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Department of Permits, Licenses, and Inspections Code Bulletin – Interpretation

Applicable Code Section(s): 2009 IRC R202	Interpretation#: IRC202-12.09.2016
Subject: <i>Habitable Attic</i> , Application of <i>Story</i> provisions	BCO: Erik Harless Date: December 9, 2016

Subject of Interpretation:

The 2009 International Residential Code defines *Attic, Habitable* as a “finished or unfinished area, not considered a *story*, complying with all of the following requirements:

1. The occupiable floor area is at least 70 square feet (17 m²), in accordance with Section R304,
2. The occupiable floor area has a ceiling height in accordance with Section R305, and
3. The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.”

The 2009 IRC Code commentary to the definition of *Habitable Attic* also explains that “The code allows that an attic can contain habitable space. In such cases, the attic is not required to be considered as a story. Note that there is no limitation given for the area of the attic that contains habitable space.”

Interpretation:

The International Residential Code is a prescriptive compliance code, fundamentally designed and limiting in application for buildings of maximum of three stories in height under Section R101.2.

The 2009 IRC definition of *Story*, is: “That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.”

The 2009 IRC definition of *Attic*, is: “The unfinished space between the ceiling assembly of the top story and the roof assembly.” The 2009 IRC Code commentary explains that “Such a space would be the top story, rather than an *attic*, if it is finished and occupiable.”

The interpretation maintains that it is not the intent to permit additional stories by another name under the IRC. Rather, that the *Habitable Attic* definition is to allow for occupiable area within an attic, and describes the minimum criteria necessary for that space. It is also recognized that because no limits are placed on the extent of occupiable space, shape of roof, or configuration of exterior walls under the *Habitable Attic* definition, a conflict in the code can occur; there is no clear distinction between *habitable attic* and a top *story* when areas within an attic are finished and occupiable.

When different sections of the code specify different requirements, the most restrictive governs, in accordance with Section R102.1. Therefore, the stricter provisions of the code with regard to *stories* shall apply when portions of an attic are finished and occupiable.