

Oregon
Interpretive Ruling No. 93-32
WHEN EXISTING BUILDINGS MUST BE INSULATED TO CODE

Requested By: PPPI MANUAL REVIEW COMMITTEE

QUESTION

Interpretation of whether insulation must be installed to code when:

- a. An existing non-heated building has a heating unit installed?
- b. Changing the use (occupancy) of a building?

APPLICABLE CODE SECTIONS

1993 Oregon Structural Specialty Code (OSSC), Sections 104 and 502, and Chapter 53 and the 1993 Energy Code.

BACKGROUND

Section 104 of the 1993 *OSSC* has a provision "Additions, alterations or repairs may be made to any building or structure without requiring the existing building or structure to comply with all the requirements of this code."

Section 502 says in part: "No change shall be made in the character of occupancies or use of any building which would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy."

Chapter 53 Energy Conservation, Section 5301(a) states "The provisions of this chapter regulate the design and construction of the exterior envelopes and selection of heating, ventilating and air-conditioning, lighting, and service water-heating systems and equipment required for the purpose of effective conservation of energy within a building or structure governed by this code."

Exceptions:

1. Buildings and structures, or portions thereof, which are neither heated nor cooled.
2. Buildings and structures, or portions thereof, whose peak design rate of energy usage is less than one watt per square foot or 3.4 Btu/h per square foot of floor area for all purposes.

Reference: SCAB minutes 5/26/81

Originally approved by: Jane F. Huston, Director of Commerce

FINDINGS

Both heating and cooling should be considered in these questions. A building that is not heated or cooled can be constructed without meeting the envelope requirements of Chapter 53. The envelope requirements of Chapter 53 apply to buildings, structures or portions thereof heated or cooled. OSSC Section 100(b), states "Additions or alterations shall not be made to an existing building or structure which will cause the existing building or structure to be in violation of any provisions of this code ... " Allowing a previously non-heated or non-cooled building or structure to be heated or cooled and not requiring conformance with the requirements of Chapter 53 would violate the provisions in Section 104.

(a) An existing non- heated or non-cooled building or portion thereof must comply with the envelope and

HVAC requirements of Chapter 53 whenever heating or cooling equipment is installed unless it qualifies under an exception specified in Section 5301(a).

(b) Compliance to Chapter 53 is not required whenever a change of use or occupancy occurs in an unaltered heated or cooled existing building. The exception to this would be an existing unheated or uncooled building where heating or cooling is provided with the change of use.

The practicality of requiring a building or portions to comply completely with Chapter 53 because of a change in use such as an existing office (B-2) converted to a restaurant (A-3) would be overly restrictive. Removal of unaltered glazing, wall, ceiling covering, etc., could be required when not necessary for change in use.

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, advising the statute permits authoritative interpretations of existing code requirements.

DISCUSSION AND CONCLUSION

An existing unheated or uncooled building shall be insulated to code when a heating unit capable of heating the building to 55 degrees F. or higher, or cooling unit, is installed. The applicant shall submit heat loss calculations and equipment sizing that does not have the capability of exceeding 55 degrees F. A thermostat that does not have a temperature setting higher than 55 degrees shall be installed.

An existing heated or cooled non-residential building changing use or occupancy is not required to be brought into compliance with Chapter 53. See Interpretive Ruling 92-2 for requirements to an existing building changing use to Group R occupancy. Alterations to existing buildings, structures or portions thereof shall comply with the requirements of Chapter 53. Cavities exposed during an alteration such as wall, ceiling, floor shall be insulated to code or the maximum extent practical as determined by the building official.

In all cases previously mentioned, changes regulated by Chapter 53 to measures in an existing building or portion shall conform to those requirements.

Interpretive Ruling 93-32 replaces PPPI-4092.

(signed September 28, 1993)

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 October 1, 1993)

Gary J. Wicks, Administrator
Building Codes Agency