

STATE BUILDING CODE INTERPRETATION NO: I-08-10

June 23, 2010

RE: I-8-10

The following is offered in response to your letter dated May 19, 2010 and received on May 24, 2010, in which you seek a formal interpretation of the 2005 State Building Code respect to the below noted specific scenario. This question would apply to Section 310.1 of the 2003 International Building Code portion of the 2005 State Building Code.

Scenario:

An individual is purchasing a large single family home which is planned to occupy and share with several friends in exchange for their payment of rent (up to 5 friends, 6 people in total including the homeowner). The individual is seeking a special permit under the zoning regulations which would allow one to have more than 3 unrelated people in the single family residence, not to exceed 6 in total, to be in compliance with the zoning laws.

Question :

If one obtains the zoning permit and occupies the house in this manner:

- (i) will the residence still be in the Residential Group R-3
- (ii) will this home remain a single family home
- (iii) will this constitute a change of use
- (iv) will the house now be considered a "Boarding house" under the State Building Code, and therefore be subject to various building Code requirements for boarding houses

Answer:

Section 310.1 of the 2003 International Building Code portion of the 2005 State Building Code, Residential Group R-3 states in part the following:

R-3 Residential occupancies with independent means of egress where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units as applicable in Section 101.2, or adult and child care facilities that provide accommodations for six or fewer persons of any age for less than 24 hours per day. Adult and child care facilities that are within a single-family home are permitted to comply with the 2003 International Residential Code. R-3 occupancies shall allow not more than six lodgers or boarders where personal care services are not provided.

The scenario given appears that this single family dwelling has not more than six lodgers or boarders where personal care services are not provided and can be considered an R-3 residential occupancy use.