



Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Building Codes Division

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Building Codes Structures Board

Late submission for VI.B. Meeting agenda

Meeting date: Wednesday, May, 4, 2022

Time: 9:30 a.m.

In-person attendance: BCD Salem office in Conference Room A

Virtual connection and online streaming: View the live meeting or access the connection information for the Zoom meeting at: Oregon.gov/bcd/Pages/bcd-video.aspx

I. Board business

- A. Call to order
- B. Roll call
- C. Approval of agenda and order of business
- D. Approval of the draft board meeting minutes of [Feb. 2, 2022](#)
- E. Date of the next scheduled meeting: Aug. 3, 2022

II. Public comment

Board will hear public testimony, including from individuals who signed up in advance.

III. Reports and updates

Structural program update

IV. Communications

The division will present advisory information to the board. The board will also review any letters or emails submitted by stakeholders.

V. Unfinished business

The board will consider motions or reports postponed from the previous meeting.

VI. New business

- A. [HB 2180 Electric Vehicle Charger Infrastructure Rules](#)
- B. [Sprinkler Requirements for Child Care Facilities in Dwellings](#) – **Additional Item**

VII. Announcements

The board chair or board members can make announcements during this time.

VIII. Adjournment

State of Oregon

Building Codes Structures Board

Virtual Meeting Minutes

Feb. 2, 2022

- Members Present:** Eric Schmidt, chair, building official
Andrew Dykeman, vice-chair, three-plus stories general contractor,
Eric Sandoval, architect
Steve Forster, fire protection agency representative
Brenda Hartzog, energy supplier
Gary Heikkinen, owner or manager of commercial office building
Randy Samuelson, Oregon Disabilities Commission representative
Marshall McGrady, building trade representative
- Members Absent:** Vacancy, heavy industry construction contractor
- Staff Present:** Alana Cox, administrator, Building Codes Division
Richard Rogers, chief building official
Tony Rocco, structural program chief
Andy Boulton, senior policy advisor
Mark Heizer, mechanical and energy code engineer
Tyler Glaze, policy analyst
Teri Watson, senior policy advisor
Eric McMullen, senior building code specialist
Jeremy Williams, structural program engineer
Kelly Thomas, energy policy analyst
Graham Roney, licensing manager
Laura Burns, policy and technical services coordinator
Melissa Stiles, policy development coordinator
- Guests Present:** David Mills, State Fire Marshal's Office
Rose Herrera, DHS, Home and Community-Based Services
Terry Whitehill, City of Portland
Eric Bressman, architect, Ankrom Moisan Associated Architects
Sara Pavey, Mayfield Energy
Angela Crowley-Koch, executive director, OSSIA
Mike Moore, Stator LLC
Adam Hutchinson, The Masonry Institute of Washington
Adele Schaffeld, building official, Malheur County
Janice Sanada, LRS Architects
Joan Schrader, Specialty Family Homes
Cheryl Flick, Douglas County
Cindy Strecker, senior engineering manager, Clearesult
Paul Armstrong, American Wood Council
Steve Strawn, code and regulatory compliance, Jeld-Wen
Eleni Gialoyrakes, adult foster home provider
Todd McDaniel, Streimer Sheet Metal Works
Frank Wharregard, plans examiner, Josephine County, NFSA

I. Board business

- A. **Call to order:** Chair Eric Schmidt called the meeting to order at 9:31 am.
- B. **Roll call:** All members were present.
- C. **The chair ruled the agenda** and order of business approved with this amendment: move Agenda Items VI.A. and VI.B. before Agenda Item V.
- D. **The chair ruled final** the Jan. 26, 2022 minutes.
- E. **Date of next meeting:** Feb. 9, 2022 or May 4, 2022.

II. Public comment

All public testimony was related to specific agenda items.

III. Reports and updates

Structural Program Update: Tony Rocco, structural program chief, said today's focus will be the 2022 Oregon Structural Specialty Code (OSSC).

