

510-RICR-00-00-20

TITLE 510 – BUILDING CODE COMMISSION

CHAPTER 00 – N/A

SUBCHAPTER 00 – N/A

PART 20 – State Rehabilitation Building and Fire Code for Existing Structures

20.1 Authority

- A. This Part is promulgated by the Joint Committee on the Rehabilitation Building and Fire Code for Existing Building and Structures pursuant to the authority granted in R.I. Gen. Laws § 23-29.1-2 and 23-29.1-3.

20.2 Purpose and Intent

- A. The purpose of this code is to encourage the continued use or reuse of existing buildings and structures. This code is intended to permit repairs, renovations, alterations, reconstructions, additions, and/or changes of occupancy that maintain or improve the health, safety and welfare in existing buildings, without requiring full compliance with the construction requirements of the Building Code, Mechanical Code, Plumbing Code, Rhode Island Fire Safety Code, , Electrical Code, Boiler Safety Code, Energy Code, Elevator Code, or Accessibility Code, except for proportional additional work as specified in this code. Existing buildings, subject to this code, shall continue to be subject to the administrative, maintenance and operational requirements of the above-referenced codes. Building owners shall further comply with the regulations adopted by the Rhode Island Department of Health and all other public bodies charged with protecting the public health and safety. This code shall only apply to buildings in existence for at least ten (10) years prior to the application for a permit under this code.

20.3 Uses Not Covered

- A. All repairs, renovations, alterations, reconstruction, additions and/or conversions (changes of occupancy) to health care facilities, nursing homes, child day care centers, community residences, educational occupancies, detention and correctional occupancies, high hazard occupancies, and one, two, and three family homes shall not be covered or enforced by this code at this time and shall comply with the applicable provisions of the Building Code, Mechanical Code, Plumbing Code, Rhode Island Fire Safety Code, Electrical Code, Boiler Safety Code, Energy Code, Elevator Code, or Accessibility Code.

20.4 Fire Code Element

- A. The fire code element of this code generally addresses means of egress, fire detection systems, fire suppression systems, and fire-related mechanical, electrical and plumbing systems. In general, the fire code element incorporates national rehabilitation code philosophies by coupling many of the passive fire protection elements of Nationally Applicable Recommended Rehabilitation Provisions developed by HUD and NFPA 5000 Chapter 54 for existing buildings. To achieve a level of active fire protection acceptable to the fire service of Rhode Island, this code further incorporates the fire protection elements of the current Rhode Island fire alarm, sprinkler system and related active fire safety systems.
- B. The fire code element of this Code shall comply with the Rhode Island Life Safety Code, Chapter 43 titled Building Rehabilitation, specifically the edition in effect at the time of the permit, as adopted by the Fire Safety Code Board of Appeal & Review.

20.5 Building Code Element

- A. The building code element of this code generally addresses structural, energy, accessibility, boiler and elevator requirements along with all non-fire related mechanical, electrical and plumbing systems. In general, the building code elements incorporate the underlying philosophy of Nationally Applicable Recommended Rehabilitation Provisions developed by HUD and the International Existing Building Code and NFPA provisions for the rehabilitation of existing buildings.
- B. The building code element of this Code shall comply with the International Existing Building Code adopted as Part 7 of this Subchapter, specifically the edition in effect at the time of the permit, as adopted by the Building Code Standards Committee.

20.6 Code Conflict Resolution

- A. Any conflict or citation inconsistency between the provisions of the IEBC and the LSC, shall be resolved in favor of the most stringent requirement as determined by the AHJ subject to appeal to the Joint Committee of the Rehabilitation Building and Fire Code for Existing Buildings and Structures.

20.7 Classification of Work

- A. All work shall be classified into six categories: repair, renovation, modification, reconstruction, and change of use or occupancy classification and addition. Specific requirements are established for each work category in this code. Work of more than one category shall be permitted to be part of a single work project.

- B. Where a project includes one category of work in one building area and another category of work in a separate area of the building, each project area shall comply with the requirements of the respective category of work.
- C. Where a project consisting of modifications and reconstruction is performed in the same work area, or in contiguous work areas, the project shall comply with the requirements applicable to a reconstruction.
 - 1. Exception: Where the reconstruction work area is less than ten (10%) percent of the modification work area, the two shall be considered as independent work areas, and the respective requirements shall apply.
- D. Nothing in this chapter shall be interpreted as requiring the repair, renovation, modification or reconstruction of existing buildings, which are in compliance with the Building and Fire Safety Codes. If a building was originally inspected and determined not to be in compliance with either the Fire Safety or Building Code, the owner shall have three options:
 - 1. First, the owner may correct the cited deficiencies and bring the building into compliance with the Fire Safety or Building Code provisions in question.
 - 2. The second option would be to apply for an appropriate variance, with either the Fire Safety Board or Building Board.
 - 3. The third option would be to present the authority having jurisdiction a plan of action bringing the facility into compliance with the provisions of this Code. In the case where an owner plans to unilaterally proceed with a repair, renovation, alteration or reconstruction of an existing building, the owner shall submit plans under this Code. Nothing herein shall prevent the owner from submitting plans for review under the current Building Code and Fire Safety Code.

