

STATE BUILDING CODE INTERPRETATION NO. I-17-04

October 26, 2004

The following is offered in response to your October 5, 2004 request for interpretation of the requirements of Chapter One of the 2003 International Residential Code (IRC) portion of the 1999 State Building Code (effective for new building permit applications filed on or after September 1, 2004). Your request is specific to determining what code is applicable to completion of construction for which an initial permit was applied for under the 1995 CABO One and Two Family Dwelling Code portion of the 1999 State Building Code (effective for new building permit applications filed on or after May 1, 1999 but on or before August 31, 2004).

It is the intention of the code that a single code regulate an ongoing construction project, even if the permits for such job are applied for and issued at different times, and even if there is a code change during the course of completion of the project. Both the CABO Code (Section 111.1.2) and Connecticut General Statutes (Section 29-263) provide for application for and issuance of partial permits ("issued or refused, in whole or in part"). A succession of partial permits is what is issued when separate permits are applied for and issued to cover the building, the plumbing, the heating and/or the electrical work. For instance, given the situation where a foundation permit is issued for a new home under the CABO Code, one would continue to utilize the requirements of that code for the duration of the project. So, even if there is a change in the residential, electrical or energy code prior to the application for all other permits required to complete the job, the codes and standards referenced by the CABO Code would remain in effect for the project. Thus, if any portion of the building permit was applied for under the CABO Code, one would continue to use the CABO Code for items it regulates and would use the 1999 National Electrical Code (NEC) and the 1995 CABO Model Energy Code for their respective requirements until such time as a Certificate of Occupancy (C of O) has been issued for the home.

Once a C of O is issued on the completed project, all permits heretofore issued are considered closed. In that instance, if additional work is contemplated (for instance; an addition, repair or alteration to a building with a C of O) the permit in effect at the time of application for the new work is the code that will control the work. Lets say that a home for which a permit was applied in August of 2004 has been completed and a C of O issued, and the owner now wishes to finish their basement. Since the original permits have been closed by issuance of the C of O and a new code has been adopted statewide, the controlling codes for the new work would be the 2003 IRC, the 2002 NEC and the 2003 International Energy Conservation Code. If, however, the owner decides to expand the scope of work to include finishing the basement prior to issuance of the C of O for the balance of the project, the permit applicant would simply revise the submitted construction documents to show the additional work (assuming underlying approvals from other agencies have been secured), pay any required additional fee, and complete the additional work under the codes controlling construction of the balance of the project.