IV. Communications - none

V. New business

A. Board review and approval of a workgroup to discuss and make recommendations regarding the Broan Nutone proposal OSSC 22-04 for the 2022 OSSC dwellings. *This item was moved from VI.A.*

Tyler Glaze, policy analyst, said this item was pulled out of the matrix to discuss separately. The background memo is on Page 30 of the online board packet: <https://www.oregon.gov/bcd/boards/Documents/bcsb-20220202-agenda.pdf> Mark Heizer, mechanical and energy code engineer, said the division outlined some issues that would arise from the adoption of public proposal OSSC 22-04. Currently, the building code allows for natural ventilation. If someone chooses mechanical ventilation, Chapter 4 of the Oregon Mechanical Specialty Code sets requirements based on building type, occupancies, uses, and density of occupancy. This proposal would require mechanical ventilation for dwelling units. It is a complex issue involving multiple boards, Building Codes Structures Board, Residential and Manufactured Structures Board, Construction Industry Energy Board, and Mechanical Board. Additionally, the proposal would trigger new systems not currently required, which would have a cost impact, he said. Another concern is how to control ventilation during Oregon smoke events. To develop an integrated ventilation strategy for multi-family housing, the division recommends forming a work group.

The chair called on Mike Moore, Stator LLC, representing Broan Nutone, sponsor of the proposal. He supports a work group and would like to participate in it. Member Gary Heikkinen asked what the code review committee recommended. Member Eric Sandoval said the committee had concerns about coordinating with other boards, the smoke element, and how the proposal would affect the market because of pricing of components. He supports forming a work group. Member

Steve Forster and Chair Schmidt agreed. Members Gary Heikkinen and Andrew Dykeman said they were ready to make a motion.

MOTION by Gary Heikkinen to approve the request that the division appoint a workgroup to discuss and make recommendations regarding the Broan Nutone ventilation proposal for dwelling units only.

Roll call vote:

Yea: Steve Forster, Brenda Hartzog, Gary Heikkinen, Marshall McGrady, Randy Samuelson, Eric Sandoval, Vice Chair Andrew Dykeman, Chair Eric Schmidt.

Nay: none

Motion carried.

Tyler Glaze let the chair know of another public comment request and the chair called on Joan Schrader, owner of Specialty Family Homes. Joan Schrader said her company provides attendant care for adults with intellectual and developmental disabilities. She recently became aware of changes in sprinkler requirements affecting her licensing requirements. She asked about an appeals process. BCD Administrator Alana Cox said the division is working with the Department of Human Services on a resolution. There is a legislative bill in February to suspend enforcement until a solution is found. Joan thanked the administrator and said it was a relief to hear.

B. Board review, discuss and make recommendations regarding the 2022 Oregon Structural Specialty Code (OSSC) Review Committee recommended changes to repair and reconstruction standards under the 2022 OSSC, and approval of a workgroup as necessary. *This item was moved from VI.B.*

Tyler Glaze, policy analyst, introduced Agenda Item VI.B, referring to Page 32 in the online agenda packet: <https://www.oregon.gov/bcd/boards/Documents/bcsb-20220202-agenda.pdf>. Tony Rocco said this was a recommendation by the code committee regarding repairs to existing buildings after damage occurs. The committee recommended establishing a threshold that when damage exceeds the assessed value of 50 percent of the building, additional steps need to be taken in repairing and reconstructing that building. In Oregon, a building owner has the option after damage to rebuild exactly as it was constructed, although there are some requirements for apartments that suffer substantial damage.

Terry Whitehill, City of Portland building official and committee member, said this has been an issue in Portland, where building codes go back to the 1900s. Current code restricts the building official from calling something dangerous and requiring upgrades. For the homes destroyed or damaged by the 2020 wildfires, the state allowed homeowners to build back using more recent codes. Portland would like to have that same flexibility to require more current code requirements be met after damage occurs, he said. Member Steve Forster said this is a complicated issue, especially as it relates to insurance, and he supports forming a work group. Member Eric Sandoval said in California, structures built within the

last six years would be exempt. Chair Schmidt said recent wildfires leave the question of how to build back without a cost burden but with safety in mind. He supports forming a work group.

MOTION by Gary Heikkinen to disapprove the committee's recommendation regarding repair and reconstruction thresholds, which would continue the longstanding statewide approach under the 2019 OSSC language and recommend a workgroup to further discuss the matter.

