



Issue Date:	June 10, 2008. Revised January 2019.
Reference:	2018 International Existing Building Code, Section 202
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**The Definition of “Change of Occupancy”
To Minimize the Application of New Code Requirements**

The 2018 International Existing Building Code (IEBC), Section 202, defines *change of occupancy* as follows: “A change in the use of a building or a portion of a building that results in any of the following: 1) A change of occupancy classification. 2) A change from one group to another group within an occupancy classification. 3) Any change in use within a group for which there is a change in application of the requirements of this code.”

Interpretation:

The new code requirements for a change of occupancy pertain only to those items that are required by the new occupancy to be added or altered. Care must be taken to clarify the purpose or level of activity in the building when determining the occupancy classification. As an example, an applicant states that the area altered, which was a card shop, is to be an art gallery. The purpose and level of activity in this example may be the same. The purpose of the card shop is to sell cards and the purpose of the art gallery is to sell art. The level of activity or number of customers is reduced by the card display stands, which could also be true for the art gallery displaying artwork on stands throughout the space. Both the shop and art gallery are mercantile occupancies.

This policy applies to Tiers 1, 2, and 3 for structures permitted prior to 2000.

Tier 1: 5,000 square foot maximum. This can include an addition to the existing building. The addition cannot exceed 50% of the square footage of the existing building and a combined total of 5,000 square feet.

Tier 2: Greater than 5,000 square feet to 25,000 square feet.

Tier 3: Greater than 25,000 square feet to 100,000 square feet and Large Scale Commercial Retail as defined in the Zoning Ordinance “big box” (Mercantile Occupancy).