CHAPTER 1
BUILDING PLANNING

SECTION R102.7.1
IRC Interpretation No. 28-07
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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.

REFERENCED SECTION:

R101.2 Scope. The provisions of the International Residential Code for One- and Two-family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures.

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**Q:** In question are existing detached one- and two-family dwellings and townhouses containing basements without emergency escape and rescue openings. The dwellings in question were legally constructed and occupied prior to jurisdictional adoption and enforcement of the International Residential Code.

Do the technical provisions of the International Residential Code apply to additions and alterations to a legally occupied dwelling that is subject to the provisions of the International Residential Code at the time the additions and alterations are made to the existing dwelling?

**A:** Yes. The additions and alterations to existing dwellings must be made to comply with the technical provisions of the appropriate codes being enforced at the time the work is done.

The provisions of the International Residential Code, as defined in Section R101.2, apply to all aspects of construction for detached one-and two-family dwellings, multiple single-family dwellings defined as townhouses and all structures accessory to the dwellings and townhouses. The provisions address all aspects of constructing, altering, repairing, maintaining, using, occupying, enlarging, locating, removing or demolishing any one-family dwelling, two-family dwelling, townhouse or accessory structure. The code regulates any and all activities that modify the dwellings as well as any structures that are incidental to the main dwelling and are located on the same lot.

Existing dwellings that are legally occupied at the time the International Residential Code is adopted, and remain unchanged, are not subject retrospectively to the provisions of the code. However, in accordance with the provisions in Section R102.7.1, any new construction, additions, alterations or repairs made to the existing dwelling after the adoption of the International Residential Code are required to conform to the requirements of the code for new construction.

Although new construction, additions, alterations or repairs made to the existing dwelling must comply with provisions for new construction, those portions of the existing dwelling not affected are not required to comply with all of the provisions for new construction. However, new construction shall not create an unsafe condition in the existing dwelling. Changing a non-habitable basement to an occupied space without emergency escape and rescue openings creates an unsafe condition that is in conflict with the provisions of the code intended to insure a safe and usable living environment for the occupants of the dwelling.