

2019 Oregon Structural Specialty Code Amendments

Child care facilities within dwellings

Effective: July 1, 2022



Department of Consumer
and Business Services

Amendment summary:

The following amendments are adopted as a part of the division's ongoing efforts for a clear and reasonable code solution for sprinkler protection for child care facilities located within dwellings while maintaining an increased level of fire protection for care recipients.

These amendments became effective July 1, 2022.

The changes are denoted as follows:

<u>Blue/underline:</u>	Added code language
Red/strikethrough:	Deleted code language
<u>Blue/Double-underline</u>	Added code language that is different from the language adopted Jan. 26, 2022 in a temporary rule. View the temporary rule amendments on the division's website.

Chapter 3

(GROUP E)

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

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 is met, and accessibility is provided in accordance with Section 1103.2.12 for newly constructed facilities and Section 3403.4 for existing facilities.

(GROUP I-4)

308.5.5 Child day care in 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 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 is met, and accessibility is provided in accordance with Section 1103.2.12 for newly constructed facilities and Section 3403.4 for existing facilities.

(GROUP R)

310.4.1 Care facilities within a dwelling. A 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 ~~comply~~ be constructed in accordance with the *Residential Code*, provided that Section 420.11 is met, and accessibility is provided in accordance with Section 1103.2.12 for newly constructed facilities and Section 3403.4 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 is met, and accessibility is provided in accordance with Section 1103.2.12 for newly constructed facilities and Section 3403.4 for existing facilities.

310.4.3 ~~310.4.2~~ Lodging houses. Owner-occupied *lodging houses* with five or fewer *guest rooms* and 10 or fewer total occupants shall be permitted to be constructed in accordance with the *Residential Code*.

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 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 or 420.11.2.

420.11.1 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 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, 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.