

CHAPTER 1 ADMINISTRATION

SECTION R105.3.1.1 IRC Interpretation No. 85-05 2003 Edition Issued: 06-01-06

R105.3.1.1 Substantially improved or substantially damaged existing buildings in areas prone to flooding. For applications for reconstruction, rehabilitation, addition, or other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamage condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the board of appeals for a determination of substantial improvement or substantial damage. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall meet the requirements of Section R323.

REFERENCED SECTIONS:

R102.7.1 Additions, alterations or repairs. Additions, alterations or repairs to any structure shall conform to that required 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.

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA FLOOD HAZARDS^b

h. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.



Q: An existing dwelling constructed prior to the effective date established in Table R301.2(1) is located in an area prone to flooding. Under the applicable provisions of the *2003 International Residential Code*, application is made for a permit to perform work on the existing dwelling. In accordance with Section R105.3.1.1 the building official determines the value of the proposed work to be less than 50 percent of the market value of the existing dwelling. Is the proposed work subject to the provisions of Section R323?

A: No. When proposed work is determined by the building official to be less than 50 percent of the market value of the existing dwelling, the application for permit is not required to be submitted for appeal, and the proposed work is not required to comply with the provisions of Section R323. In addition to the proposed work not being subject to the provisions of Section R323, the portions of the existing dwelling not affected by the proposed work is not required to be modified to comply with the provisions of Section R323. Although the provisions of Section R323 are deemed inapplicable to the existing dwelling and to the work proposed to the existing dwelling, that work which is permitted must comply with all other applicable provisions of the code as provided in Section R102.7.1.

Only when the building official determines the proposed work to be equal to or greater than 50 percent of the market value of the existing dwelling must the application for permit be presented for appeal.