20.8 Compliance

- A. Categories of work: Repairs, renovations, modifications, reconstruction, changes of use or occupancy classification and additions shall conform to the requirements of this code.
- B. Equivalent alternatives: This code is not intended to prevent the use of any alternate material, alternate design or alternate method of construction not specifically prescribed herein, provided any alternate has been deemed to be equivalent by the authority having jurisdiction and its use authorized by the Rehabilitation Board.
- C. Other alternatives: Where compliance with this code or with any other code as required by this code is technically infeasible or would impose undue hardship because of structural, construction or dimensional difficulties, the Rehabilitation

Board is authorized to accept other alternative materials, design features and/or operational features.

- D. Notwithstanding the above, the local certified building official, with the approval of the Building Commissioner, may grant limited dimensional modifications from the building code element of this code; and the local certified fire marshal, with the approval of the State Fire Marshal, may grant limited dimensional modifications from the fire code element of this code. The dimensional modifications referred to above would be limited to existing ceiling heights, door widths, window openings, stairway and hallway widths, and the dimensions of stairway treads and risers. The above dimensional modifications may only be granted when the total existing egress width can accommodate the maximum occupancy load.

20.9 Effective Date

- A. Requirements of this code, and the requirements of this code that reference the Building Code, Mechanical Code, Plumbing Code, Rhode Island Fire Safety Code, Electrical Code, Boiler Safety Code, Energy Code, Elevator Code or Accessibility Code shall be based on the respective codes in effect at the time of the issuance of the permit, and not on any subsequent amendments unless the above codes are specifically made retroactive by statute or administrative regulation adopted by the Fire Safety Board, Building Board, or other authorized Board. This code shall only apply to buildings in existence for at least ten (10) years prior to the application for a permit under this code.

20.10 Permit Expiration

- A. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. One or more extensions of not more than 180 days each shall be permitted when requests are submitted in writing and justifiable cause demonstrated.

20.11 Compliance with Other Codes

- A. Buildings, elements, components or systems in compliance with the current edition of the Building Code, Mechanical Code, Plumbing Code, Rhode Island Fire Safety Code, Electrical Code, Boiler Safety Code, Energy Code, Elevator Code, or Accessibility Code shall not be required to comply with any more restrictive requirement of this code.
 - 1. Exception: Required sprinkler and fire alarm systems.
- B. Elements, components and systems of existing buildings with features that exceed the requirements of the codes for new construction and not otherwise required as part of prior documented approved alternative arrangements shall not

be prevented by this code from being modified as long as they remain in compliance with the applicable codes for new construction.

- C. It is not the intent of this Code to supersede any codes or ordinances that address dangerous or unsafe buildings.
- D. Work mandated by any accessibility, property, housing, or fire safety code, or mandated by any licensing rule or ordinance, adopted pursuant to law, shall conform only to the requirements of that code, rule, or ordinance and shall not be required to conform to this chapter unless the code requiring such work so provides.
- E. Buildings and structures located wholly or partially within the flood hazard area established by the Building Code shall comply with that code.

20.12 Nonconforming Rights (Existing Buildings)

- A. Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of the adoption of this code provided such continued use is not hazardous to life. Nothing in this code shall be interpreted as requiring the repair, renovation, alteration or reconstruction of existing buildings.

20.14 Relationship to Other Codes, Rules, and Ordinances

- A. It is not the intent of this code to supersede any codes or ordinances that address dangerous or unsafe buildings.
- B. It is not the intent of this code to supersede any retroactive regulations that impose stricter requirements.
- C. It is not the intent of this code to supersede the Minimum Housing Code by establishing minimum standards of habitability for housing.
- D. Work mandated by any of the following codes, rules, or ordinances that is not part of a rehabilitation project shall conform only to the requirements of those codes, rules or ordinances and shall not be required to conform to this code unless the document requiring such work so provides:
 - 1. accessibility, housing, property maintenance;
 - 2. any codes or ordinances that address dangerous or unsafe buildings or conditions;
 - 3. any licensing rule or ordinance, adopted pursuant to law; and
 - 4. Rhode Island Fire Safety Code.

5. Rhode Island Building Code.

20.15 Preliminary Meeting

- A. If a building permit is required for a complex rehabilitation project involving multiple codes, then at the request of the prospective permit owner or authorized representative prior to the submission of the construction permit application, the certified building official and the certified fire marshal or their designees, and agency representatives from all necessary agencies in accordance with 105.2 to the extent possible, shall meet with the prospective applicant to discuss plans for any proposed work or change of occupancy under this code prior to the application for the permit.
- B. The preliminary meeting, to the extent possible, shall include the officials responsible for permit approval and enforcement in the following areas, as may be applicable to the rehabilitation project:
 1. Building Code;
 2. Mechanical Code;
 3. Plumbing Code;
 4. Electrical Code;
 5. Rhode Island Fire Safety Code;
 6. Boiler Safety Code;
 7. Energy Code;
 8. Elevator Code;
 9. State and Local historical preservation ordinances;
 10. Accessibility Code.
- C. Where possible, a single meeting of all the parties shall be arranged. Where the total cost of the project exceeds five hundred thousand (\$500,000) dollars, the officials shall meet onsite if so requested by the owner.
- D. The purpose of this preliminary meeting is for the prospective applicant to present its intentions for the proposed work to the responsible code officials so that together they can determine the specific requirements in the codes listed in 105.2 to be applied to proposed project. Any decisions reduced to writing and agreed to by all parties regarding the specific requirements of the codes listed in 105.2 that are to be applied to the proposed project made at the preliminary meeting shall be binding upon the prospective applicant and the code officials

