



**Informal Interpretation Report
Number 8204**



Date January 18, 2019

Edition 2017

Section All

Question:

We are getting involved with short time rentals that are mostly single family residences and also a Condominium.

1. We wanted to know if the intent of the Florida Building Code- Existing Buildings Change of Occupancy Chapter 10 would apply to the following:

Going -FROM-

(R-3 Occupancy)

Detached one-and two-family dwellings & townhouses not more than three stories where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I.

-OR-

The Condominium is currently classified as an R-2 Occupancy (permanent in nature).

-TO-

(R-1 Occupancy)

Transient occupancy (occupants are primarily transient in nature) "Transient" definition- Occupancy of a dwelling unit or sleeping unit for not more than 30 days.

This would include Chapter 10 Change of Occupancy requirements including 1004 Fire Protection (which Fire Protection systems would need to meet FBC-B Chapter 9 Fire Sprinkler requirements)

2. Would you concur that using the Florida Building Code- Existing Building requirements for a Change of Occupancy Chapter 10 would be a correct application of the Code?

Answer

Yes, both of these situations, of a change from R-3 or R-2 to an R-1 would require require compliance with FBC-Building Chapter 9 and the change of occupancy provisions of Chapter 10 of the FBC-Existing Building.

Commentary:

Note: If a one-and two-family dwelling was constructed under the FBC-Residential, the current occupancy would not be R-3. It is a one family, two family or townhouse. The FBC-Residential does not have an occupancy of R-3. A change from an FBC-Residential one-and two-family dwelling to an FBC-Building R-3 would also be a change of occupancy requiring compliance with the FEBC..

See previous interpretations 7956, 7143 and 8081.

Notice:

The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Business & Professional Regulation, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide. This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.