

Purpose of the rules:

This temporary rule implements the mandate of Oregon Revised Statute (ORS) 455.615, which requires the division to amend the state building code to allow for the use of sleeping lofts, and ladders or alternating tread devices as the primary means of egress from a sleeping loft, for small homes. This rule amends the Oregon Residential Specialty Code (ORSC) to allow for the use of sleeping lofts and ladders or alternating tread devices.

Citation:

Adopt: OAR 918-480-0180

This rule becomes effective December 27, 2018.

History:

The legislature passed HB 2737 (2017), during the 2017 session. This bill requires the division to amend the state building code to allow for the use of sleeping lofts, and ladders or alternating tread devices as the primary means of egress from a sleeping loft, for small homes by January 1, 2018. At its October 4, 2017, meeting, the Residential and Manufactured Structures Board (board) created a code committee to develop a proposal to allow for the use of sleeping lofts, and ladders or alternating tread devices, in small homes. The division opened a public comment period for public code proposals from October 5 to October 19, 2017. The division received 15 public proposals during the open comment period. The code committee met on November 7 and November 14, 2017, to review the public proposals and provide a recommendation on how to implement HB 2737. Based on the committee recommendation, the division developed an affordable workforce housing code that also incorporated the required code changes to implement HB 2737. The division's affordable housing proposal was presented to the board at its November 30, 2017, meeting. Public feedback generally did not support the inclusion of an affordable workforce housing code. The board recommended revisiting the affordable workforce housing issue at a later date. Specifically, concerns were raised about applying the affordable workforce housing code to homes 400 to 1500 square feet in size, and concerns about changing energy efficiency requirements for workforce housing. The division refocused the proposed code change to only address sleeping lofts and ladders or alternating tread devices. The division held a public informational meeting on December 12, 2017, to receive additional public feedback on the sleeping loft, and ladder or alternating tread devices proposal. Based upon feedback received in public comment about the second draft, the requirement for exterior sprinklers based on fire separation distances was removed. The division adopted a temporary rule to amend the ORSC to allow the use of sleeping lofts, and ladders or alternating tread devices, effective January 1, 2018, and then adopted a temporary rule to maintain the code requirements as directed by ORS 455.615 on June 30, 2018. Discussion about the unresolved issues related to tiny homes has continued. The division does not want to cause undue disruption to the industry and wants to keep consistent standards in place while awaiting any further legislative guidance.

The code amendments enacted by this rule include the following:

- A sleeping loft is permitted in any size dwelling unit.
- A limit of one sleeping loft per dwelling unit.
- Dwelling units that contain a sleeping loft may not be used for any purpose other than as a detached one-family dwelling.
- Ladders and alternating tread devices may be used as primary means of access and egress from sleeping lofts in dwelling units 600 square feet or less.
- Standard stairs are required to serve the sleeping loft where the dwelling unit is greater than 600 square feet.
- Specific fire protection requirements for dwelling units with a sleeping loft and where fire separation distance is reduced.
- Maximum sleeping loft size provisions.

Effect of the rules:

This rule implements ORS 455.615 by amending the Oregon Residential Specialty Code to allow for the use of sleeping lofts in all houses and ladders or alternating tread devices as the primary means of egress from a sleeping loft in houses 600 square feet or smaller. The division intends to follow up the temporary rule with a permanent rulemaking process.

918-480-0180

Dwelling Units Containing a Loft

(1) In addition to the amendments in OAR 918-480-0010 the Oregon Residential Specialty Code is amended pursuant to OAR chapter 918, division 8 showing the section reference, a descriptive caption, and a short description of the amendment.

(2) Effective January 1, 2018, the Oregon Residential Specialty Code is amended to include Section R329 for dwelling units containing a loft.

[Publications: Publications referenced are available for review at the division.]

Stat. Auth.: ORS 455.020, 455.110, 455.610, 455.615

Stats. Implemented: ORS 455.610, 455.615

Hist.: BCD 30-2018(Temp), f. 12-26-18, cert. ef. 12-27-18 thru 6-24-19