

Proposal: Allow buildings with up to 4 or 6 units to be constructed under the Oregon Residential Specialty Code or continue to apply the commercial code to 3+ unit buildings, but don't require sprinklers until they exceed 4 or 6 units (likely coupled with a requirement to build with 1-hr construction)

Why?

- Decrease construction costs.
- Support less expensive homes to buy or rent – and to heat/cool.
- Reduce embodied carbon of building components (e.g. less drywall, fewer stairs) and ongoing carbon benefits from smaller, attached and/or stacked units.
- Align building code threshold with HB2001 zoning ordinance that allows up to 4-unit buildings on most residential lots and with mortgage loan products that serve 1-4 unit buildings.
- Increase likelihood of ground floor flats, suitable for mobility-impaired residents. Note that under current rules, there's a strong incentive to build side-by-side townhomes separated by 2-hr walls, which typically have stairs and lack ground floor bedrooms.
- Increase natural daylight in homes. Note that in small stack-flat buildings, all homes get natural light on 2-3 sides, whereas with townhomes some homes get daylight just from two (narrow) ends.
- Some general contractors and subcontractors work almost exclusively with ORSC, such that they steer clear of 3+ unit buildings. Such contractors would be more comfortable & capable of building 3 and 4 unit buildings if they could use the code they already know.

Precedent

- In Nov. 2021, Memphis and Shelby Counties in Tennessee amended their building code to allow structures with 3-6 dwelling units to be reviewed under residential code instead of commercial code.
- Both Texas and Montana, sprinklers aren't required until buildings have more than 4 units.

More info

- <https://opticosdesign.com/blog/memphis-tn-amends-local-building-code-to-allow-up-to-six-units-under-residential-building-code-irc-to-enable-missing-middle-housing/>
- Texas and Montana – see next page

Texas Code Modification:

Section 903.2 Where required is amended by adding the following text at the end of said section:

In addition to the requirements of this section, an automatic sprinkler system shall be provided throughout all new buildings and structures as follows:

1. Where the building area or fire area exceeds 12,000 square feet (1115 m²).
2. Where the height exceeds two stories regardless of area.

Section 903.2.4 (Group F-1) is amended by replacing "three" with "two" in item "2".

Section 903.2.7 (Group M) is amended by replacing "three" with "two" in item "2".

Section 903.2.8 (Group R) is amended by adding the following exceptions:

Exceptions:

1. R2 occupancies with 4 or less units.
2. Boarding houses (transient), rooming houses (transient), bed and breakfast inns and other similar occupancies (not including hotels or motels) containing not more than four guest rooms for which rent is paid and that are occupied by transient guest only.

Montana:

(12) Delete Subsection 903.2.8 and replace with the following:

"1. An approved automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all Group R buildings meeting any of the following criteria:

- "a. 9 or more transient guests or 5 or more transient guestrooms;
- "b. 9 or more occupants in other than dwelling units;
- "c. 5 or more dwelling units; or
- "d. more than 2 stories.

"2. In lieu of the above required automatic sprinkler system in buildings not more than three stories above the lowest level of exit discharge, each transient guestroom may be provided with at least one door leading directly to an exterior exit access that leads directly to approved exits.

"3. "Transient guest" for the purpose of this subsection shall mean an occupant who is primarily transient in nature, staying at one location for 30 days or less."