

VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

I N T E R P R E T A T I O N

**Interpretation Number:** 1/2024

**Code:** USBC, Part I, Virginia Construction Code/2021

**Section No:** Sections 310.6 and 313.3

**310.6 Residential Group R-5.**

Residential Group R-5 occupancies shall include residential occupancies within the scope of Section 310.6.1 and manufactured homes in accordance with the Virginia Manufactured Home Safety Regulations (13VAC5-91).

**313.3 Family day homes.**

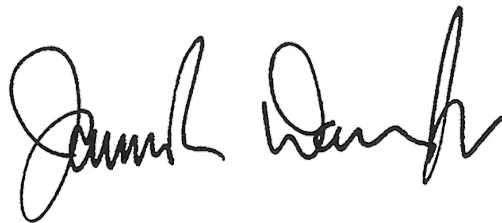
Family day homes registered or licensed by the Virginia Department of Education shall be classified as Group R-2, R-3, or R-5.

---

**QUESTION:** Does a single-family dwelling (R5) that is used as a family day home per VCC 2021 section 313.3 with more than 5 children remain a R5 use group under VCC 2018 Section 310.6 #3?

**ANSWER:** Yes. provided the structure meets the definition of family day home in §22.1-289.02, which allows a R5 to have up to 12 children.

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of February 16, 2024.



---

Chair, State Building Code Technical Review Board