

STATE BUILDING CODE INTERPRETATION NO. I-28-99

June 3, 1999

The following is offered in response to your letter to this office in which you request a formal interpretation as to whether or not the existing rubble stone foundation of a single family residence which has been damaged by fire, can be re-used in the reconstruction of the residence. Based on information supplied, I have prepared this interpretation utilizing the 1989 CABO One and Two Family Dwelling Code portion of the 1994 State Building Code, which references Article One of the BOCA National Building Code/1990 for most administrative matters. The 1994 State Building Code was in effect at the time of the fire, at the time of the notice of unsafe condition and until May 1, 1999 at which time the 1999 State Building Code was adopted. This interpretation is based solely on the information provided and does not represent an inspection of the premises by the writer.

Under most circumstances, the philosophy of the 1994 State Building Code is that existing elements of a building or structure constructed prior to adoption of said code, so long as they do not present a hazard to life safety, are permitted to remain intact even though they may represent a violation of the 1994 code. This is set forth in the above referenced BOCA Code at section 103.1 which states in part "The legal use and occupancy of any structure existing on the date of adoption of this code....shall be permitted to continue without change, except as is specifically covered in this code...." and at section 103.3 which states in part: "Additions, alterations or repairs to any structure shall conform to that required of a new structure without requiring the existing structure to comply with all of the requirements of this code."

The exception to this occurs in the case of structures which have been declared unsafe in accordance with section 120.0. Section 120.4 states in part: "if the damage or cost of reconstruction or restoration is in excess of 50 percent of its replacement value, exclusive of foundations, such structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected." Your letter to me states that the damage to this structure is "damaged well beyond the 50% benchmark as outlined in Section 120.4 of the BOCA Code." The forensic report indicates that there are violations of sections R-303, R-305.1 and R-306.1 as well as Table R-304.3a of the above referenced CABO Code.

It is my interpretation that in view of the information contained in section 120.4 of the BOCA Code and the violations of the CABO Code noted in the Forensic Report, the 1994 State Building Code would require that the existing rubble stone foundation be made code-compliant.