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DIVISION OF CODES AND STANDARDS
STATE HOUSING LAW PROGRAM**

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INFORMATION BULLETIN (2016-06) (SHL)

TO: Local Governing Bodies
Local Code Enforcement Agencies
Factory-Built Housing Manufacturers
Interested Parties
State Agencies and Departments

FROM: Richard Weinert, Deputy Director
Division of Codes and Standards

SUBJECT: 2016 California Residential Code (CRC) – Change to dwelling unit requirements for minimum floor area, and current rulemaking cycle proposal to repeal efficiency dwelling unit requirements from the 2016 CRC

The purpose of this Information Bulletin (IB) is to notify local governing bodies, code enforcement agencies, and factory-built housing manufacturers of changes to the 2015 International Residential Code (IRC) which were adopted into the 2016 California Residential Code (CRC) and will take effect on January 1, 2017, which will allow for design and construction of dwellings considerably smaller than efficiency dwelling units.¹

Section R304.1 of the 2013 CRC, based on the 2012 IRC, requires all newly constructed one- and two-family dwellings and townhouses not more than 3 stories above grade to have “...at least one habitable room that shall have not less than 120 square feet (11m²) of gross floor area.” The 120 square feet requirement was removed from Section R304.1 of the 2015 IRC and will not be carried forward as a requirement in the 2016 CRC. This change to the model code will allow smaller dwelling units to be designed and constructed using the 2016 CRC. Specifically, the new language provides for the new minimum area requirement of habitable rooms to

¹California Code of Regulations, Title 24, Part 2.5: 2013 California Residential Code, Chapter 3 Building Planning, Section R304.1 Efficiency Dwelling Units

have a floor area of not less than 70 square feet (6.5m²).

In accordance with the 2016 CRC, a dwelling unit could be sized to accommodate a habitable room(s) with a minimum of 70 square feet; contain a bathroom including water closet, lavatory and bathtub or shower; and a kitchen area with a sink. Habitable rooms, not including the kitchen, are required to have a minimum horizontal dimension of 7 feet. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable rooms.

In an effort to avoid the potential for confusion between the scope and application of the California Building Code (CBC) and the CRC, the Department of Housing and Community Development (HCD) intends to repeal existing California amendments (specifically, the definition of “efficiency dwelling unit” located in Chapter 2 and Section R304.5 of the 2016 CRC) during the current 2016 Intervening Code Adoption Cycle with an effective date of July 1, 2018. It is HCD’s opinion that the provisions of the CRC should not mandate a larger dwelling unit (i.e., efficiency dwelling unit) than the 2015 IRC requires. HCD requests that local enforcing agencies share this IB with all interested or affected parties. In the interim HCD does not intend for local governing bodies or code enforcement agencies to enforce the provisions of CRC Section R304.5 or CBC Section 1208.4² on detached single-family dwellings or “tiny homes” built on a foundation pursuant to the CRC. In all other respects, these dwelling units shall conform to the minimum prescriptive requirements for residential dwelling units.

Repealing the CRC definition of “efficiency dwelling unit” and Section R304.5 will not impact the minimum prescriptive requirements of efficiency dwelling units as applied to buildings regulated pursuant to the building code, as set forth in Section 1208.4 of the 2016 CBC.

If you have any questions regarding this Information Bulletin, please contact the State Housing Law Program at (916) 445-9471.

² California Code of Regulations, Title 24, Part 2: 2013 California Building Code, Chapter 12 Interior Environment, Section 1208.4 Efficiency dwelling units.