unless circumstances arise which were unknown or could not be ascertained by the prospective applicant, the certified building official and/or the certified fire marshal, at the time of the preliminary meeting. Notwithstanding the above, nothing herein shall relieve the applicant of the obligation to fully comply with the provisions of this code in good faith.

- E. For a rehabilitation project or portion thereof that is in the repair, renovation or alteration category of work, a preliminary meeting may be granted at the discretion of the certified building official and the certified fire marshal when a request for a preliminary meeting is made by the prospective applicant prior to the submission of the construction permit application.

20.16 Permits

- A. The rehabilitation work area shall be clearly identified on all construction permit applications, construction documents and permits required by certified building official and the certified fire marshal.

20.17 Appeals

- A. Any appeal of issues under this code shall be heard exclusively by the Joint Committee on Rehabilitation Building Code for Existing Buildings and Structures pursuant to R.I. Gen. Laws § 23-29.1-4. Specifically, any building owner may consult the authority having jurisdiction for advice and assistance in complying with the provisions of the rehabilitation building and fire code. In case of practical difficulties, the authority having jurisdiction shall refer any request for variance to the joint committee. The petitioner for the variance shall set forth to the joint committee in the petition the grounds or reasons for requesting the variance. The joint committee shall fix a day for hearing on the petition and shall give reasonable notice thereof to the petitioner and the property owners within two hundred (200) feet of the petitioner's building or structure when, in the board's discretion, it may have an adverse effect on neighboring properties. A properly indexed record of all variations made shall be kept in the office of the joint committee and shall be open to public inspection. Any building owner may file a petition for a variance to the board by registered mail, and a hearing date shall be set by the joint committee within thirty (30) days of filing a completed application including a filing fee, established in accordance with the following fee schedule:
 - 1. Petitions related to construction, modification, renovation, and/or conversion to other use of buildings and structures:
 - a. not more than eight thousand (8,000) square feet...one hundred dollars (\$100) filing fee;
 - b. more than eight thousand (8,000) square feet but not more than twenty-five thousand (25,000) square feet...three hundred dollars (\$300) filing fee;

- c. more than twenty-five thousand (25,000) square feet but not more than fifty thousand (50,000) square feet...five hundred dollars (\$500) filing fee;
 - d. more than fifty thousand (50,000) square feet...one thousand dollars (\$1,000) filing fee.
- B. The term “square feet,” as used herein, shall be the total floor space and/or storage capacity of the subject building or structure, as determined and certified by the building code commission or his or her designee, subject to review by the board. The joint committee chairperson may delegate a subcommittee of the joint committee to conduct a hearing and take testimony from the petitioner. The subcommittee shall make recommendations to the joint committee as to their findings, and a decision shall be rendered within ten (10) days of the subcommittee’s report. If the petitioner is aggrieved by the subcommittee’s recommendations, the petitioner shall have the right of hearing before the entire joint committee within thirty (30) days of the rendered decision. The application filing fee income shall be deposited as general review. Appeals.
- C. Review of refusal of variation – Review of final order. Any building owner aggrieved by any decision of the joint committee refusing to grant a variation pursuant to the provisions of R.I. Gen. Laws § 23-29.1-4(A) may, within thirty (30) days after the decision, commence an action in district court against the executive secretary of the joint committee, only in his or her official capacity for a review of the decision. The findings of the joint committee shall be conclusive unless clearly erroneous. A party aggrieved by a final order of the court may seek review thereof in the Supreme Court by petition for writ of certiorari in accordance with the procedures contained in R.I. Gen. Laws § 24-25-16.

20.18 Enforcement

- A. The building code element of this code is only enforceable by the Building Commissioner, his or her staff, and those local building officials who are further trained and certified by the Building Commissioner. The fire code element of this code is only enforceable by the State Fire Marshal, his or her staff, and those deputy and assistant deputy state fire marshals who are further trained and certified by the State Fire Marshal. The above-certified officials shall utilize the existing enforcement procedures of the fire code, when enforcing a fire code element, and the building code, when enforcing a building code element.
- B. Upon request of a building owner, his or her architect or engineer, the Building Commissioner, the State Fire Marshal, or any other interested party, the Rehabilitation Board shall provide reasonable interpretation of the provisions of the Rehabilitation Code. The above interpretations shall be binding upon all parties until such time as the subject code section is amended pursuant to R.I. Gen. Laws § 23-29.1-2(b)(2).

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