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# COMMONWEALTH of VIRGINIA

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## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**TO:** Virginia Compliance Assurance Agencies

**FROM:** Jeff Brown, State Building Codes Office Director  
Division of Building & Fire Regulations

**DATE:** September 18, 2018

**RE:** Habitable Attics

Our office has recently received multiple questions from industrialized building manufacturers and local building officials regarding the IRC definition of “habitable attic” and the associated egress requirements. This memo is to clarify that a stairway is only required to be installed for egress from an attic if it contains habitable space (finished or unfinished).

Habitable attics first appeared in the 2009 edition of the IRC and were intended to allow habitable space in an attic without the attic being considered an additional story. However, the definition of “habitable attic” did not clearly specify that the attic must contain habitable space. This has led some to interpret that any attic space meeting the minimum size dimensions of a “habitable attic” must comply with all associated requirements (vertical egress, EERO, smoke detector, etc.) regardless of the use of the space. The habitable attic requirements and definition have been amended in the 2018 IRC to clarify that they only apply to attics with habitable space. Please also see the attached code opinion from ICC staff for additional information.

Regardless of the size of an attic space, if it does not contain “habitable space”, it is not a habitable attic and a stairway is not required. The “vertical egress” (stairway) requirements of IRC section R311.4 are only applicable to “habitable attics”. Access to an attic that only contains storage or utility space should comply with section R807.

Please direct any questions to [sbco@dhcd.virginia.gov](mailto:sbco@dhcd.virginia.gov) or 804-371-7150.

c: Cindy Davis, Deputy Director of Building and Fire Regulation  
Attachment: Email from ICC technical staff to J. Brown 8-21-2018

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August 21, 2018

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RE: Sections R202 ("Attic, habitable" and "Habitable space"), R325.6, R807.1 and M1305.1.2 of the 2018 International Residential Code and Sections R201.4, R202 ("Attic, habitable" and "Habitable space"), R807.1 and M1305.1.3 of the 2012 International Residential Code

Q. An attic is only intended to be used for storage and utilities. The attic is large enough in dimension to conform as a habitable attic. Is the attic space required to be classified as a habitable attic? Is a stairway required to provide access to the attic area?

A. No. In our opinion the term "Attic, habitable" in the 2012 IRC is intended to be applicable to attics that are used as "habitable space". Note that the definition of "Attic, habitable" in Section R202 of the 2018 IRC was clarified to establish that such a space is a "habitable space".

The definition in Section R202 indicates that a "Habitable space" is a space used for living, sleeping, eating or cooking. The definition also clearly indicates storage and utility spaces are not habitable spaces. As such, while an attic area might have the dimensions to comply with the requirements for a habitable attic, this does not necessarily make the attic a habitable space. In essence, it can just be a large volume "non-habitable" unfinished attic area.

Although the dimensions of an attic space could comply with the dimensions for a habitable attic, a stairway is not required for accessing the attic area if it is only used for storage or housing utilities. As referenced above, an attic access opening (not required to be a door or stairway) is only required to attic areas that have a vertical height of 30 inches or greater over an area of not less than 30 square feet or where any mechanical appliance is located in the attic area.

Code opinions issued by ICC staff are based on ICC-published codes and do not include local, state or federal codes, policies or amendments. This opinion is based on the information which you have provided. We have made no independent effort to verify the accuracy of this information nor have we conducted a review beyond the scope of your question. This opinion does not imply approval of an equivalency, specific product, specific design, or specific installation and cannot be published in any form implying such approval by the International Code Council. As this opinion is only advisory, the final decision is the responsibility of the designated authority charged with the administration and enforcement of this code.

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