

STATE BUILDING CODE INTERPRETATION NO. I-30-01

December 26, 2001

The following is offered in response to your request for a formal interpretation of sections 1107 and 114 of the BOCA National Building Code/1996 portion of the 1999 State Building Code. The scenario you present is as follows:

- a. Existing 92 unit R-2 multi family residential building over 5000 square feet in size.
- b. Scope of work as stated on the building permit application: “fire damage restoration, units #204, #304 & #404 sheetrock, replace damaged floor joists in #304, re-sheetrock 2nd floor hallway. Install new doors and windows in units #204, #304 and #404.”
- c. Cost of work: \$200,000

Question 1: Does the scope of work described meet the criteria of either “substantially renovated” as found in section 1107.4.2.1 or “substantially rehabilitated” as found in section 1107.4.2.4?

Answer 1: No. Although the work described meets the definition of alteration as set forth in the referenced code, it does not trigger the requirement to provide Type A dwelling units in an R-2 building or complex that is not state assisted housing, or accessible units if the project is state assisted rental housing. When the code uses terms such as “substantially renovated” or “substantially rehabilitated” it is meant to describe work that not only replaces previously existing structural elements, wall and ceiling finishes, flooring, doors, windows and perhaps cabinetry, but also rearranges walls and partitions to reconfigure existing spaces. Only through the reconfiguration of space is it possible to create a higher degree of accessibility than that which existed prior to the renovation or rehabilitation. If the alteration described takes place in either a required accessible unit or a required Type A unit, those items altered must be made consistent with applicable code requirements, but if the units in question were not either accessible or Type A units, there is no requirement to make them so. In addition, let me take just a moment to explain that the requirements for the two types of projects (R-2 non-state assisted vs. state assisted rental housing) have different requirements based on statute. An R-2 non-state assisted project that is constructed, substantially renovated or created by change of use must have all dwelling units on the street floor and on any floor served by an elevator designed and constructed as Type A dwelling units as described in ICC/ANSI A117.1 (1998). State assisted rental housing constructed or substantially renovated which contains 10 or more housing units must have a minimum of 10% of the units and all common use areas and facilities designed to be accessible to persons with disabilities. Since different code sections and statutes deal with the different entities, one must be careful to properly apply the appropriate code section to the applicable project.

Question 2: If yes, does the described application require construction documents stamped and signed by a design professional because it takes place in a building over 5000 square feet in size?

Answer 2: There is no connection between the terms “substantially renovated” or “substantially rehabilitated” and the requirements for the services of a registered design professional. Section 114.1 of the referenced code requires that construction

documents for alterations be prepared by a registered design professional in accordance with the professional registration laws of the state in which the project is to be constructed. Those registration laws are found in Connecticut General Statute and are administered by the Department of Consumer Protection. Informal discussions with a member of the Architectural Licensing Board indicate that it is his opinion that an architect must prepare the construction documents for the project you describe. For an official interpretation of design professional licensing laws I suggest you consult with the Architectural Licensing Board and the Professional Engineers Board of the Department of Consumer Protection.