



Department of Consumer  
and Business Services

## Notice of Temporary Rule

Effective Jan. 31, 2025

### Stacked and Attached Duplexes (Two-Family Dwellings)

#### Purpose of the rule:

This rule will allow stacked two-family dwellings that were previously required to be detached to now be attached to other stacked two-family dwellings with increased fire separation at the vertical demising walls between each stacked two-family dwelling.

#### Citation:

Amends: OAR 918-480-0010

This rule is effective Jan. 31, 2025 through July 29, 2025.

#### Background:

At the Oct. 2, 2024, Residential and Manufactured Structures Board meeting, Structural Program Chief, Tony Rocco, outlined the division's outreach and work considering this proposed rulemaking. A rulemaking advisory committee meeting was held on Dec. 10, 2024, and the RMSB approved the division's proposed pathways at its Jan. 8, 2025, meeting. On Jan. 22, 2025, the division held an informational meeting to further discuss the board approved language and next steps in the rulemaking process. This rulemaking is considering use of existing paths in the 2023 ORSC Section R302.3 to create a new path addressing stacked two-family dwellings being connected to other stacked two-family dwellings. The division is looking to further support the available developable housing options under application of the statewide ORSC, the division is proposing a new configuration that marries popular current design choices. These two popular existing design choices are townhouses and two-family dwellings, or duplexes.

This code solution is intended to meet the stated industry desire of simpler, small footprint, "apartment-type" designs being available while the division supports our Governor's housing initiatives and related statewide housing production goals. The approach is intended to accomplish this while still accommodating simple designs, easy to follow prescriptive provisions, flexible options and reasonable levels of fire and life safety.

The division plans to file a temporary rule adopting the interim code amendment to be effective Jan. 31, 2025.

#### Need for temporary filing:

Without temporary rules there would be a significant delay between implementing this proposed rule and the date that the new permanent rule amendments can be filed. This code path has been thoroughly vetted by the RMSB, local government partners, and builders. This temporary rule is intended to meet the stated industry desire of simpler, small-footprint, "apartment-type" designs being available while the division supports our Governor's housing initiatives and related statewide housing production goals before the permanent amendments can be filed.

#### Summary:

This rule will use existing paths in the 2023 Oregon Residential Specialty Code Section R302.3 to create a new path addressing stacked two family dwellings being connected to other stacked two family dwellings.

#### Contact:

If you have questions or need further information, contact Structural Program Chief, Tony Rocco at 503-910-1678 or by email at [anthony.j.rocco@dcbs.oregon.gov](mailto:anthony.j.rocco@dcbs.oregon.gov).



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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**BCD 1-2025**

CHAPTER 918

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

BUILDING CODES DIVISION

**FILED**

01/31/2025 1:17 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Amends the Oregon Residential Specialty Code to include provisions for attached stacked two-family dwellings

EFFECTIVE DATE: 01/31/2025 THROUGH 07/29/2025

AGENCY APPROVED DATE: 01/31/2025

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Filed By:

Laura Burns

Rules Coordinator

**NEED FOR THE RULE(S):**

This temporary rule is intended to meet the stated industry desire of simpler, small footprint, "apartment-type" designs being available while the division supports our Governor's housing initiatives and related statewide housing production goals before the permanent amendments can be filed. The approach is intended to accomplish this while still accommodating simple designs, easy to follow prescriptive provisions, flexible options and reasonable levels of fire and life safety.

**JUSTIFICATION OF TEMPORARY FILING:**

Oregon is experiencing a shortage of housing units and without temporary rules there would be a significant delay between implementing this proposed rule and the date that the new permanent rule amendments can be filed, which would impede statewide housing production goals. During the delay housing units will not be able to be built to the new standards further contributing to the ongoing housing shortage.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

Rules are available from the division's rules coordinator located at 1535 Edgewater St. NW, Salem, Oregon, 97304 and are available on the division's web site: <https://www.oregon.gov/bcd/laws-rules/Pages/adopted-rules.aspx>.

**HOUSING IMPACT STATEMENT:**

The division estimates that this temporary rule will not impact the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single family dwelling on that parcel because this temporary rule only applies to attached stacked two-family dwellings. This temporary rule allows for stacked two-family dwellings to be attached to other stacked two-family dwellings, which the division believes will decrease the per unit cost of construction and provide an additional code path for increased housing density allowing for additional development of duplexes to address the ongoing housing shortage. An exact cost impact is not feasible due to the unique design variables of a construction project. This code path is not mandatory and does not create any mandatory cost increases.

AMEND: 918-480-0010

RULE SUMMARY: This rule allows use of existing paths in the 2023 Oregon Residential Specialty Code Section R302.3 to create a new path addressing stacked two family dwellings being connected to other stacked two family dwellings.

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.¶

(3) Effective January 31, 2025, the 2023 Oregon Residential Specialty Code Section R302.3 is amended to include attached stacked two-family dwellings with increased fire separation at the vertical demising walls between each stacked two-family dwelling.¶

[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

**Summary:** This amendment includes attached stacked two-family dwellings with increased fire separation at the vertical demising walls between each stacked two-family dwelling.

