

STATE BUILDING CODE INTERPRETATION NO. I-6-04

April 1, 2004

The following is offered in response to your letter to me dated March 16, 2004 in which you seek a formal interpretation of the provisions of Section 202 of the 1995 CABO One and Two Family Dwelling Code, specifically as it applies to the definition of habitable attic and how one calculates the area of such attic.

Question 1: An attic above a two story residence has a ceiling height in excess of 7 1/3 feet for an area that does not exceed 1/3 of the area of the floor below. The balance of the attic has shed dormers that result in a ceiling height of 7 feet for an area that equals the area of the floor below. Is this a habitable attic or a third story?

Answer 1: The area of the habitable attic is not determined by ceiling height, but rather by measurement of an imaginary plane cut through the building at a height of 7 1/3 feet above the attic floor. The height of the ceiling in the other portions of the room has no effect on the determination of habitable attic. Thus, if the geometry of the roofline is such that the area of the imaginary plane at 7 1/3 feet above the attic floor does not exceed 1/3 the area of the next floor below, the attic is considered a habitable attic and not a story above grade, regardless of the height of the balance of the ceilings in the attic.

Question 2: Consider a similar scenario to Question 1, except that the ceiling height in the balance of the attic slopes down from 7 1/3 feet at the center of the attic to 5 feet at the perimeter walls. Is this a habitable attic or a third story?

Answer 2: Since the determining factor is the area of the imaginary plane at 7 1/3 feet above the attic floor, and such plane does not exceed 1/3 the area of the next floor below, the attic is considered a habitable attic and not a story.

Question 3: What is the trigger point at which a habitable attic becomes an additional story?

Answer 3: When the imaginary plane located at 7 1/3 feet above the attic floor exceeds 1/3 of the area of the next floor below.

Note: As you can see, the determination of habitable attic is not the easiest concept in the 1999 State Building Code to understand. The good news is that with adoption of the 2003 International Residential Code (scheduled for on or about September 1, 2003), the maximum height of one-and two-family detached residences and multiple single-family residences in a townhouse configuration is increased to three stories, so the code will no longer need or incorporate the concept of habitable attic.