Roll call vote:

Yea: Steve Forster, Brenda Hartzog, Gary Heikkinen, Marshall McGrady, Randy Samuelson, Eric Sandoval, Vice Chair Andrew Dykeman, Chair Eric Schmidt.

Nay: none

Motion carried.

VI. Unfinished business

The OSSC Review Committee requests the board review and approve the provisions of the 2022 Oregon Structural Specialty Code and recommend the administrator proceed with rulemaking. *This item was moved from V.*

The chair began the discussion with tabled item 415.11.10, located on Page 2 of the matrix. Member Sandoval said his proposal uses updated codes, reduces risk, and allows technology to move forward in a way supported by code. Steve Forster said his previous concerns have been resolved. Member Heikkinen asked if the IBC committee approved this change and Member Sandoval said yes. Chair Schmidt asked the board for their vote and all gave thumbs up.

The chair called on Angela Crowley-Koch, executive director of OSSIA, who said she understands Portland Fire and Rescue concerns about leaving enough space on the roof for fire and rescue personnel in case of fire. However, reducing roof space for solar reduces the number of panels needed to recoup the investment, which would impact lower- to moderate-income Oregonians. She asked the issue be tabled and the board appoint a work group. Chair Schmidt and Member Steve Forster asked about the location of the language in the matrix. Tony Rocco displayed on the screen the location in Chapter 31, Item 3111.3.5.3, on Pages 18-19 of the matrix. Tony said this committee request would codify existing commentary language from the 2010 Oregon Solar Installation Specialty Code, integrating it into the body of the OSSC. The chair said they would spend more time on it when they reach Chapter 31. At the chair's request, Tony Rocco summarized the highlights of Chapters 6-34, saving Chapter 31 for the end. Board members gave a thumbs up approval for each section except Chapter 31.

Chapter 31: Tony said in 3113.5.3, the committee took existing commentary and attached it to the current definitions to guide local jurisdictions. The solar-ready construction standards in 3111.4, addresses the Executive Order 17-20 mandate for commercial buildings. It was addressed on the residential side and now this addresses all other structures, using the national model code appendix as a base.

Terry Whitehill said the commentary was intended to be moved into the OSSC as code language, part of the initial agreement worked out with fire groups. Chair Schmidt asked if the committee voted to move it forward and Member Eric Sandoval said yes, though not unanimously. Sara Pavey, committee member, said she voted against it, partly because of concerns about Portland Fire and Rescue not allowing for exceptions. Member Eric Sandoval said the committee discussion was about allowing fire departments to have input on solar panel locations and safe entry in case of an event. He said this added clarification to existing language. Terry Whitehill said Portland has an appeal process and has granted exceptions.

Members Gary Heikkinen and Steve Forster asked to look at the code language and Tony Rocco showed on the screen that nothing changed in the prescriptive approach, only the application of the defined terms. Chair Schmidt asked for board feedback. Member Gary Heikkinen recommended moving it forward and hoped building departments would be sensitive in working with solar installations. Member Marshall McGrady agreed about finding a balance between supporting solar and keeping fire officials safe and recommended a work group. Chair Schmidt said he is comfortable moving the code change forward. Instead of a work group, he said it would be helpful for the division to consider developing materials to provide consistency across the state, and bring an update back to the board in the future. He asked the board about a consensus on approving Chapter 31 and they gave a thumbs up. Chair Schmidt said the board completed the matrix discussion and a motion is required for this agenda item.

MOTION by Eric Sandoval to amend and approve the board recommendations and forward to the administrator for rulemaking and subsequent adoption, with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.

Roll call vote:

Yea: Steve Forster, Brenda Hartzog, Gary Heikkinen, Marshall McGrady, Randy Samuelson, Eric Sandoval, Vice Chair Andrew Dykeman, Chair Eric Schmidt.

Nay: none

Motion carried.

VII. Announcements

Chair Schmidt extended his thanks to the review committee, board, and staff. The Feb. 9 meeting is not needed so the next meeting will be May 4.

VIII. Adjournment

Chair Schmidt adjourned the meeting at 11:59 a.m.

Respectfully submitted by Melissa Stiles, policy development coordinator.

