

STATE BUILDING CODE INTERPRETATION NO. I-18-03

November 7, 2003

The following is offered in response to your November 6, 2003 letter to me in which you seek an official interpretation of the provisions of section 316 of the 1995 CABO One and Two Family Dwelling Code portion of the 1999 State Building Code.

Question 1: What is the definition of “Uninhabitable Attic” as it pertains to the referenced code section?

Answer 1: That specific term is not defined within the code, but “Habitable Room” is, so, by extrapolation, we can determine that an uninhabitable space is one that does not meet the definition of habitable. Thus, an attic that does not meet the requirements of the code for sleeping, living, cooking or dining purposes is uninhabitable. Such an attic, used only for storage, laundries, utility rooms, bath or toilet rooms need not be provided with smoke detectors in accordance with section 316.

Question 2: Does section 316 apply to a detached building that is accessory to a Use Group R-4 dwelling when there is a habitable room in the detached building?

Answer 2: Only if the habitable space in the detached building includes sleeping rooms. Section 103.1 of the referenced code indicates that the requirements of the code also apply to accessory structures. It is the intent of the code to require smoke detectors to protect sleeping occupants. Any detached building that contains sleeping rooms and that is accessory to a Use Group R-4 dwelling requires smoke detectors in accordance with section 316. If the detached accessory building contains habitable rooms but no sleeping rooms, smoke detection would not be required, since there are no sleeping occupants to protect.

Question 3: Do both dwelling units of a two-family dwelling need to have smoke detectors installed in accordance with section 316.1.1 when a kitchen is renovated in only one of the dwelling units?

Answer 3: No. Although the code language does state in part that “the entire building shall be provided with smoke detectors.....”, the intent of the code is to limit the requirement to the dwelling unit where the activity requiring the smoke detectors took place. In many two-family dwellings the dwelling units are individually owned and it would not be appropriate to place a requirement on an owner other than the one who initiated the action requiring the detectors. Nor would it be appropriate to put that burden on a separate tenant in the event of a rental situation.