



Oregon

Tina Kotek, Governor

HPAC Work Group Recommendation Template

Work Group

- Availability of land
- Land development permit applications
- Codes and design
- Workforce shortages
- Financing

Recommendation

Allow use of a single stair for buildings up to 5 stories tall. Objective standards apply (see implementation section).

Allow BOLI wage rate exemption for affordable housing that are up to 5 stories.

Related Work Plan Topics

- In a future building code amendment process conducted by the Building Codes Division, incorporate provisions that reduce barriers for housing production, including barriers to housing affordability, diversity, accessibility, and alternative construction methods that reduce cost and delay.
- Review the potential for state level land use and building model codes for different housing densities, permit ready plans for different housing types, and other production tools for utilization at the local level. These tools could be optional or mandatory.
- Review impact of BOLI wage trigger exemption to 5 story building on current economics of work force and prevailing wage rates. Market rate housing is not affected by this rule but the current 4 story exemption has stymied the full density potential for each site and the impact of this wage trigger is not fully known. Would the wage trigger even need to be in place at all?

Adoption Date

October 5, 2023

Method of Adoption

Consensus in Work Group meeting on October 3, 2023 with small revisions requested. Revisions made and circulated via email. Group consensus on October 5, 2023 to send to full HPAC.

Co-chairs Guidance: Standards for Analysis

1. Clearly describe the housing production issue that the recommended action(s) will address.

The use of a single stair is currently limited to buildings of 3 stories or less. To increase density, under the current code, a required second stair and/or elevator decreases access to natural light, decreases building efficiency, and increases the cost of construction.

Currently in affordable housing development that has Low Income Housing Tax Credits (LIHTC) only buildings upto 4 stories are exempt from the BOLI wage trigger. The BOLI wage trigger on buildings taller than 4 stories adds substantial development cost (about 15% additional cost). For this reason, the LITHC funded affordable housing is typically only 4 stories without realizing the density potential for the site. Raising the exemption to 5 stories (or higher if possible) will allow for affordable housing developers to take advantage of of this recommendation that allows single staired garden style apartments to be raised upto 5 stories

2. Provide a quantitative, if possible, and qualitative overview of the housing production issue.

Three story wood frame construction is the predominant form of middle-density development. By increasing the allowable height served by a single stair, it is expected that the units of production this type of construction yields will increase by 30-50% (30% for 1 additional floor and 50% for 3 additional floors).

If BOLI wage trigger exemption is raised to 5 stories or higher, that many more units will be added in each development thereby directly impacting the housing production.

3. To assess the issue and potential action(s), include subject matter experts representing all sides of the issue in work group meetings, including major government, industry, and stakeholder associations.

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4. Provide a quantitative, if possible, and qualitative overview of the outcome of the recommended action(s).

This recommendation will significantly lower the cost of smaller scale infill multi-family development and therefore increase supply as a single stair is not currently allowed over 3 stories.

Many affordable housing development are going to garden style apartments due to the cost effectiveness of this housing type. With the ability to build higher the impediment of the cost due to the BOLI wage trigger is still in place. Removing the trigger will increase this type of housing in the multifamily affordable housing development sector.

5. Provide an estimate of the time frame (*immediate, short, medium, long-term*), feasibility (*low, medium, high*), and cost (*low, medium, high*) for implementation of the recommended action(s).

Time Frame: Short
Feasibility: High
Cost: Low

For the BOLI exemption:
Time Frame: Short
Feasibility: High
Cost: Unknown – to be reviewed

6. Provide a general overview of implementation, the who and how for the recommended action(s).

Direct BCD to implement building code revision. No further legislative action required – can be implemented administratively.

HB 3395 signed by Gov. Kotek in June:

- BCD "shall review and consider" writing rules for fire-safe single-exit buildings by October 2025
- No further legislative action needed
- 3395 can be referenced

Other jurisdictions have successfully adopted code to expand the use of a single stair. Including Seattle (1006.3.3) allowing up to 6 stories.

A single exit stair allowance is already forecasted as an item of further research, review, discussion and consideration during the upcoming 2025 OSSC adoption process.

The following implementation standards shall apply:

- Sprinklered buildings only

- No more than 4 units per floor
- Distance requirements (farthest unit to stair 125')
- Operable windows required

Additional enhancement to be considered but not required:

- Sprinkler upgrade from NFPR 13R to NFPR 13.

For implementation, avoid pressurization of exit stair as that leads to additional cost and decreases efficacy of production targets. Avoid discretionary sign off – allowed via objective standards.

7. Outline the data and information needed for reporting to track the impact and implementation of the recommended action(s).

Local jurisdictions would track permits for single-stair buildings and provide annual reporting back to BCD.

8. Identify any major unknowns, tradeoffs, or potential unintended consequences.

- Fire, life, safety requirements to be considered including local jurisdictional response capacity (ex. volunteer fire vs. non etc.).
- Unintended consequence for the labor market and wage rate will have to be reviewed. Currently the impact of the wage trigger is known.

Please include any relevant reports, data analyses, presentations, or other documents that would be informative and useful for the full HPAC as the recommendation is discussed and considered.