

## **STATE BUILDING CODE INTERPRETATION NO. I-19-11**

November 9, 2011

The following is in response to your request for formal interpretation dated November 1, 2011.

### Question 1:

Whether Section R-103 makes the CABO portion of the 1994 State Building Code the default building code for one and two family dwellings and their accessory structures.

### Answer 1:

Section R-103, of the 1989 CABO One and Two Family Dwelling Code portion of the 1994 State Building Code states in pertinent part that “the provisions of this code shall apply to the construction, prefabrication, alteration, repair, use, occupancy and maintenance of detached one or two family dwellings and their accessory structures not more than three stories in height, unless otherwise indicated in the application for permit furnished pursuant to Section 111.0. This code shall be considered the minimum requirement for residential buildings in the R-4 Use Group classification.”

If the applicant for permit did not indicate on the building permit application the use of the BOCA National Building Code/1990 portion of the 1994 State Building Code, one would have to follow the 1989 CABO One and Two Family Dwelling Code.

### Question 2

If so, whether the CABO portion of the 1994 State Building Code remains the default building code regardless of the age of such one or two family dwelling or accessory structure.

### Answer 2

The provisions of the 1989 CABO One and Two Family Dwelling Code portion of the 1994 State Building Code would be in effect for work that a building permit was issued under provided that such permit has not become invalid in accordance with Section 112.2, of the BOCA National Building Code/1990 portion of the 1994 State Building Code (see attached).

If the building permit is invalid, then the code that would apply would be the State Building Code in effect at the time that the new building permit application is received by the municipal building department.