

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Division of Building and Fire Regulation – State Building Codes Office

Code Change Form for the 2015 Code Change Cycle

Code Change Number: (reserved for DHCD staff)

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Proposal Information

Code(s) and Section(s) Varies – addressing change of occupancy-related provisions

Proposed Change: (code language with changes shown using strike-throughs and underlines)

2012 VRC Section 102.2:

102.2 Scope. The provisions of this code shall control: ~~the rehabilitation, reconstruction, alteration, repair, and change of occupancy of existing buildings and structures in occupancies other than Group R-5 and shall be permitted to be used as an alternative to compliance with the VCC for additions to buildings in any occupancy classification and for reconstruction, alteration or repair in Group R-5 occupancies.~~

Exception: ~~The use of this code shall not be permitted for change of occupancy involving Group I-2 or I-3.~~

1. The rehabilitation, reconstruction, alteration, and repair of existing buildings and structures, or portions thereof.

Exception: The use of the VCC for occupancies classified as Group R-5 shall be permitted.

2. Additions to buildings and structures, or portion thereof.

Exception: The use of the VCC shall be permitted.

3. The change of occupancy to other than occupancies classified as Group I-2 or I-3.

Exception: The use of the VCC for change of occupancy to occupancies classified as Group R-5 shall be permitted.

Note: The change of occupancy to occupancies classified as Group I-2 or I-3 shall comply with the VCC.

4. Retrofit provisions provided in Chapter 17.

2012 VRC / 2015 IBC Section 202:

CHANGE OF OCCUPANCY. ~~A change in the purpose or level of activity within a building that involves a change in application of the requirements of this code.~~

2012 VCC Section 202:

CHANGE OF OCCUPANCY. ~~A change in the use or occupancy of any building or structure that would place the building or structure in a different division of the same group of occupancies or in a different group of occupancies; or a change in the purpose or level of activity within a building or structure that involves a change in application of the requirements of this code. See Chapter 2 of the VEBC.~~

2015 IEBC Section 202:

CHANGE OF OCCUPANCY. ~~A change in the use of the building or a portion of a building. A change of occupancy shall include any change of occupancy classification, any change from one group to another group within an occupancy classification or any change in use within a group for a specific occupancy classification.~~

PROPOSED NEW 2015 VRC Section 202:

CHANGE OF OCCUPANCY. A change in the use or occupancy of any building or structure, or a portion thereof, that involves any of the following:

1. A different division or classification of the same group of occupancies.
2. A different division or classification in a different group of occupancies.
3. A change in the purpose of a building or structure, or a portion thereof, which involves a change in application of the requirements of this code.
4. A change in the level of activity of a building or structure, or a portion thereof, which involves a change in application of the requirements of this code.

2012 VCC:

103.3 Change of occupancy. No change of occupancy shall be made in any structure when the current USBC requires a greater degree of accessibility, structural strength, fire protection, means of egress, ventilation or sanitation. When such a greater degree is required, the owner or the owner's agent Buildings or structures, or a portion thereof, undergoing a *change of occupancy* shall comply with one of the following:

1. When involving Group I-2 or I-3, written application shall be made to the local building department for a new certificate of occupancy and the new certificate of occupancy shall be obtained prior to the new use of the structure. When impractical to achieve compliance with this code for the new occupancy classification, the building official shall consider modifications upon application and as provided for in Section 106.3. In addition, the applicable accessibility provisions of Section 1012.8 of Part II of the Virginia Uniform Statewide Building Code, also known as the "Virginia Rehabilitation Code," or the "VRC" shall be met A *change of occupancy* to other than occupancies classified as Group I-2, I-3, or R-5 shall comply with the VEBC.

Exception: This section shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.

2. In other than Group I-2 or I-3, the provisions of the VRC for change of occupancy shall be met A *change of occupancy* to occupancies classified as Group I-2 or I-3 shall comply with the VCC.
3. A *change of occupancy* to occupancies classified as R-5 shall comply with the VEBC or VCC.

2012 VRC:

103.2 Change of occupancy. No change of occupancy shall be made in any structure wWhen the current USBC VCC requires a greater degree of accessibility, structural strength, fire protection, means of egress, ventilation or sanitation. When such a greater degree is required, the owner or the owner's agent shall make written application to the local building department for a new certificate of occupancy and shall obtain the new certificate of occupancy prior to the new use of the building or structure, or portion thereof.

When impractical to achieve compliance with this code for the new *change of occupancy* classification, the building official shall consider modifications upon application and as provided for in Section 106.3 of the VCC.

