSC) has proposed to adopt the various components of the Rhode Island Building Code by adopting national model codes. As part of the process to update 510-RICR-00-00-1, the State Building Code, and adopt the 2021 International Building Code, the BCSC reviewed its state specific amendments to Chapter 23: Wood. The BCSC has decided to delete Chapter 34, which contained RI specific amendments related to Existing Buildings, and adopt the International Code Council's (ICC) International Existing Building Code (IEBC), 2021 edition, as a new Part 7 in Title 510.

Notably, the ICC's International Building Code (IBC), which RI adopts as its building code in 510-RICR-00-00-1, used to contain a Chapter 34 entitled, "Existing Structures." However, ICC Code Development Process for the 2015 code cycle removed Chapter 34 from the IBC and relocated to its own code, the IEBC. Rhode Island is finally catching up to the model and deleting the 48 pages of 510-RICR-00-00-1 which contained RI's existing building code provisions and instead, more efficiently adopting the IEBC.

The IEBC applies to the renovation of all buildings and structures not otherwise covered by SBC-2, the one- and two-family residential code. For example: Renovation of an office building would fall under SBC-7, the IEBC; renovation of a single family house would fall under SBC-2. Additionally, three-family dwellings are prohibited from using the IEBC and are subject to the provisions of SBC-1, the Rhode Island Building Code.

This adoption will be promulgated simultaneously with the amendments to 510-RICR-00-00-1 so there is no gap in the law.

This regulation was drafted to be consistent with the formatting changes implemented in this year's update of all building codes.

§§ 7.1 and 7.2 – These standard sections are consistent with similar provisions across Title 510 explaining the adoption of the model codes.

The BCSC is adoption the IEBC as written with minimal changes.

Chapter 1 is adopted with administrative amendments for consistency with other RI statutes, the other building code regulations in Title 510, and the Fire Safety Codes in Title 450.

Chapter 2 through 16 are adopted with no changes.

Appendices A, B and C are adopted, they contain various guidelines.

Appendix D is deleted as it contains information about appeals procedures which are unnecessary as those procedures are governed by statutory provisions in R.I. Gen. Laws Chapter 23-27.3

B. Summary of the Regulatory Analysis

This regulation may apply to work on existing buildings within the state. All 39 municipalities, DLT licensed professionals, builders and construction industry, design professionals, homeowners, property owners, and business owners.

These amendments bring RI in line with the national model codes but adopting the IEBC instead of keeping 48 pages of RI specific amendments in the Building Code.

These amendments are good for RI because, in many cases, the IEBC provides relief for existing structural elements while the SBC-1 would require replacement of structural elements to comply with the provisions of that code – which is intended for new buildings. For instance – the IEBC provides paths for compliance for existing stairways that the SBC-1 does not. This is a more practical and attainable path to code compliance for existing building renovations in Rhode Island.

The BCSC has decided to implement the IEBC with only administrative amendments for consistency with other RI statutes and regulations. If a particular provision of the model code is a challenge to comply with for an individual or a group of people, there is a statutory process unique to the building code by which a person can apply for a variance.

The State Building Codes that provides an immediate right to an administrative appeal to the Building Code Standards Committee of any regulation/code provision seeking clarification, modification or outright relief from compliance. R.I. Gen. Laws § 23-27.3-127.1.2. This process negates the needs for litigation and provides a simpler means of ensuring that these model codes can be tailored to the needs of Rhode Island consumers.

This same statutory section also provides for the issuance of a Blanket Variance to address scenarios where a provision(s) of the code has been rendered obsolete or imposes an unanticipated hardship. Any Blanket Variances granted by the BCSC are effective only until the next code adoption cycle where they are either incorporated into the new edition or abandoned.

These procedures also exist for the Fire Codes.

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-00-00-7* - 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-00-00-7* – 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.

