

Residential Fire Sprinklers for New Child Care and Adult Foster Care Facilities Located in Dwellings

Summary

The 2021 Oregon Residential Specialty Code (ORSC) Chapter 1, Section R101.2.1, now requires automatic residential fire sprinkler systems, designed and installed in accordance with National Fire Protection Association's (NFPA) 13D Standard, when locating a new child care facility or adult foster care facility in a residential dwelling, Group R-3 occupancy. This change aligns the ORSC with the existing requirements of the Oregon Structural Specialty Code (OSSC) and treats new child care facilities and adult foster care facilities the same regardless of the building type they are being located in. NFPA 13D is a residential sprinkler design standard focused on one- and two- family dwellings. The intent is to provide an affordable sprinkler system in dwellings while maintaining a high level of life safety.

Application

This change only applies to new construction, or a new use of an existing building, and is not retroactive. Any existing operations or operations that have temporarily stopped providing services and that were previously licensed for use as a child care or adult foster care facility do not have to comply with the new code requirements. The requirement only applies to the following **new** non-residential uses; **child care facilities** as defined by ORS 329A; including certified family child care homes and registered family child care homes, and **adult foster care facilities** as defined by ORS 443.

Site-specific determinations

When the installation of an automatic residential fire sprinkler system is infeasible or impractical, the code allows for modifications and alternate compliance methods. Both modifications and alternate methods require detailed proposal by the applicant and approval by the local building official. They are site specific solutions based on the unique design and limitations of the site. Alternate methods can include one or a combination of different design and construction techniques as determined appropriate by the local building official so long as they provide equivalent fire and life safety for the occupants and users of the building. Contact the local building official for more information about potential alternate method requests, which could include a combination of the following elements:

- ✓ Additional exits (i.e., exterior doors, emergency escape windows)
- ✓ Direct exits to the exterior from each room where care is provided
- ✓ Reduced travel distances to exits
- ✓ Installation of both ionization and photoelectric smoke alarms
- ✓ Installation of horn/strobe notification devices and/or fire alarm systems
- ✓ Fire resistance rated construction
- ✓ Compartmentalization of the dwelling floor area
- ✓ Other measures as approved by the local building official

Additional background on the ORSC and OSSC

On April 1, 2021, the 2021 ORSC took effect. A significant portion of the overall adoption process was to update, align, and streamline the administrative provisions within Chapter 1. This was done in parallel with an interim amendment update to Chapter 1 of the 2019 OSSC. Since 2018, the division has been making an effort to appropriately adjust the Chapter 1 provisions of both codes for our state to accurately reflect delegable authority, address inconsistencies in the state building code, and effectively communicate division policy under ORS 455 for our customers, stakeholders and local government partners acting under our authority. As a result of this effort, the Oregon requirements for non-residential uses align more closely with national model building codes, and with the national standard of care. Introducing a business, care facility, or other non-residential use to an otherwise residential setting increases fire-life safety risk. The national model code (International Residential Code) requires automatic fire sprinkler systems in all residential applications, while Oregon requires them only in limited applications. Because these non-residential use facilities are at higher risk, they were particularly below the national standard of care, which prompted the change in their treatment in Chapter 1 of the OSSC and ORSC.

In Oregon, the ORSC governs residential uses of detached one- and two-family dwellings, townhouses, and their accessory structures. As defined, *live/work units* are also permitted to follow the construction standards of the ORSC where they meet the applicable provisions of the OSSC; including an automatic fire sprinkler system and accessibility. Other non-residential uses, including businesses and care facilities, must be appropriately classified and constructed in accordance with OSSC. Where these new uses are proposed in an existing dwelling, a change of use process must be initiated by contacting the local building department.

Licensure associated with non-residential uses may specify that certain licensed activities are permitted to occur within detached one- and two-family dwellings and townhouses. Particularly for ***child care facilities*** and ***adult foster care facilities***, licensure establishes; acceptable business locations, land use or zoning allowances, maximum numbers of individuals receiving care, and similar licensing parameters. In Section R101.2, the 2021 ORSC recognizes these two unique business uses located within detached dwellings, and specifies the appropriate construction standard path of the OSSC, while ensuring flexibility in the design by assigning a Group R-3 occupancy classification. R-3 is the standard classification generally reserved for residential-only use, and covers one- and two-family dwellings.

Under the previous ORSC scope, and multiple iterations prior, these facilities were directly governed without additional safeguards. Under the 2021 ORSC, those non-residential uses associated with typical detached one- and two-family dwellings and townhouses are now addressed by the standards of the OSSC. Under the OSSC, and the assigned Group R-3 classification, these facilities are still permitted to be constructed using prescriptive conventional light-frame construction provisions, but now have the added safety requirement of an automatic residential fire sprinkler system. Specification of this safeguard for these new child care and adult foster care facilities located in dwellings is outlined in the Governor's January 2020 Child Care Workgroup summary report, available at: [Oregon.gov/Gov/admin/regional-solutions](https://oregon.gov/Gov/admin/regional-solutions).