State of Oregon

Board memo

Building Codes Division

May 4, 2022

To: Building Codes Structures Board

From: Tyler Glaze, policy analyst, Policy and Technical Services

Subject: HB 2180 Electric Vehicle Charger Infrastructure Rules

Background:

During the 2021 session the legislature passed HB 2180, which created requirements for certain newly-constructed buildings to provide the necessary infrastructure consisting of service capacity, or space to provide additional future service capacity, as well as installed conduit for future installation of level 2 electric vehicle chargers at 20 percent of the building's associated parking spaces. The bill created a specific definition for electric vehicle charging infrastructure to be used, as well as identifying the types of construction covered. The bill also specified that a local jurisdiction may increase the required number of spaces through a local land use process outside the scope of the building code. Based on the parameters in the bill, as well as feedback from the rulemaking advisory committee, these rules are intended to implement the requirements of the bill, while maintaining the flexibility for local jurisdictions wishing to exceed the minimum space requirements. The rules will be part of the structural code as they deal with the elements required in the building at time of construction. When adopted, these rules will replace the previous pilot program and create a uniform approach throughout the state.

Options:

- Approve the rules and forward to the administrator for rulemaking and subsequent adoption, with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.
- Amend and approve the rules and forward to the administrator for rulemaking and subsequent adoption, with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.
- Disapprove the rules.

Repeal 918-020-0380

Update 918-305-0030(11)

New Rule OAR 918 Division 460:

Electric Vehicle Charging Station Infrastructure Requirements

(1) This rule amends the Oregon Structural Specialty Code to require certain buildings to install electric vehicle charging infrastructure at a minimum of 20 percent of the building's required associated parking spaces in accordance with the requirements of ORS 455.417.

(2) This rule only applies to newly constructed buildings and the required associated parking spaces in newly constructed garages or parking areas for the following building types, excluding townhouses as defined in ORS 197.758:

- (a) Commercial buildings under private ownership;
- (b) Multifamily residential buildings with five or more residential dwelling units; and
- (c) Mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units.

(3) Coordination with the Oregon Electrical Specialty Code

(a) Unless otherwise specified, when terms used in this rule have been defined in the Oregon Electrical Specialty Code (OESC), the OESC definitions will be used.

(b) For purposes of this rule a Level 2 charger means Level 2 Electric Vehicle Supply Equipment supplied by not less than 40 amps at 208/240 volts, unless otherwise defined in the OESC.

(c) The use or planned use of energy management systems in compliance with the requirements of the OESC may be included when determining the infrastructure requirements of this rule, including the size or planned size of a service.

(d) All electrical installations must comply with the provisions of the OESC.

(4) The calculation of the minimum number of parking spaces required to have electric vehicle charging infrastructure is determined by the following methods:

(a) No less than 20 percent, rounded up to the nearest whole number, of the spaces in the garage or parking area for the building; or

(b) When a local jurisdiction has increased the minimum required number of spaces to be provided with electric vehicle charging station infrastructure through a land use process in accordance with ORS

455.417(4), the number of spaces will be determined by the local process. The calculated number of spaces may not be less than the calculated number of spaces under section (4)(a) of this rule.

(5) Newly constructed buildings identified section (2) are required to install electric vehicle charging station infrastructure consisting of a conduit system described in section (6) and at least one of the following options:

(a) Provision of building electrical service, sized for the anticipated load of electric vehicle charging stations, that has overcurrent devices necessary for electric vehicle charging stations or has adequate space to add overcurrent devices;

(b) A designated space within a building to add electrical service with capacity for electric vehicle charging stations; or

(c) A designated location on building property, in or adjacent to a landscaped area, for installing remote service for electric vehicle charging stations.

(6) A conduit system installed from the building electrical service, or from the dedicated space or location for a future electrical service as described in subsection (5)(b) or (5)(c), to parking spaces that can support, at a minimum, electrical wiring for the installation of one level 2 charger. Both ends of the conduit must be labelled to show that the conduit is provided for future electric vehicle supply equipment.

(7) The installation of a level 2 charger or level 3 DC fast charger at a parking space satisfies the infrastructure requirements of this rule for that parking space.

Repeal 918-020-0380

Update 918-305-0030(11)

New Rule OAR 918 Division 460:

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(2) This rule only applies to newly constructed buildings and the required associated parking spaces in newly constructed garages or parking areas for the following building types, excluding townhouses as defined in ORS 197.758:

- (a) Commercial buildings under private ownership;
- (b) Multifamily residential buildings with five or more residential dwelling units; and
- (c) Mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units.

