

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-00-00-14

REGULATION TITLE: Rhode Island Swimming Pool and Spa Code

RULEMAKING ACTION: Full rulemaking
Amendment

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

Statement of Purpose of the Amendments

The Building Code Standards Committee (BCSC) has proposed amendments to the Rhode Island Swimming Pool and Spa Code. The current version of this Code adopted the International Code Council's (ICC) International Swimming Pool and Spa Code (ISPSC) 2018 edition. Currently, these amendments reflect the BCSC's proposed adoption of the 2021 edition of the ISPSC. The state specific amendments to the ISPSC 2021 model code are for consistency with the other building code regulations in RICR Title 510 and the Fire Safety Codes in RICR Title 450, compliance with RI statutes, and ensure that the model codes align with the needs of this state.

Additionally, all building code regulations being amended in this cycle 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.

Summary of substantive changes:

§§ 14.1 and 14.2 – Updated and simplified the provisions in these sections.

Chapter 1 contains the administrative provisions of ISPSC 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. No change to the status quo.

Chapters 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of ISPSC 2021 are adopted with no changes. No change to the status quo. These chapters in ISPSC 2018 were adopted without changes but not mentioned in the current draft. They are now listed for clarity and completeness.

All appendices to ISPSC 2021 are deleted. They were not adopted in the current regulation because the regulation is silent on appendices and the ICC states that they must be affirmatively adopted. The only appendix to ISPSC 2021 is about the Board of Appeals, which conflicts with state statutes and is not applicable in RI. No change to status quo.

A. Summary of the Regulatory Analysis

This regulation applies to all swimming pools and spas in the state. All 39 municipalities, DLT licensed professionals, builders and construction industry, design professionals, homeowners, property owners, and business owners.

These amendments move the Swimming Pool and Spa Code from ISPSC 2018 to ISPSC 2021. As part of the adoption of ISPSC 2021 the BCSC has:

Simplified and standardized the formatting for a more user-friendly document that is easily read alongside ISPSC 2021.

There are no substantive changes to the code requirements and no new RI specific amendments. This regulation has adopted the prior versions of ISPSC with only administrative changes and these amendments continue that process.

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-00-00-14* - 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-00-00-14* – 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.