



Department of Consumer
and Business Services

Notice of Permanent Rule
Filed Sept. 27, 2024

2023 Oregon Residential Specialty Code (ORSC) Section R310.1 interim amendment

Purpose of the rule:

These proposed rules would strike the new model code language adopted in the 2023 Oregon Residential Specialty Code (ORSC) in Section R310.1 and return it to the 2021 ORSC language. The new model code provisions requiring that an emergency escape or rescue opening that opens to a bounded yard be provided with an unobstructed path of not less than 36 inches from that yard to a public way will be removed from the 2023 ORSC.

Citation:

Amends OAR 918-480-0010

This rule is effective Oct. 1, 2024.

Background:

At the July 10, 2024, Residential and Manufactured Structures Board meeting, the board approved the proposed amendment be made to the 2023 ORSC Section R310.1 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.

During adoption of the 2023 ORSC, a model code provision was added that has created issues for building on tight lots, and for achieving increased density through development. The new language required that when an emergency escape and rescue opening (EERO) opened to a bounded yard, an unobstructed path of not less than 36 inches in width be provided from that yard to a public way (e.g., alley or street).

During the promulgation process of the current ORSC, this addition was not specifically noted as an area to be independently considered, and the implications were not noted or highlighted for review. Particularly for townhouse construction, this language required developers and other customers to include easements, covenants, or other local land-use elements in their overall design submittal. This language has already caused multiple occurrences of confusion and misapplication throughout the state, which have led to construction delays, additional costs, and misalignment with goals of achieving higher densities and broader affordability.

In order to address these inconsistencies, delays, and misalignment, an interim amendment is proposed which strikes the new model language and returns the subsection structure to the exact language that existed in the 2021 ORSC. A public rulemaking hearing was held on Sept. 17, 2024. The division received no written or oral testimony during the comment period.

Summary:

This amendment strikes the new model language and returns Section R310.1 to the exact language that existed in the 2021 ORSC. The new code language of these proposed rules would amend the section by striking the language requiring that when an emergency escape or rescue opening opened to a bounded yard, an unobstructed path of not less than 36 inches in width be provided from that yard to a public way.

Contact:

If you have questions or need further information, contact Structural Program Chief, Tony Rocco by email at Anthony.J.Rocco@dcbs.oregon.gov or by phone at 503-910-1678.



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PERMANENT ADMINISTRATIVE ORDER

BCD 11-2024

CHAPTER 918
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
BUILDING CODES DIVISION

FILED

09/27/2024 3:13 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Amends 2023 Oregon Residential Specialty Code Section R310.1 reverting language to 2021 ORSC language.

EFFECTIVE DATE: 10/01/2024

AGENCY APPROVED DATE: 09/27/2024

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AMEND: 918-480-0010

NOTICE FILED DATE: 08/13/2024

RULE SUMMARY: Amends 2023 Oregon Residential Specialty Code Section R310.1 reverting to the 2021 ORSC language.

CHANGES TO RULE:

918-480-0010

Amendments to the Oregon Residential Specialty Code ¶¶

(1) The Oregon Residential Specialty Code is amended pursuant to OAR chapter 918, division 8. Amendments adopted during the code-cycle for inclusion into the Oregon Residential Specialty Code are placed in this rule, showing the section reference and a descriptive caption.¶¶

(2) Effective October 1, 2024, the 2023 Oregon Residential Specialty Code Section R310.1 is amended for emergency escape and rescue openings that do not open to a public way.¶¶

[Publications: Publications referenced are available for review at the division. See division website for information on where to purchase publications.]

Statutory/Other Authority: ORS 455.020, ORS 455.110, ORS 455.610

Statutes/Other Implemented: ORS 455.610

2023 Oregon Residential Specialty Code Amendments



Department of Consumer
and Business Services

Emergency Escape and Rescue Openings

Effective: Oct. 1, 2024

Summary: This amendment strikes the new model language and returns Section R310.1 to the exact language that existed in the 2021 ORSC.

The following amendments are adopted as part of the 2023 Oregon Residential Specialty Code (ORSC).

Effective: Oct. 1, 2024.

The changes are denoted as follows:

Blue/underline = Added code language
~~Red/strikethrough~~ = Deleted code language

R310.1 Emergency escape and rescue opening required. *Basements, habitable attics and every sleeping room shall have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court ~~having a minimum width of 36 inches (914 mm)~~ that opens to a public way.*

Exceptions:

1. *Storm shelters and basements used only to house mechanical equipment not exceeding a total floor area of 200 square feet (18.58 m²).*
2. Where the *dwelling unit or townhouse* is equipped with an automatic sprinkler system installed in accordance with NFPA 13D, sleeping rooms in *basements* shall not be required to have *emergency escape and rescue openings* provided that the *basement* has one of the following:
 - 2.1. One means of egress complying with Section R311 and one *emergency escape and rescue opening*.
 - 2.2. Two means of egress complying with Section R311.
- ~~3.—A yard shall not be required to open directly into a public way where the yard opens to an unobstructed path from the yard to the public way. Such path shall have a width of not less than 36 inches (914 mm).~~

For questions about the 2023 ORSC, visit the division website to [contact a building code specialist](#).