(3) Coordination with the Oregon Electrical Specialty Code

(a) Unless otherwise specified, when terms used in this rule have been defined in the Oregon Electrical Specialty Code (OESC), the OESC definitions will be used.

(b) For purposes of this rule a Level 2 charger means Level 2 Electric Vehicle Supply Equipment supplied by not less than 40 amps at 208/240 volts, unless otherwise defined in the OESC.

(c) The use or planned use of energy management systems in compliance with the requirements of the OESC may be included when determining the infrastructure requirements of this rule, including the size or planned size of a service.

(d) All electrical installations must comply with the provisions of the OESC.

(4) The calculation of the minimum number of parking spaces required to have electric vehicle charging infrastructure is determined by the following methods:

(a) No less than 20 percent, rounded up to the nearest whole number, of the spaces in the garage or parking area for the building; or

(b) When a local jurisdiction has increased the minimum required number of spaces to be provided with electric vehicle charging station infrastructure through a land use process in accordance with ORS

455.417(4), the number of spaces will be determined by the local process. The calculated number of spaces may not be less than the calculated number of spaces under section (4)(a) of this rule.

(5) Newly constructed buildings identified section (2) are required to install electric vehicle charging station infrastructure consisting of a conduit system described in section (6) and at least one of the following options:

(a) Provision of building electrical service, sized for the anticipated load of electric vehicle charging stations, that has overcurrent devices necessary for electric vehicle charging stations or has adequate space to add overcurrent devices;

(b) A designated space within a building to add electrical service with capacity for electric vehicle charging stations; or

(c) A designated location on building property, in or adjacent to a landscaped area, for installing remote service for electric vehicle charging stations.

(6) A conduit system installed from the building electrical service, or from the dedicated space or location for a future electrical service as described in subsection (5)(b) or (5)(c), to parking spaces that can support, at a minimum, electrical wiring for the installation of one level 2 charger. Both ends of the conduit must be labelled to show that the conduit is provided for future electric vehicle supply equipment.

(7) The installation of a level 2 charger or level 3 DC fast charger at a parking space satisfies the infrastructure requirements of this rule for that parking space.

**Enrolled
House Bill 2180**

Sponsored by Representatives WILDE, SMITH DB; Representative EVANS (Presession filed.)

CHAPTER

AN ACT

Relating to vehicles.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) “Electric vehicle charging station” means a device or facility for delivering electricity for motor vehicles that use electricity for propulsion.

(b) “Municipality” has the meaning given that term in ORS 455.010.

(c) “Provisions for electrical service capacity” means:

(A)(i) Building electrical service, sized for the anticipated load of electric vehicle charging stations, that has overcurrent devices necessary for electric vehicle charging stations or has adequate space to add the overcurrent devices;

(ii) Designated space within a building to add electrical service with capacity for electric vehicle charging stations; or

(iii) A designated location on building property, in or adjacent to a landscaped area, for installing remote service for electric vehicle charging stations; and

(B) A conduit system installed from building electrical service, or from the dedicated spaces or locations described in subparagraph (A) of this paragraph, to parking spaces that can support, at a minimum, electrical wiring for installation of level 2 electric vehicle charging stations and, if the conduit is for future installation of electric vehicle charging stations, that labels both ends of the conduit to mark the conduit as provided for future electric vehicle charging stations.

(d) “Townhouse” has the meaning given that term in ORS 197.758.

(2) The Director of the Department of Consumer and Business Services shall adopt amendments to the state building code to require newly constructed buildings described in subsection (3)(a) of this section to include provisions for electrical service capacity for charging electric vehicles. The code must require that each building include, at a minimum, provisions for electrical service capacity at no less than 20 percent of the vehicle parking spaces in the garage or parking area for the building. Fractional numbers derived from a calculation of the vehicle parking spaces must be rounded up to the nearest whole number.

(3)(a) The director shall make code requirements under subsection (2) of this section applicable only to:

(A) Commercial buildings under private ownership;

(B) Multifamily residential buildings with five or more residential dwelling units; and

(C) Mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units.