2015 IEBC:

407.1 Conformance. No Except as provided by this section, a *change* shall be made in the use or of occupancy of any building unless such building is made to shall comply with the requirements of the *International Building Code* for the such use or occupancy. Changes in use or occupancy in a building or portion thereof shall be such that the *existing building* is no less complying with the provisions of this code than the *existing building* or structure was prior to the change. Subject to the approval of the building official and Section 103.2, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all of the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

Exception: ~~The building need not be made to comply with the seismic requirements for a new structure unless required by Section 407.4.~~

407.1.1 Change in the character of use. ~~A change in occupancy with no change of occupancy classification shall not be made to any structure that will subject the structure to any special provisions of the applicable *International Codes*, without approval of the *building official*. Compliance shall be only as necessary to meet the specific provisions and is not intended to require the entire building be brought into compliance.~~

407.2 Certificate of occupancy. ~~A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.~~

407.32 Stairways. [text unchanged]

[BS] 407.43 Structural. [text unchanged]

2015 IEBC:

506.1 Scope. ~~Provisions for *Change of occupancy* provisions shall apply where the activity work is classified as a *change of occupancy* as defined in Chapter 2.~~

2012 VRC:

1401.2 Applicability. ~~Work involving rehabilitation, additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 5 through 13. The provisions in Sections 1401.2.1 through 1401.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.~~

2015 IEBC:

1401.2.1 Complete Change in of occupancy. ~~Where an entire existing building is changed to a new occupancy classification undergoes a change of occupancy and this section is applicable, the provisions of this section for the new occupancy shall be used to determine compliance with this code.~~

1401.2.2 Partial change in of occupancy. ~~Where a portion of the building is changed to a new occupancy classification undergoes a change of occupancy and that portion is separated from the remainder of the building with fire barrier or horizontal assemblies having a fire-resistance rating as required by Table 508.4 of the International Building Code or Section R317 of the International Residential Code for the separate occupancies, or with approved compliance alternatives, the portion changed shall be made to conform to the provisions of this section, and the provisions of this section for the new occupancy shall be used to determine compliance with this code.~~

Where a portion of the building ~~is changed to a new occupancy classification~~ undergoes a *change of occupancy* and that portion is not separated from the remainder of the building with fire barriers or horizontal assemblies having a fire-resistance rating as required by Table 508.4 of the International Building Code or Section R317 of the International Residential Code for the separate occupancies, or with approved compliance alternatives, the provisions of this section which apply to each occupancy shall apply to the entire building. Where there are conflicting provisions, ~~these~~ the most restrictive requirements which secure the greater public safety shall apply to the entire building or structure, and the provisions of this section for the new occupancy shall be used to determine compliance with this code.

Supporting Statement: (include intent, need and impact on cost of construction)

The reformatting of 102.2 should make it easier to understand and to know which code (VEBC or VCC) applies.

As currently written, there were so many different “definitions” and applications of a change of occupancy, it was very confusing and oftentimes had conflicting provisions. This code change proposal attempts to simplify the approach to a change of occupancy and to tie all such references back to the definition of *change of occupancy*.

The new definition combines both the VCC and the VEBC definitions, with a little 2015 IEBC thrown in for good measure. Rather than duplicate definitions that are more VEBC-centric in the VCC, adding a “See” simplifies things and avoids duplicating definitions and having to confirm they say the same thing for each code cycle.

Again, to simplify things, the VCC should just reference the VEBC when it comes to “change of occupancy” like what was done in VCC 103.6.

The proposed changes to VRC 103.2 captures everything that needs to be said about a change of occupancy. The term is italicized, so it is a defined term within the VEBC, and also captures the restrictions for I-2 and I-3 in just one place.

Regarding 407.1, again, as currently written, it is confusing and possibly creates a conflict when comparing these provisions for a change of occupancy to the defined term itself. The deletions simplifies everything (must comply with the IBC/VCC).

506.1 is written to mimic the syntax of 507.1 and 508.1, and also substitutes the term “work” in lieu of “activity” since the title of the chapter is “Classification of Work” and the definition of change of occupancy includes things other than just an “activity.”

Regarding 1401.2: One might interpret I could bounce back and forth between two compliance methods (which is not allowed under 301.1). Plus, 1401.1.1 already says I can comply with this chapter or one of the other compliance methods, so at the very least, it appears to be redundant.

Regarding 1401.2.1 and 1401.2.2: This follows the same logic used in 1012.8.1 and 1012.8.2 with the use of “complete” and “partial.” Is the intent to limit the application only if there is a change of classification? There are other types of change of occupancies than just to another classification. As for 1401.2.2, they go through all of the description about separation, but then it appears they forgot address how to apply the rest of this chapter to the changed areas – like they did at the end of 1401.2.1, so language was added to be consistent.

Cost impact: None.