5/23/16

Re: Emergency Window Escape Policy for Existing Dwellings (bedroom egress windows)

All bedroom egress windows shall meet the minimum code standard for when the dwelling and/or bedroom was originally constructed. All new bedrooms within existing dwellings will need to meet current code. Window(s) can still be replaced on existing homes without a permit (when they are the same size “like-for-like” and NO framing is done). Any remodel, flood repair, fire damage that involves the removal of wall finishes and exposes egress window(s) in the affected area of work that didn’t meet the code for when it was originally installed, shall require the window(s) to be upgraded. This meets the intent of section 102.7 and 102.7.1 of the 2012 IRC (see attached).

The following is a breakdown of code history for egress windows:

- There was NO UBC requirement/standard for egress windows prior to 1964.

- **1964 UBC** for group H & I occupancies (hotels, apartment houses, dwellings, lodging houses, monasteries and nunneries) all sleeping rooms on the 4th floor and below, shall have at least one openable window or exterior door to permit emergency exit and rescue. Windows shall have a sill height of not more than 48 inches above floor, and provide not less than 5 square feet of openable area with no dimension less than 22 inches.

- **1976 UBC** changed to require the minimum openable area of 5.7 square feet, the maximum sill height lowered to 44 inches, the minimum openable height increased to 24 inches and the minimum allowable openable width reduced to 20 inches.

Sincerely,

Jarrod Bordi
Building Official
SCOPE AND ADMINISTRATION

entirely for the installation of household fire alarms. In those cases when the code references only portions of a standard, the use and application of the referenced standard is limited to those portions that are specifically identified. If conflicts occur because of scope or purpose, the code text governs.

R102.4.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

- The use of referenced codes and standards to cover certain aspects of residential occupancy and operations rather than write parallel or competing requirements into the code is a long-standing code development principle. Often, however, questions and potential conflicts in the use of referenced codes and standards can arise which can lead to inconsistent enforcement of the code.

R102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

- Section R102.4.2 expands upon the provisions of Section R102.4.1 by making it clear that, even if a referenced standard contains requirements that parallel the IRC in the standard’s own duly referenced section(s), the provisions of the IRC will always take precedence. This section does not intend to take the place of carefully scoped and referenced text for written standards for the IRC.

R102.5 Appendices. Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

- Provisions of the appendix do not apply unless the jurisdiction has adopted the appendix by statute or ordinance.

R102.6 Partial invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

- There may be a situation where one or more specific provisions of the code are found to be void or illegal. This may be because a local, state or federal ordinance, statute or law has precedence over the adopted construction provisions. Under such conditions, only those specific provisions found to be void or illegal are affected; the rest of the code remains in force.

R102.7 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Property Maintenance Code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

- Buildings that exist legally at the time the code is adopted are allowed to have their existing use and occupancy continued if the use or occupancy of the structure was also legally in existence. This means that as long as a structure or building remains in a safe and sanitary condition it need not be upgraded to meet the more current standards. However, any new construction, addition or remodeling will require such work to conform to the requirements of the new code. A change of occupancy of the building also will force the building to conform to the new standards.

The existence of a building prior to the adoption of a new edition of the code does not grant it the status of a legal existence. A building is thought of as being “grandfathered” under prior rules and not needing to be brought up to current requirements when there are records to show that it was constructed to meet the regulations of the jurisdiction in force at the time it was built. The most common way to demonstrate legal compliance with the construction codes of a community is through public records. Copies of past building permits can be researched at the jurisdictional archives. Upon discovery that a building does not have a legal existence, corrective actions will be needed in order to bring the structure into compliance with the regulations of the jurisdiction at the time the building was built.

R102.7.1 Additions, alterations or repairs. Additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

- An addition, alteration or repair is required to meet the provisions of this code for new materials, but the remainder of the building is not required to comply with the requirements of this code. However, another measure of the viability of the addition, alteration or repair is that it does not cause the existing structure to be adversely affected or made unsafe. The application of this provision can often be confusing regarding what code requirements apply to the addition, alteration, or repair. For instance, removal and replacement of a fiberglass roof covering with the same type of roof covering would require that the new shingles, fasteners and underlayment would need to meet the standards and methods specified in the code. However, this does not mean that the roof structure and decking would need to be designed to resist the snow loads in the code.

Another example is window replacement. Often, in very old homes, the bedroom windows were not required to have the dimensions for emergency escape windows. If a window in a bedroom is being replaced by a new window, the new window would not need to meet the requirements for emergency escape. However, if the window installed was not as energy efficient, then the existing structure is adversely affected.