



Department of Consumer
and Business Services

Notice of Temporary Rule

August 5, 2025

2023 Oregon Residential Specialty Code amendments Wildfire Hazard Mitigation – Section R327 Available for local adoption

Purpose of the rule:

This rule will make amendments to the 2023 Oregon Residential Specialty Code (ORSC) that will make wildfire hazard mitigation provisions in Section R327 available for local adoption, define the scope of the section as applicable to new construction of new buildings, and require local municipalities that adopt the section locally to notify the division of the adoption and where the provisions apply.

Citation:

Amends: OAR 918-480-0010

This rule is effective Aug. 5, 2025 through Jan. 2, 2026.

Background:

The division first made Section R327 of the ORSC available for local adoption in 2019. At that time, if a municipality decided to adopt the provisions locally it was required to map where the provisions would apply using the mapping criteria that had been developed and adopted by the Oregon Department of Forestry (ODF). In the 2021 legislative session the legislature passed Senate Bill 762 which was an omnibus statewide wildfire bill impacting all aspects of the state's planning, policy, and programs around wildfire. As a part of the work implementing SB 762 ODF withdrew its mapping criteria to give way for the planned statewide wildfire hazard map. This statewide map was also to be the basis for updated wildfire hazard mitigation provisions of the residential code which would apply in high hazard zones. Ultimately, in the 2025 session, the legislature repealed the statewide wildfire hazard map and any regulatory requirements that were to be attached to it. In place of the map, the legislature, in Senate Bill 83, directed the division to make Section R327 available for local adoption and redefined the scope of the section to apply to new construction of new buildings.

Need for temporary filing:

Senate Bill 83 is effective on passage, and the earliest that the division could get new code language approved by the Residential and Manufactured Structures Board and adopted by permanent rule would be Jan. 1, 2026. A temporary rule is justified to affect the will of the legislature more immediately and make the relevant code language available for local adoption earlier.

Summary:

Amends the Oregon Residential Specialty Code making changes to Section R327 to comply with the requirements in Senate Bill 83. Makes the section available for local adoption and applicable to new construction of new ORSC governed buildings. Will require that local municipalities report to the division if they adopt the section locally and where the section will apply.

Contact:

If you have questions or need further information, contact Eric McMullen by email at eric.t.mcmullen@dcbs.oregon.gov or by phone at 503-930-8849.



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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

BCD 8-2025

CHAPTER 918

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
BUILDING CODES DIVISION

FILED

08/05/2025 2:57 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Amends the Oregon Residential Specialty Code making wildfire hazard mitigation provisions available for local adoption

EFFECTIVE DATE: 08/05/2025 THROUGH 01/01/2026

AGENCY APPROVED DATE: 08/05/2025

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NEED FOR THE RULE(S):

The rule is needed because it was required by Senate Bill 83 which directed the division to make section R327 of the 2023 ORSC available for local adoption by a municipality wanting to make wildfire hazard mitigation provisions required within its jurisdiction.

JUSTIFICATION OF TEMPORARY FILING:

Senate Bill 83 is effective on passage, and the earliest that the division could get new code language approved by the Residential and Manufactured Structures Board and adopted by permanent rule would be January 1, 2026. A temporary rule is justified to affect the will of the legislature more immediately and make the relevant code language available for local adoption earlier.

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:

Description of proposed change: (Please attach any draft or permanent rule or ordinance)

This proposed rule updates the provisions for wildfire hazard mitigation to the 2023 Oregon Residential Specialty Code (ORSC) in Section R327 that will be available for local adoption.

Description of the need for, and objectives of the rule:

Senate Bill 762 passed the Oregon Legislature during the 2021 legislative session and was signed into law by the Governor. SB 762 was an omnibus bill relating to many different aspects of wildfire preparation, prevention, and mitigation and it included directives for several Oregon agencies. The Sections of the bill that addressed fire hardening requirements and that necessitated this rulemaking were Sections 12, 12a, and 12b and they were added to the Oregon

During the 2025 legislative session, Senate Bill 83 repealed the mapping requirement in SB 762 and the associated regulatory directives around wildfire hazard mitigation building code provisions. In their place the bill directed the division to make Section R327 of the 2023 ORSC available for local adoption. This rule amends Section R327 to limit the scope to new construction of new buildings as required by the bill and outlines the process necessary for local adoption.

List of rules adopted or amended:

Amend 918-480-0010.

Materials and labor costs increase or savings:

This rulemaking does not create any new mandatory provisions of the code. There may be a cost increase in areas where local municipalities have adopted Section R327 and decided that the provisions should be required.

A 1,200 sq. ft. detached single family dwelling is not a common size of house built in the areas that are impacted by the implementation of SB 762. Accordingly, exact cost estimates are not commonly available for that construction type. While it isn't possible to determine the exact cost impact of these changes, several estimates were consulted during the rulemaking process which may be applicable:

- When the division first adopted Section R327 in 2019 it prepared a statement of fiscal and economic impact on that proposed rulemaking. The division estimated at the time that in jurisdictions where R327 was adopted as mandatory the cost of a typical 1,200 square foot detached single family dwelling would increase by approximately \$2,500-\$3,000.
- The Oregon Home Builders Association submitted estimates also originally generated when R327 was first adopted. It estimated in 2019 that the cost of a high-end home would increase by \$12,500, that the cost of a production 1,200 square foot home would increase by \$7,800, and that the cost of a production 2,200 square foot home would increase by \$10,800. The home builders estimated that current increased construction costs would lead to a cost increase on a 1,400 square foot home of \$8,200.
- The Oregon Fire Marshals Association provided documentation of a study done by the National Institute of Building Sciences that found that every dollar spent on wildfire mitigation to dwellings provided between two and four dollars of benefit.
- Headwaters economics has produced a study comparing the construction cost of a typical home to a wildfire-resistant home. The Montana study found that total construction costs for a wildfire-resistant home was 2.4% less than the construction cost of a typical home. The reduction in cost between the two homes is due to the choice of siding used by the study on a typical home. The study applied wood siding to the typical home which is significantly more expensive than the fiber cement siding on the wildfire resistant home. If the typical home instead had used fiber cement siding, the wildfire-resistant home would have had a cost increase versus the comparator home using base code materials.

Based on this information the division anticipates a possible cost increase for a 1,200 sq. ft. detached single family dwelling that has to comply with the increased construction standards of R327 over the baseline Oregon code of \$2,500. However site specific factors, changes in material cost and other potential local requirements may change the exact impact on any particular construction project and lead to higher or lower cost impacts.

Estimated administrative construction or other costs increase or savings:

The proposed rules do not impose any additional administrative requirements.

Land costs increase or savings: N/A

Other costs increase or savings: None.

*Typical-Single story 3 bedrooms, 1 ½ bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

AMEND: 918-480-0010

RULE SUMMARY: Amends the Oregon Residential Specialty Code making changes to Section R327 to comply with the requirements in Senate Bill 83. Makes the section available for local adoption and applicable to new construction of new ORSC governed buildings. Will require that local municipalities report to the division if they adopt the section locally and where the section will apply.

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 April 1, 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.¶

(4) Effective August 5, 2025, the Oregon Residential Specialty Code Section R327 is amended for additional wildfire hazard mitigation provisions that are available for local adoption. ¶

[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