(b) The director may not make code requirements under subsection (2) of this section applicable to townhouses.

(4) Notwithstanding ORS 455.040, a municipality may, by process concerning land use, require that each newly constructed building described in subsection (3)(a) of this section include provisions for electrical service capacity to accommodate more than 20 percent of vehicle parking spaces in the garage or parking area for the building.

SECTION 2. The Director of the Department of Consumer and Business Services shall ensure that initial amendments to the state building code required by section 1 of this 2021 Act:

(1) Take effect on July 1, 2022; and

(2) Apply to new construction for which a person first applies for a building permit on or after July 1, 2022.

Passed by House April 1, 2021

Received by Governor:

Repassed by House May 20, 2021

.....M.,....., 2021

Approved:

.....
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2021

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate May 18, 2021

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

.....M.,....., 2021

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Shemia Fagan, Secretary of State

**Agenda
Item
VI.B.**

State of Oregon

Board memo

Building Codes Division

May 4, 2022

To: Building Codes Structures Board

From: Tyler Glaze, policy analyst, Policy and Technical Services

Subject: Sprinkler Requirements for Child Care Facilities in Dwellings

Background:

At the Jan. 26, 2022, meeting, the board approved draft code amendments and rule language to create an exception to the requirement for automatic fire sprinklers in child care facilities located in dwellings. Following the board meeting, the division adopted temporary rules to implement the board-approved code amendments, and started the permanent rulemaking process.

On April 26, 2022, as part of the permanent rulemaking process, the division held a Rule Advisory Committee (RAC) meeting to receive additional feedback from the public on the code amendments and proposed permanent rules. Based on the feedback received from the RAC, the division made substantive changes to the code amendments requiring additional board approval.

The existing temporary rule and code amendments will expire on July 24, 2022. Without additional rulemaking to permanently enact an exception, the code will revert to its previous version and require automatic sprinkler systems in child care facilities located within dwellings.

Options:

- Approve the rules and forward to the Administrator for rulemaking and subsequent adoption, with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.
- Amend and approve the rules and forward to the Administrator for rulemaking and subsequent adoption, with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.
- Disapprove the rules.

2021 OREGON RESIDENTIAL SPECIALTY CODE (ORSC)

Child care facilities within dwellings and automatic fire sprinkler requirements Draft amendments

Changes are denoted as follows:

Blue/underline: New code language
~~Red/strikethrough:~~ Deleted code language

PART 1—SCOPE AND APPLICATION

SECTION R101 GENERAL

R101.1 Title. These provisions shall be known as the *Oregon Residential Specialty Code* and shall be cited as such and will be referred to herein as “this code.”

R101.2 Scope. The *Oregon Residential Specialty Code*, as adopted by the State of Oregon, Building Codes Division, includes portions of the *International Residential Code* and the *International Fire Code* pertaining to any construction, reconstruction, alteration, repair and installation of materials and equipment in or part of buildings and structures covered under the *state building code*.

R101.2.1 Application. The provisions of this code shall apply to the construction, *alteration*, movement, enlargement, replacement, *repair, equipment*, use, occupancy and location of the following:

1. Detached one- and two-family *dwellings* and *townhouses* classified as Group R-3, not more than three stories above *grade plane* in height, and their *accessory structures*.
2. Detached owner-occupied *lodging houses* containing not more than five guest rooms.
3. Residential aircraft hangars as defined in Section R202.
4. Live/work units located in detached one- and two-family *dwellings* and *townhouses* and complying with the requirements of Section 419 of the *Building Code*.

The following uses shall ~~comply with~~ be governed by the *Building Code*:

1. New registered and certified family child care homes as defined in ORS 329A, new adult foster homes as defined in ORS 443.705, and new residential facilities as defined in ORS 443.400 for five or fewer individuals. These facilities shall be classified as Group R-3 occupancies.
2. *Congregate living facilities.*

Consistent with discretionary decision-making powers granted to *building officials*, a *building official* may take any action including but not limited to waiving a requirement, modifying a requirement and/or accepting an alternate method to the requirements of the *state building code*. When waiving or accepting a modification, a *building official* shall not allow a provision that would create an unsafe or dangerous condition regarding fire and life safety, and may not enforce requirements that are in addition to the *state building code* except where additional code requirements are specified by the terms of an alternate method approval.

