

## STATE BUILDING CODE INTERPRETATION NO. I-18-02

August 23, 2002

The following is offered in response to your facsimile transmission to me dated August 21, 2002 in which you seek interpretation of the provisions of Chapter 34 of the BOCA National Building Code/1996 portion of the 1999 State Building Code.

**Question 1:** “Is the use of the balance of the building as an elementary school a change of occupancy from its current kindergarten use, or would only the school administration office area need to be evaluated?”

**Answer 1:** Change of Occupancy is defined as a change in the level or purpose of an activity within a structure that involves a change in application of the requirements of the code. Obviously the purpose of the activity in an elementary classroom and a kindergarten classroom is the same, that is, to educate children. You must therefore look at the level of activity. If the kindergarten classrooms were designed for only ten occupants each, and the elementary classrooms were to be expected to hold twenty five children each, there might be an impact on overall means of egress requirements or plumbing fixture count that must be evaluated in light of the current code. The change of occupancy from offices to classrooms must be evaluated for all code items unique to an educational use. When performing a Chapter 34 compliance alternative review, one performs the review for the new occupancy.

**Question 2:** “Is the use of school administration offices as elementary school offices a change of use, if the occupancy level is basically unchanged?”

**Answer 2:** No. If the purpose and level of activity is unchanged, no change of occupancy has taken place.

**Question 3:** “Section 3408 identifies “repairs” as requiring code official acceptance of compliance, yet the definition of “repair” is reconstruction or renewal of elements without affecting structural, egress, or MPE concerns. Would cosmetic “repairs” to areas of the building require code upgrades?”

**Answer 3:** Section 3408.2.4 allows for repairs to existing buildings in a manner that will maintain the current level of safety or sanitation. If the repair undertaken will reduce such level, then the repair must be done in accordance with the provisions of the applicable portions of Chapters 2 through 12 and 14 through 33. The code does not require additional code updates to areas not included in or affected by the repairs as a result of having undertaken repairs, regardless of the size or cost of the repair. Please note that there can be a fine line between repair and alteration. A major difference in the requirements of the code with respect to the two is that alterations must always be code compliant, while repairs need only maintain the current level of safety or sanitation.

**Question 4:** “Would MPE upgrades in areas of the building, such as replacement of kitchen equipment or plumbing fixtures, require unrelated code upgrades?”

**Answer 4:** No. The work you describe is most likely designated as an alteration. The code requires that alterations be code-compliant, but does not require work in areas not altered and not affected by the alteration to be “upgraded” to current code requirements.

**Question 5:** “I realize that any building needs to be reviewed as to its specific details, however, if the building passes evaluation per section 3408 and no unsafe condition exists, are there any additional criteria that need to be met?”

**Answer 5:** No, with respect to the State Building Code. Obtaining a passing score on a Chapter 34 evaluation, while complying with the specific code requirements found in various subsections of section 3408, results in building code compliance. Keep in mind, however, that most buildings suitable for a Chapter 34 compliance alternative review are also subject to the requirements of the State Fire Safety Code, which may contain more stringent requirements.