

## STATE BUILDING CODE INTERPRETATION NO. I-7-02

March 8, 2002

The following is offered in response to your letter to me in which you request a formal interpretation of the provisions of section 303.3 of the 1995 CABO One and Two Family Dwelling Code portion of the 1999 State Building Code.

**Question:** The bathroom in an existing older home is being remodeled to the extent where all interior finishes and fixtures are replaced and the area of the bathroom is enlarged. The existing bathroom has always relied on an operable window for ventilation, but the existing window does not meet the size requirements of section 303.3 of the 1995 CABO One and Two Family Dwelling Code portion of the 1999 State Building Code. Does the code require that the existing window be replaced with a code compliant window, or that mechanical ventilation be added to the bathroom?

**Answer:** No, assuming the window met the requirements of the code in effect at the time of permit issuance. The requirement for the size of the window is not tied to the size of the bathroom, in the way that natural ventilation requirements for habitable rooms are. Since the bathroom always received its ventilation from the existing window and since there are no plans to change the window, the code, in accordance with section 117.1, allows the window to remain unchanged and to continue to perform the ventilation function it always has. Mechanical ventilation is allowed as an exception to the requirement for natural ventilation. Since the code recognizes the existing window as meeting the requirements of the code, there is no requirement to comply with the exception and provide the mechanical ventilation.