

**Oregon
Interpretive Ruling No. 93-85
HABITABLE SPACE DEVELOPMENT**

Requested By: PPPI MANUAL REVIEW COMMITTEE

QUESTION

How can a building department control the habitable space development after final inspection and within the original shell of the dwelling?

APPLICABLE CODE SECTIONS

1993 Oregon Structural Specialty Code (OSSC), Section 308, One and Two Family Dwelling Specialty Code (Dwelling Code), Section 103, and ORS Chapter 455.

BACKGROUND

There is a concern that unfinished basements, lofts and other habitable spaces are being converted into living or sleeping areas without regard for light, ventilation, energy conservation or emergency egress requirements.

FINDINGS

This interpretation is authorized by ORS 455.060, Rulings on Acceptability of Materials, Designs or Methods of Construction and Attorney General's Opinion OP-5208 issued October 1, 1981, which advised the statute permits authoritative interpretations of existing code requirements. The intent of the code is that all work including completion of an unfinished space meet the code in effect at the time of plan review approval, issuance of the permit (where no plan review is required) or where no permit is required, the time of construction.

DISCUSSION AND CONCLUSION

The code does not prohibit a dwelling from being occupied when portions of the building are unfinished (i.e., basement, loft, attic, etc.). Also, the Dwelling Code does not require the issuance of a certificate of occupancy for one and two family dwellings. If the original permit is finalled at the time of occupancy, or the applicant allows it to expire, a new permit is required for completion of the structure unless the only remaining work is exempt from permit.

ORS 455.020(4) allows a municipality to enact regulations providing for local administration of the state building code. This would allow a municipality to enact regulations or policies requiring a certificate of occupancy or allowing phased construction for dwellings (R-3 occupancy). The unfinished area(s) can then be documented on the certificate of occupancy or final inspections.

The provisions in OSSC Section 308 may be utilized by local jurisdictions as a model to determine certificate of occupancy requirements to be regulated locally.

Interpretive Ruling 93-85 replaces PPPI-2019.

(signed January 26, 1994)

John Talbott, Chairman
Structural Code Advisory Board

The recommendations and findings of the Structural Code Advisory Board are accepted and the conclusions are adopted.

(signed January 26, 1994)

Gary 1. Wicks, Administrator
Building Codes Division