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

The changes are denoted as follows:

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

## SECTION R101—SCOPE AND GENERAL REQUIREMENTS

**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. Stacked two-family dwellings attached only to other stacked two-family dwellings in accordance with Section R302.3.3, not more than two stories above grade plane in height, and their accessory structures.

*(The rest of Section R101.2.1 is renumbered)*

## SECTION R202—DEFINITIONS

**STACKED TWO-FAMILY DWELLING.** A vertically stacked, two-family dwelling where one of the dwelling units is located above the other dwelling unit and access to a yard, street, alley or public way is provided on not less than two sides.

## SECTION R302—FIRE-RESISTANT CONSTRUCTION

**R302.3 Two-family dwellings.** *Dwelling units* in two-family dwellings shall be separated from each other by wall and floor assemblies having not less than a 1-hour fire-resistance rating where tested in accordance with ASTM E119, UL 263 or Section 703.2.2 of the *Building Code*. Fire-resistance-rated floor/ceiling and wall assemblies shall extend to and be tight against the exterior walls and vertical fire-resistance-rated separation walls separating attached stacked two-family dwellings where applicable, and wall assemblies separating the two adjacent dwelling units of a single detached two-family dwelling shall extend from the top of the lowest floor sheathing to the underside of the roof sheathing.

**Exceptions:** *(Remains unchanged)*

**R302.3.3 Attached stacked two-family dwellings.** Stacked two-family dwellings are permitted to be attached to other stacked two-family dwellings in accordance with this section, and shall not be attached to townhouses or one-family dwellings. Each stacked two-family dwelling shall independently comply with the applicable two-family dwelling requirements of Section R302.3 and the requirements for townhouses in this code. Each stacked two-family dwelling shall be considered a separate building.

**Exception:** Attached stacked two-family dwellings are not required to comply with Section R302.2, except where Section R302.3.3.1.1 is applicable.

**R302.3.3.1 Stacked two-family dwelling separation.** Stacked two-family dwellings shall be separated from other stacked two-family dwellings in accordance with this section and shall comply with Section R302.3.3.1.1, Section R302.3.3.1.2, or Section R302.3.3.1.3.

**R302.3.3.1.1 Common “modified” 2-hour fire-resistance-rated wall.** Each stacked two-family dwelling shall be separated from other stacked two-family dwellings by a common “modified” 2-hour fire-resistance-rated wall in accordance with Section R302.2.1 Item 2, as applicable.

**R302.3.3.1.2 Double walls.** Each stacked two-family dwelling shall be separated from other stacked two-family dwellings by two 1-hour fire-resistance-rated wall assemblies tested in accordance with ASTM E119, UL 263 or Section 703.2.2 of the Building Code.

**R302.3.3.1.3 Common walls.** Common walls separating *stacked two-family dwellings* from other *stacked two-family dwellings* shall be a 2-hour fire-resistance-rated assembly tested in accordance with ASTM E119, UL 263 or Section 703.2.2 of the *Building Code*, and shall be rated for fire exposure from both sides. Common walls shall extend to and be tight against the exterior sheathing of the exterior walls, or the inside face of exterior walls without stud cavities, and the underside of the roof sheathing. The common wall shared by *stacked two-family dwellings* shall be constructed without plumbing or mechanical equipment, ducts or vents, other than water-filled fire sprinkler piping in the cavity of the common wall. Electrical installations shall be in accordance with the *Electrical Code*. Penetrations of the membrane of common walls for electrical receptacle boxes shall be in accordance with Section R302.4.

**Exception:** Common walls are permitted to extend to and be tight against the inside of the exterior walls if the cavity between the end of the common wall and the exterior sheathing is filled with a minimum of two 2-inch nominal thickness wood studs.

**R302.3.3.1.4 Continuity.** The fire-resistance-rated wall or assembly separating *stacked two-family dwellings* from other *stacked two-family dwellings* shall be continuous from the foundation to the underside of the roof sheathing, deck or slab. The fire-resistance rating shall extend the full length of the wall or assembly, including wall extensions through and separating attached enclosed accessory structures.

**R302.3.3.1.5 Parapets at the separation.** Parapets constructed in accordance with Section R302.3.3.1.5 shall be constructed for *stacked two-family dwellings* as an extension of exterior walls or common walls separating *stacked two-family dwellings* from other *stacked two-family dwellings* in accordance with the following:

1. Where roof surfaces adjacent to the wall or walls are at the same elevation, the parapet shall extend not less than 30 inches (762 mm) above the roof surfaces.
2. Where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is not more than 30 inches (762 mm) above the lower roof, the parapet shall extend not less than 30 inches (762 mm) above the lower roof surface.

