

Adult Foster and Residential Training Homes within Detached Dwellings

OREGON STRUCTURAL SPECIALTY CODE & OREGON RESIDENTIAL SPECIALTY CODE

OVERVIEW

Residential automatic fire sprinkler exception

Senate Bill 1548 from the Oregon Legislative Assembly’s 2022 Regular Session created an exception to a state building code requirement. This law removes the code requirement for the installation of domestic residential fire sprinkler system protection for small adult foster homes and residential training homes (e.g., group homes) located within detached one-family dwellings. This exception became effective upon its passage, and applied to facilities licensed before July 1, 2024. Senate Bill 1521 from the Oregon Legislative Assembly’s 2024 Regular Session extended this exception to apply to facilities licensed before July 1, 2026.

In accordance with this law and under application of the state building code, an automatic fire sprinkler system may not be required by a building department for the following:

- Adult foster homes as defined in ORS 443.705 for five or fewer individuals, licensed before July 1, 2026
- Residential training homes as defined in ORS 443.400 for five or fewer individuals, licensed before July 1, 2026

The law also requires operators of these licensed facilities to meet “...*all other fire, life and safety requirements established by the Department of Human Services [DHS] or the Oregon Health Authority [OHA] by rule*” to qualify for the exception. Local building officials may require confirmation from the appropriate licensing authority that such licensure requirements have been met, prior to issuing a certificate of occupancy for these facilities. Confirmation of licensure approval is deemed to represent compliance with all applicable licensure requirements.

CITE-IT PATH

Oregon Residential Specialty Code & Oregon Structural Specialty Code

Laws enacted by the Oregon Legislature supersede the construction standards of the state building code, which are adopted by Oregon Administrative Rule.

The Oregon Residential Specialty Code (ORSC) Chapter 1, Section R101.2.1, requires compliance with the Oregon Structural Specialty Code (OSSC) for adult foster homes, which were previously governed by the ORSC. Group homes and other similar facilities located within dwellings and subject to licensure by DHS or OHA that do not meet the definition of adult foster home in ORS 443.705 have been governed by the body of the OSSC since the removal of Appendix SR in 2013. As of April 1, 2021, the OSSC has been established as the appropriate specialty code for all licensed residential facilities. These licensed facilities uses are beyond the original intent and purpose of the ORSC, also known as the “low-rise residential dwelling code,” and are more clearly included in the scope of the OSSC.

In the 2022 iteration of the OSSC, the advisory board approved provisions proposed by the division to allow small licensed facilities (for five or fewer individuals) to be constructed in accordance with the standards of the ORSC, provided that an NFPA 13D automatic fire sprinkler system is installed, and accessible design is addressed as applicable for the use. For existing buildings undergoing a change of occupancy to one of these licensed facilities, our code path starts in Chapter 34, as it does for any existing building project.

The following language is from Chapter 3 of the 2022 OSSC, but will remain superseded by the automatic sprinkler system exception created by the Legislature:

CHAPTER 3 – INSTITUTIONAL GROUP I

308.2.4 Five or fewer persons receiving custodial care. A facility with five or fewer persons receiving *custodial care* located within a *dwelling* shall be classified as Group R-3 and shall comply with the *Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3. Accessibility shall be designed in accordance with the applicable provisions of Chapter 11 for the function served.

308.5.3 Five or fewer persons receiving care. A facility having five or fewer persons receiving *custodial care* shall be classified as part of the primary occupancy.

308.5.4 Five or fewer persons receiving adult day care in a dwelling unit. A facility such as the above within a *dwelling* and having five or fewer persons receiving *custodial care* shall be classified as a Group R-3 occupancy and shall be permitted to be constructed in accordance with the *Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3. Accessibility shall be designed in accordance with the applicable provisions of Chapter 11 for the function served.

CHAPTER 3 – RESIDENTIAL GROUP R

310.4.3 Licensed adult foster care within a dwelling. Adult foster homes, as defined in ORS 443.705, located within a *dwelling* shall be classified as Group R-3 and shall be permitted to be constructed in accordance with the *Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3. Accessibility shall be designed in accordance with the applicable provisions of Chapter 11 for the function served.

The following text box is in Chapter 3 of the 2022 OSSC:

Adult foster homes and residential training homes within detached one-family dwellings.

Adult foster homes as defined in ORS 443.705 and residential training homes as defined in ORS 443.400 licensed for five or fewer individuals prior to July 1, 2026, shall not require the installation of an automatic fire sprinkler system under application of the state building code.

See enrolled [Senate Bill 1521 \[2024\]](#) for more details.

SUMMARY

In summary and in accordance with the new law, an automatic fire sprinkler system may not be required for the facilities described in this bulletin under application of the 2022 OSSC or any other state building code provisions prior to July 1, 2026.