

STATE BUILDING CODE INTERPRETATION NO. I-5-05

April 26, 2005

The following is offered in response to your letter to me dated April 13, 2005 in which you seek a formal interpretation of the provisions of Article 210.25 of the 2002 National Electrical Code portion of the 1999 State Building Code.

Question 1: When upgrading the service on an existing two-family dwelling with common areas, is the addition of a third service and panel for the common elements (house meter) required?

Answer 1: The answer is a qualified no. The reason for the qualification is that information not presented with your question may require the addition of the third service and panel. Assuming the two-family dwelling in question was constructed with common area wiring at a time when the then-current code did not require a house meter, there is no need to add one based on the replacement of the meter and panel equipment. The code requires that new work be code compliant but does not require legally existing conditions that do not meet the requirements of the current code to be upgraded. Thus, the service equipment and panel must be installed in accordance with the requirements of the code. However, assuming no unsafe conditions exist, the circuitry wiring fed by the panel does not have to be changed, but rather merely re-installed into the new panel. This would also be the case for other branch-circuit related issues such as arc-fault and ground-fault protection as well as the requirement for two small appliance circuits in a kitchen.

If, on the other hand, the code in effect at the time of original installation of the service required the house meter, but it was not installed, a violation of the building code has occurred and it must be corrected. Another scenario that may require addition of the house meter is the adding of wiring of common elements after initial installation of the service. If the code in effect at the time of installation of this added common element wiring required a house meter, the addition of common element wiring to one of the dwelling unit services would be in violation of the then-current building code and must be remedied.

Question 2: If the answer to Question 1 is no, how would any existing circuits that feed common elements but originate in a dwelling unit panel be addressed?

Answer 2: The proper method to follow would be to install those circuits into the new panel for the dwelling unit from which they originally came. Thus, the end result of the circuitry would be identical to that which existed prior to the service upgrade, thereby resulting in a condition no less safe than that which existed prior to the alteration.

Note: See Formal Interpretations I-48-00, I-15-04 and I-18-04 for additional review.