**Exception:** A parapet is not required in the preceding two cases where the roof covering complies with a minimum Class C rating as tested in accordance with ASTM E108 or UL 790 and the roof decking or sheathing is of noncombustible materials or fire-retardant-treated wood for a distance of 4 feet (1219 mm) on each side of the wall or walls, or one layer of  $\frac{5}{8}$ -inch (15.9 mm) Type X gypsum board is installed directly beneath the roof decking or sheathing, supported by not less than nominal 2-inch (51 mm) ledgers attached to the sides of the roof framing members, for a distance of not less than 4 feet (1219 mm) on each side of the wall or walls and any openings or penetrations in the roof are not within 4 feet (1219 mm) of the common walls. Fire-retardant-treated wood shall meet the requirements of Sections R802.1.5 and R803.2.1.2.

3. A parapet is not required where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is more than 30 inches (762 mm) above the lower roof. The common wall construction from the lower roof to the underside of the higher roof deck shall have not less than a 1-hour fire-resistance rating. The wall shall be rated for exposure from both sides.

**R302.3.3.1.6 Parapet construction.** Parapets shall have the same fire-resistance rating as that required for the supporting wall or walls. On any side adjacent to a roof surface, the parapet shall have noncombustible faces for the uppermost 18 inches (457 mm), to include counter-flashing and coping materials. Where the roof slopes toward a parapet at slopes greater than 2 units vertical in 12 units horizontal (16.7-percent slope), the parapet shall extend to the same height as any portion of the roof within a distance of 3 feet (914 mm), and the height shall be not less than 30 inches (762 mm).

**R302.3.3.1.7 Structural independence.** Each *stacked two-family dwelling* shall be structurally independent.

**Exceptions:**

1. *Stacked two family dwellings* separated by a common wall as provided in Section R302.3.3.1.2.
2. Foundations supporting exterior walls or common walls.
3. Structural roof and wall sheathing from adjacent *stacked two-family dwellings* fastened to the common wall framing.
4. Nonstructural wall and roof coverings.
5. Flashing at termination of roof covering over common wall.
6. Crickets.
7. Porches and exterior stairs.
8. Porch and patio covers.

**R302.3.3.2 Stacked two-family dwelling accessibility.** *Stacked two-family dwellings* shall be accessible in accordance with Section R320.3.

**R302.3.3.3 Automatic sprinkler system.** Where three or more *stacked two-family dwellings* are attached and separated in accordance with Section R302.3.3.1, each *stacked two-family dwelling* shall be protected throughout with an automatic sprinkler system in accordance with NFPA 13D.

**R302.3.3.4 Utilities for stacked two-family dwellings.** Separate utility services shall be supplied to each individual *stacked two-family dwelling*. Utilities serving an individual *stacked two-family dwelling* shall not run beneath, through, or otherwise be attached to, a separate *stacked two-family dwelling*.

**R302.3.3.5 Sound transmission.** Wall and floor-ceiling assemblies separating *dwelling units* shall provide airborne sound insulation for walls, and both airborne and impact sound insulation for floor-ceiling assemblies in accordance with Appendix K.

**R302.3.3.6 Mixed occupancies.** Mixed occupancies are not permitted in stacked two-family dwellings. Such buildings shall be designed and constructed in accordance with the requirements set forth for mixed occupancies or live/work units in the *Building Code*.

**R302.3.4 Shared accessory rooms.** Shared accessory rooms shall be separated from each individual *dwelling unit* in accordance with Table R302.3.4. Openings between the shared accessory room and dwelling unit shall comply with Section R302.3.4.1. Shared accessory rooms shall only serve a single *stacked two-family dwelling* and shall not be used as trash enclosures. Continuity of required dwelling unit separations specified by Section R302.3 shall be maintained independently from the accessory room separations specified herein.

<b>TABLE R302.3.4—DWELLING-SHARED ACCESSORY ROOM SEPARATION</b>	
<b>SEPARATION</b>	<b>MATERIAL</b>
From the dwelling units and attics	Not less than 1/2-inch gypsum board or equivalent applied to the accessory room side wall
From habitable space above or below the shared accessory room	Not less than 5/8-inch Type X gypsum board or equivalent
Structures supporting floor/ceiling assemblies used for separation required by this section	Not less than 1/2-inch gypsum board or equivalent
For SI: 1 inch = 25.4 mm.	

**R302.3.4.1 Opening protection.** Openings from a shared accessory room or area directly into a room used for sleeping purposes shall not be permitted. Other openings between the shared accessory room or area and *dwelling units* shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (35 mm) in thickness, or a fire door assembly with a 20-minute fire-protection rating.

**R302.3.4.1.1 Duct penetration.** Ducts penetrating the walls or ceilings separating the dwelling from the shared accessory room shall be constructed of sheet steel not less than No. 26 gage (0.48 mm) or other approved material and shall not have openings into the shared accessory room.

**R302.3.4.1.2 Other penetrations.** Penetrations through the walls, ceiling and floor-level separation required in Section R302.3.4 shall be protected as required by Section R302.11, Item 4.

## SECTION R320—ACCESSIBILITY

**R320.3 Attached stacked two-family dwellings.** Where a *stacked two-family dwelling* is attached to another *stacked two-family dwelling*, the *covered multifamily dwelling* requirements of the Fair Housing Act and Chapter 11 of the *Building Code* apply. Accessible design shall be provided in accordance with the *Building Code*, as required for Group R-3 occupancies.

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