



## Notice of Rulemaking Hearing

January 17, 2012

### Update adult foster home requirements

#### Opportunity for public input:

Those who would like to provide testimony may attend a public hearing on January 17, 2012 at 9:30 a.m. The hearing will be located at the Building Codes Division, Conference Room A. Written comments may also be submitted to the contact below. The last day to submit written comments is 5:00 p.m. January 20, 2012.

#### Live broadcast via the internet:

To view the public hearing live, click on "[View live meeting](#)"

#### Purpose of the rule:

This proposed rule amends the 2010 Oregon Structural Specialty Code (OSSC) to update construction standards for single-family residences used for adult foster care.

#### Citation:

Amend OAR 918-460-0015. View the proposed amendments click the following link: [Adult Foster Homes](#).

This proposed rule and code amendment would become effective February 1, 2012.

#### History:

The division, in consultation with the board, established July 1, 2011 through August 1, 2011 as the timetable for accepting proposed mid-cycle code amendments. Certain amendments that were part of the process were separated from these rules in a December 2011 public hearing.

The Department of Human Services (DHS) requested that the OSSC be changed to delete the requirement that certain adult foster homes whose occupants may require assisted self preservation be classified as SR-3 occupancies. The SR-3 occupancy requirement is in conflict with the ORS 443.760(1), which requires these homes to meet the state building code requirements applicable to single family dwellings, which are classified as R-3 occupancies under the OSSC.

The Building Codes Structures Board, at its August 3, 2011 meeting, considered these proposed amendments and recommended that the division forward these changes to public hearing with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public, or necessary to conserve scarce resources.

#### Contact:

If you have questions or need further information, contact Hearing Officer Steve Judson at 503-378-4635, or [Steven.W.Judson@state.or.us](mailto:Steven.W.Judson@state.or.us).



Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services, Building Codes Division	918
Agency and Division	Administrative Rules Chapter Number
Stephanie Snyder	PO Box 14470, Salem, OR 97309
Rules Coordinator	Address
	(503) 373-7438
	Telephone

**RULE CAPTION**

Updates adult foster home requirements in the 2010 Oregon Structural Specialty Code  
Not more than 15 words that reasonably identify the subject matter of the agency's intended action.

January 17, 2012	9:30 a.m.	1535 Edgewater Street NW, Salem, OR 97304	Steve Judson
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

**ADOPT:**

**AMEND:** OAR 918-460-0015

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth.: ORS 455.030, 455.110, 455.112

Other Auth.:

Stats. Implemented: 455.110 & 455.112

**RULE SUMMARY**

This proposed rule amends the construction standards for single-family residences that are used for adult foster care. This amendment aligns the 2010 Oregon Structural Specialty Code with the Department of Human Services statute, by deleting the requirement in the code that certain adult foster care residences meet the construction standards for a SR occupancy.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

January 20, 2012 by 5 p.m.

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

Mark Long		
Signature	Printed name	Date

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Building Codes Division

918

Agency and Division

Administrative Rules Chapter Number

Updates adult foster home requirements in the 2010 Oregon Structural Specialty Code

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

**In the Matter of:** Amending OAR 918-460-0015

**Statutory Authority:** ORS 455.030, 455.110, 455.112

**Other Authority:**

**Stats. Implemented:** ORS 455.110, & 455.112

**Need for the Rule(s):** ORS 455.020 requires the department to adopt a state building code to govern the construction, reconstruction, alteration, and repair of buildings and other structures. ORS 455.110 allows the department, with the approval of the Building Codes Structures Board, to amend the structural portions of the state building code to conform to nationally recognized codes and standards. The 2010 Oregon Structural Specialty Code ("OSSC") classifies residential occupancies as SR-3 where personal care is administered for five or fewer persons who may require assisted self-preservation. This includes adult foster homes licensed by the Oregon Department of Human Services (DHS). DHS has requested that the OSSC be changed to delete the requirement that adult foster homes be classified as SR-3 occupancies. The SR-3 requirement for adult foster homes was originally placed in the code at the request of DHS, but that agency has since determined that the SR-3 requirement is in conflict with ORS 443.760(1), which requires these homes to meet the state building code requirements applicable to single family dwellings, which are R-3 occupancies under the OSSC.

**Documents Relied Upon, and where they are available:** The 2010 Oregon Structural Specialty Code, minutes and materials from the Building Codes Structures Board meeting November 2, 2011, and the draft rule is available for review from the division's rules coordinator located at 1535 NW Edgewater Street, Salem, Oregon, 97304 and are posted on the division's website: [www.bcd.oregon.gov](http://www.bcd.oregon.gov).

**Fiscal and Economic Impact:** The changes to adult foster home requirements will have a positive impact on the affected buildings by reducing the overall construction costs. Additionally, the Building Codes Structures Board made the finding that the added cost of these changes, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.

**Statement of Cost of Compliance:**

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): These amendments do not impact state and local governments. They may impact designers, contractors, plumbers, sprinkler system installers, and building owners. The cost of compliance will include not requiring a sprinkler system, which costs an average of \$0.50 per square foot for a residential dwelling.
2. Cost of compliance effect on small business (ORS 183.336):
  - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: Designers, contractors, and owners of adult foster homes may all be affected. The number of adult foster homes that could be impacted by these rules is approximately 4,000 according to the Department of Human Services. The number of designers cannot be determined because the license does not indicate whether they design residential structures, the number of residential contractors in Oregon is 5288, the number of sprinkler fitters is not available, and the number of plumbers who install sprinkler systems cannot be determined, because that information is not tracked.
  - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None. These changes do not change the reporting, recordkeeping and other administrative activities required for compliance.
  - c. Equipment, supplies, labor and increased administration required for compliance: There will be cost savings from these rules for affected adult foster homes. There are a number of special construction requirements for adult foster homes currently that will be deleted with these rules. The savings are not quantified because they will vary depending on the building, but there will be savings in most if not all construction subject to this code section. As stated, construction will be less expensive for adult foster homes subject to these changes. Supplies, if any will be minimal. There will be no change in the cost of

administration. The decrease in the cost of labor cannot be determined because it depends on the particulars of the construction.

