

# 2019 Oregon Structural Specialty Code Amendments

## Child care facilities within dwellings

Effective: Jan. 26, 2022



Department of Consumer  
and Business Services

### Amendment summary:

The following amendments are adopted as a part of the division's ongoing efforts for a clear and reasonable code solution for sprinkler protection for child care facilities located within dwellings while maintaining an increased level of fire protection for care recipients.

The changes are denoted as follows:

Blue/underline: Added code language  
~~Red/strikethrough:~~ Deleted code language

### Chapter 3

#### (GROUP E)

**305.2.3 Five or fewer children in a dwelling unit.** A facility such as the above located within a *dwelling unit* and having five or fewer children receiving such day care shall be classified as a Group R-3 occupancy ~~or shall comply with the International Residential Code.~~

Where located within a detached one- or two-family dwelling or townhouse, the facility shall be permitted to be constructed in accordance with the Residential Code, provided that Section 420.11 is met, and accessibility is provided in accordance with the applicable provisions of Chapter 11 for the function served.

#### (GROUP I-4)

**308.5.5 Child day care in a dwelling.** A registered or certified family child care facility, as defined in ORS 329A, located within a dwelling shall be classified as a Group R-3 occupancy. Where located within a detached one- or two-family dwelling or townhouse, the facility shall be permitted to be constructed in accordance with the Residential Code, provided that Section 420.11 is met, and accessibility is provided in accordance with the applicable provisions of Chapter 11 for the function served.

#### (GROUP R)

**310.4.1 Care facilities within a dwelling.** A care facility located within a detached one- or two-family dwelling or townhouse and having five or fewer persons receiving care shall be permitted to ~~comply~~ be constructed in accordance with the *Residential Code*, provided that Section 420.11 is met, and accessibility is provided in accordance with the applicable provisions of Chapter 11 for the function served.

**310.4.2 Licensed child care within a dwelling.** A registered or certified family child care facility, as defined in ORS 329A, located within a dwelling shall be classified as a Group R-3 occupancy. Where located within a one- or two-family dwelling or townhouse the care facility shall be permitted to be constructed in accordance with the Residential Code, provided that Section 420.11 is met, and accessibility is provided in accordance with the applicable provisions of Chapter 11 for the function served.

**310.4.3 ~~310.4.2~~ Lodging houses.** Owner-occupied *lodging houses* with five or fewer *guest rooms* and 10 or fewer total occupants shall be permitted to be constructed in accordance with the *Residential Code*.

### Chapter 4

**420.11 Child care facilities within dwellings.** Child care facilities located within dwellings, permitted by Chapter 3 to be constructed in accordance with the Residential Code, shall comply with either Section 420.11.1 or 420.11.2.

**420.11.1 With automatic sprinkler system protection.** An automatic sprinkler system in accordance with Section 903.3.1.3 shall be installed throughout the fire area of the dwelling where a child care facility is located.

**420.11.2 Without automatic sprinkler system protection.** Where an automatic sprinkler system is not installed throughout the fire area of the dwelling where a child care facility is located, all of the following shall be met:

1. All rooms where care is provided shall be located on a level of exit discharge.
2. No exit access path shall be located within 3 feet (914 mm) horizontally of any permanently installed cooking appliance, or be required to pass through a storage room, or through a room that can be locked to prevent egress.
3. Documentation shall be submitted to the building official which states that all licensure requirements have been met by the facility, and that the facility has been approved by the licensing authority. This documentation shall be included in the certificate of occupancy in accordance with Section 111.2, as applicable.