

Division Opinion

Inquiry: 2008-02
Subject: Basement Egress Window Requirements
Code Reference: 2006 IRC Section R310.1.1 & 2007 MN Rule part 1309.0100 Subp. 2
Prepared by: Division's Technical Advisory Committee
Approved by: Thomas Anderson, State Building Official
Issue Date: May 8, 2008

Code states: Section R310.1 says in part, "Basements and every sleeping room shall have at least one operable emergency escape and rescue opening."
Rule part 1309.0100 Subp. 2 says in part, Additions, alterations, or repairs to existing one and two family dwellings including townhouses may be made without requiring the existing building or structure to comply with all of the requirements of this code provided that any addition or alteration conforms to this code."

Question: A house was constructed with an unfinished basement before the provision went into the code requiring an egress window in a basement. Now the owner wants to finish the basement for a family room. Does the current building code require that an egress window now be installed in this existing basement?

Answer: No. As the basement is already constructed and is in compliance with the code in effect at the time it was originally built, it is not subject to the current egress window requirement provided that any addition or new construction within this "altered" basement area conforms to this code.

Commentary: The basement is not subject to the current code requirement for egress windows provided, as 1309.0100 Subp 2 says, "additions or alterations" comply with code. Addition means physically adding square footage to the basement. Alteration can mean new construction occurring within existing basement construction. However for the purposes of when a basement egress window would be required within an existing basement, "altering" or constructing finished space within the existing basement is not the same as altering the actual basement construction. If a portion of the basement wall had to be removed and rebuilt, then the wall would have to contain an egress window.

This opinion is consistent with previous opinion 98-48c (formally 96-3) and subsequent CCLD training materials. NOTE however, that this opinion is not based on provisions contained in the 2000 IRC when "habitable space" was the criteria (See opinion 05-01).