



# Code Amendment Proposal Application **OSSC 22-19**

**Department of Consumer & Business Services**  
**Building Codes Division**  
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## APPLICANT INFORMATION

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## PROPOSAL INFORMATION

Specialty code:	Oregon Structural Specialty Code (OSSC)
Code section(s):	IEBC 401.2

Briefly explain the subject of your proposal:	The proposal clarifies the structural requirements for repair of existing building damaged by fire, wind, earthquake or other similar natural events. It seeks to clarify apparent contradiction between IEBC sections 401,2 and 405.
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## Code Review Committee Outcomes

Jan. 4, 2021 – [Approved as modified.](#)

**PART 1 – CODE AMENDMENT LANGUAGE:**

**Section 3404.1 General IEBC Section 401** The following provisions replace the indicated sections in the IEBC

**IEBC 401.2 Compliance** The work shall not .....

*-Where it becomes necessary to repair all or a portion of a legally existing building that has been damaged by, including but not limited to fire, flood, earthquake or other similar damage, and where prior to the damage, the legally existing building did not contain dangerous conditions, the building may be reconstructed exactly as it existed prior to the damage ~~provided~~ **except** that the building  **will repaired or reconstructed to meet the structural** ~~meets the applicable~~ requirements of Section 405. ~~Such repairs are not required to meet code requirements for new construction~~*

## **Code amendment proposal criteria (OSSC Section 3111.3.5.2)**

**1. Concept of proposal:** The proposal clarifies the apparent contradiction in section 401.2 and 405.2.1.

**2. Purpose of proposal:**

The purpose of the proposal is to clarify confusion between requirements in section 401.2 and section 405.2.1

Section 401.2 states “ *Where it becomes necessary to repair all or a portion of a legally existing building that has been damaged by, including but not limited to fire, flood, earthquake or other similar damage, and where prior to the damage, the legally existing building did not contain dangerous conditions, the building may be reconstructed exactly as it existed prior to the damage provided that the building meets the applicable requirements of Section 405. Such repairs are not required to meet code requirements for new construction*

*And*

*Section 405.2.1 says “Unless otherwise required by this section , for damage less than substantial structural damage, the damaged structural elements shall comply with the building code...”*”

**There is a contradiction between 401.2 and 405.2.1. Section 401.2 on one hand says you have to meet section 405 which requires you to meet the building code for structural requirements but in the next sentence says you do not have to meet code requirements for new construction.**

**This is a point of confusion and the proposed change clarifies the intent.**

**3. Has this been proposed at the national model code level?** The proposed amendment is to the provisions specific to OSSC and are not part of the model code. To our knowledge has not been discussed at the national level.

### **Implementation and fiscal Impact**

The proposal just provides clarity to the intent of existing provisions and should not have any fiscal impact to already existing requirements.

### **Impacted stakeholders and other specialty codes.**

This was not discussed with any stake holders as the intent is to provide clarity to existing provisions only

**3404.1.2 Compliance.** The work shall not make the building less complying than it was before the *repair* was undertaken.

Devices or safeguards required by this code shall be repaired in accordance with the edition of code under which the device or safeguard was installed. To determine compliance with this subsection, the *building official* shall have the authority to require a building or structure to be reinspected.

Work on nondamaged components that is necessary for the required *repair* of damaged components shall be considered a part of the *repair* and shall not be subject to the requirements for *alterations*. *Repairs* exempt from *permit* in accordance with Section 105.2 or 3401 are not required to comply with Section 3404.

Where it becomes necessary to *repair* all or a portion of a legally *existing building* that has been damaged by a cause outside of the control of the building owner including but not limited to fire, wind, flood, earthquake and other similar damage where, prior to the damage, the legally *existing building* did not contain *unsafe* conditions, the building may be reconstructed exactly as it existed prior to the damage, where the requirements of this subsection are met. **Structural repairs shall comply with the requirements of Section 3404.5.** Where *unsafe* conditions existed prior to the damage occurring, the building may be constructed as it existed prior to the damage provided the *unsafe* conditions are corrected, as determined by the *building official*. The absence of fire-resistance-rated construction, related building components, *automatic sprinkler systems* and other life-safety features shall not be deemed to be an *unsafe* condition where such systems and construction methods were not required at the time the building was originally constructed or modified through *permit*.