2019 / 2022 OREGON STRUCTURAL SPECIALTY CODE (OSSC)

Child care facilities within dwellings and automatic fire sprinkler requirements Draft amendments

Changes are denoted as follows:

Blue/underline: New code language

~~Red/strikethrough/underline~~: Deletions to the previously proposed amendments

Section numbers noted in brackets are the anticipated 2022 OSSC section numbers.

CHAPTER 3

(GROUP E)

305.2.3 Five or fewer children in a dwelling. A facility such as the above located within a *dwelling* and having five or fewer children receiving such day care shall be classified as a Group R-3 occupancy.

Where located within a detached one- or two-family *dwelling* or *townhouse*, the facility shall be permitted to be constructed in accordance with the *Residential Code*, provided that Section 420.11 [420.12] is met, and accessibility is provided in accordance with ~~the applicable provisions of Chapter 11 for the function served~~ Section 1103.2.12 for newly constructed facilities and Section 3403.4 [3403.6] for existing facilities.

(GROUP I-4)

308.5.5 Child day care in a dwelling unit. A registered or certified family child care facility, as defined in ORS 329A, located within a *dwelling* shall be classified as a Group R-3 occupancy. Where located within a detached one- or two-family *dwelling* or *townhouse*, the facility shall be permitted to be constructed in accordance with the *Residential Code*, provided that Section 420.11 [420.12] is met, and accessibility is provided in accordance with ~~the applicable provisions of Chapter 11 for the function served~~ Section 1103.2.12 for newly constructed facilities and Section 3403.4 [3403.6] for existing facilities.

(GROUP R)

310.4.1 Care facilities within a dwelling. A child care facility *located* within a *detached one- or two-family dwelling* or *townhouse* and having five or fewer persons receiving care shall be permitted to be constructed in accordance with the *Residential Code*, provided that Section 420.11 [420.12] is met, and accessibility is provided in accordance with ~~the applicable provisions of Chapter 11 for the function served~~ Section 1103.2.12 for newly constructed facilities and Section 3403.4 [3403.6] for existing facilities.

310.4.2 Licensed child care within a dwelling. A registered or certified family child care facility, as defined in ORS 329A, located within a *dwelling* shall be classified as a Group R-3 occupancy. Where located within a one- or two-family *dwelling* or *townhouse* the care facility shall be permitted to be constructed in accordance with the *Residential Code*, provided that Section 420.11 [420.12] is met, and accessibility is provided in accordance with ~~the applicable provisions of Chapter 11 for the function served~~ Section 1103.2.12 for newly constructed facilities and Section 3403.4 [3403.6] for existing facilities.

CHAPTER 4

Registered and certified family child care homes.

Section 420.11 [420.12] applies to the following registered and certified family child care homes:

1. Newly constructed dwellings
2. Newly licensed existing dwellings
3. Additions to existing licensed dwellings

Section 420.11 [420.12] does not apply to the following registered and certified family child care homes:

1. Existing dwellings currently licensed, or previously licensed at any time
2. Existing spaces within currently licensed dwellings

420.11 [420.12] Child care facilities within dwellings. Child care facilities located within dwellings, permitted by Chapter 3 to be constructed in accordance with the Residential Code, shall comply with either Section 420.11.1 [420.12.1] or 420.11.2 [420.12.2].

420.11.1 [420.12.1] With automatic sprinkler system protection. An automatic sprinkler system in accordance with Section 903.3.1.3 shall be installed throughout the fire area of the dwelling where a child care facility is located.

420.11.2 [420.12.2] Without automatic sprinkler system protection. Where an automatic sprinkler system is not installed throughout the fire area of the dwelling where a child care facility is located, all of the following shall be met:

1. All rooms where care is provided shall be located on a level of exit discharge.
2. No exit access path shall be located within 3 feet (914 mm) horizontally of any permanently installed cooking appliance, or be required to pass through a storage room, or through a room that can be locked to prevent egress.
- ~~3. Documentation shall be submitted to the building official which states that all licensure requirements have been met by the facility, and that the facility has been approved by the licensing authority. This documentation shall be included in the certificate of occupancy in accordance with Section 111.2, as applicable.~~