

INTRODUCTION

A fundamental premise of the IEBC is that the building is in compliance with the *International Fire Code*® (IFC®) and the *International Property Maintenance Code*® (IPMC®). Both codes contain requirements for existing buildings that are used as a baseline from which the requirements of the IEBC are established. In other words, in order for the IEBC to be used, the building must be a legally existing building. If a building is not in compliance with the IFC or IPMC, the corrections needed to comply with those codes can be made without using the IEBC. [\[Ref. 101.4.2, 101.7\]](#)

There were two fundamental concepts considered when New Jersey developed its version of a rehabilitation code. It was specifically discussed that an existing violation of the state fire code should not hold up a permit being issued under the rehabilitation code. The violation should be a separate citation and the corrective action should be separate from the work desired to be done by the owner. Clearly it may be economical to correct the fire code violation during the rehabilitation project and the fire code official could establish a compliance date consistent with the rehabilitation project, but they should be two separate enforcement activities. Secondly, if a fire code violation is discovered during the course of a rehabilitation project, again the fire code official may cite the owner for the violation but the enforcement is intended to be a separate action.

Structural considerations are treated in more detail in the IEBC because most jurisdictions do not have a code that addresses existing structural conditions like the IFC does for fire safety issues. Therefore, the IEBC does require more structural upgrades for various rehabilitation projects as compared to fire safety issues. For example, if one looks at Alterations – Level 1, there are no specific requirements for fire protection and means of egress other than maintaining current levels. However, there are additional provisions that address various structural items, including reroofing. [\[Ref. 706\]](#)

In addition to the compliance options about to be discussed, the owner and design professional have the option of complying with the IEBC in its entirety or the building code in existence at the time the building, or portion thereof, was originally built. Historically the rehabilitation codes that led to the development of the IEBC permitted the use of the building code in effect at the time of the project. This happened quite frequently in the early stages of the rehabilitation codes due in part to the fact that design professionals were more familiar and comfortable with the current building code.

While permitted, using the building code in effect at the time of construction can be problematic with respect to determining what code was in effect. The documentation needed to determine the effective code may not be available from the building owner or the code official. While this approach sounds as if it may significantly reduce the requirements, note that the building must still comply

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When a shell building is built, the tenant fit-outs for spaces for which an occupancy permit has not yet been issued must be designed and constructed in accordance with the IBC. [\[Ref. 101.4.1\]](#) ●

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If a building is cited for a means of egress deficiency based on a requirement in the IFC, the owner should correct the deficiency to comply with the IFC without applying the requirements of the IEBC. [\[Ref. 101.7\]](#) ●

You Should Know

In addition to the compliance options identified in the IEBC or the IBC, the building code in effect at the time the building was constructed may be used. [\[Ref. 301.3 Ex\]](#) ●

You Should Know

Appendix M in the 2015 and 2018 editions of the IFC contains provisions for retroactive fire sprinkler protection for existing high-rise buildings and will apply if this appendix is specifically adopted in the adopting ordinance of the jurisdiction. ●

with the current editions of the IFC and IPMC. As such, if the owner chose not to do anything, the building would be considered acceptable by the code officials. Any new work would not be permitted to make the building less compliant.

An example of how this might apply would be a rehabilitation project in an existing high-rise building. Let's assume that the building is not protected throughout with an approved fire sprinkler system and the building code in effect at the time the building was built provided both compartmentation and sprinkler options. If the owner did not want to install fire sprinklers in the building, as might be required by the Work Area Compliance Method, the building code in effect at the time of construction could be used. However, if the IFC as adopted by the jurisdiction requires sprinkler protection in existing high-rise buildings, by a separate action the sprinkler requirement should be enforced. If the adopted fire code of the jurisdiction does not require existing high-rise buildings to be equipped with fire sprinklers, then fire sprinkler protection may still be required at the discretion of the code official based upon the code in effect at the time. Under the IEBC, sprinkler protection may be required in the area where the rehabilitation work is to be performed, depending on the level of alteration and availability of municipal water supply at the high-rise building site.

One exception to using the building code in effect at the time of construction is the continued use of materials that are not permitted by the current building code. While like materials are permitted to be used for certain categories of work, the code does not permit an unsafe condition be created. For example, if ordinary glazing is used in a hazardous location in which safety glazing is required by the current building code, but is not required by the building code used at the time the building was constructed, any new glazing installed would be required to comply with the requirements in the building code in effect at the time the glazing is replaced. [\[Ref. 302.4, 302.5\]](#)

The other exception to using the building code in effect at the time of construction is occupancy classifications and use of the space. The building code in effect at the time of the rehabilitation project is to be used to determine occupancy and use classification. As the occupancy classifications have changed in newer editions of the IBC, and can certainly differ from the occupancy classifications of the legacy codes, this may impact the applicable code requirements.

One further option in the IEBC applies only to historic buildings. In addition to the various compliance options already discussed, the IEBC contains a specific chapter (Chapter 12) that applies to historic buildings. Chapter 12 permits some additional compliance options recognizing the need to maintain the historical aspects of the building as identified in the report required by Section 1201.2. While the project predates the current rehabilitation codes, this approach was utilized during a change of occupancy project associated with