**How were small businesses involved in the development of this rule?** Small businesses are represented on the Building Codes Structures Board, the body reviews and makes recommendations to Director of the Department of Consumer and Business Services.

**Administrative Rule Advisory Committee consulted?** No.

If not, why? The deletion of the SR-3 requirement was at the request of the Department of Human Services to remove a conflict with statute.

Mark Long

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Signature

Printed name

Date

## **918-460-0015**

### **Amendments to the Oregon Structural Specialty Code**

The **2010 Oregon Structural Specialty Code** is adopted and amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the **2010 Oregon Structural Specialty Code** are placed in this rule, showing the section reference, a descriptive caption, and a short description of the amendment.

(1) Effective January 1, 2011 the **2010 Oregon Structural Specialty Code** is amended by adding Section 1811 Radon Control Methods for Public Buildings and Section 1812 Radon Control Methods for R-2 and R-3 Occupancies.

(a) Radon mitigation provisions in Section 1811 applicable to new public buildings are adopted January 1, 2011 but do not become enforceable until April 1, 2013 as authorized by Chapter 83, 2010 Laws (Senate Bill 1025).

(b) Radon mitigation provisions in Section 1812 applicable to residential buildings indentified as Group R-2 or R-3 are adopted January 1, 2011 but do not become enforceable until April 1, 2011 as authorized by Chapter 83, 2010 Laws (Senate Bill 1025).

(2) Effective April 1, 2011 the **2010 Oregon Structural Specialty Code** Section 908 “Emergency Alarm Systems” is amended by adding new subsection 908.7 requirements for Carbon Monoxide Alarms.

(3) Effective May 13, 2011, Section 2308.9.3.2 alternate braced wall panel adjacent to a door or window opening is amended for tie-down devices.

(4) On November 1, 2011, the **2010 Oregon Structural Specialty Code** is amended to include revisions to the federal regulations for Title II and Title III of the Americans with Disabilities Act, and Oregon-specific amendments. These amendments are not enforceable until March 1, 2012. The amendments include:

(a) Replace Chapter 11 with Chapter 11 from the 2009 edition of the International Building Code (IBC), as amended to include Oregon-specific amendments;

(b) Amend Chapter 9 by adding 2009 IBC Table 907.5.2.3.3, Visible Alarms;

(c) Amend Chapter 10 by adding 2009 IBC Section 1007, Accessible Means of Egress;

(d) Amend Chapter 34 by adding 2009 IBC Section 3411, Accessibility for Existing Buildings;

(e) Amend Chapter 11 by adding Section 1111, accessibility standards for clustered mailboxes;

(f) Add as referenced standards American National Standards Institute (ANSI) Standard 117.1, 2003 Edition, Sections 101-106, 201-203, 301-309, 401-406.11, 406.13, 406.14, 501-506, 601-611, 701-708, 801-807, 901-904, and 1001-1005.

(5) Effective January 1, 2012, the **2010 Oregon Structural Specialty Code** is amended as follows:

(a) Fire Sprinklers. The reference in Chapter 35 to NFPA 13-07, Installation of Sprinkler Systems, is deleted and replaced with NFPA 13-10, Installation of Sprinkler Systems.

(b) Fire Sprinklers. The reference in Chapter 35 to NFPA 13D-07, Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, is deleted and replaced with 13D-10, Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.

(c) Fire Sprinklers. The reference in Chapter 35 to NFPA 13R-07 Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height is deleted and replaced with 13R-10 Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height.

(d) Fire Alarms. The reference in Chapter 35 to NFPA 72-07, National Fire Alarm Code, is deleted and replaced with 72-10, National Fire Alarm and Signaling Code.

**(6) Effective February 1, 2012 the 2010 Oregon Structural Specialty Code is amended for adult foster homes. The requirement in Section 310.1 that adult foster care homes for five or less persons whose occupants may require assisted self-preservation are classified as a Group SR-3 occupancy is deleted.**

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.231, 447.247, 455.030, 455.110 & 455.112

Stats. Implemented: ORS 447.247, 455.110, 455.112, & Chapter 488, Section 5, 2011 Oregon Laws

Hist.: BCA 18-1993, f. 8-24-93, cert. ef. 8-29-93; BCA 28-1993, f. 10-22-93, cert. ef. 1-1-94; BCD 6-1994, f. 2-25-94, cert. ef. 5-1-94; BCD 22-1994, f. 9-28-94, cert. ef. 1-1-95; BCD 31-1994(Temp), f. & cert. ef. 12-23-94; BCD 32-1994, f. & cert. ef. 12-30-94; BCD 2-1995, f. & cert. ef. 2-9-95; BCD 5-1995, f. & cert. ef. 3-15-95; BCD 2-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 6-1996, f. 3-29-96, cert. ef. 4-1-96; BCD 12-1997, f. 9-10-97, cert. ef. 10-1-97; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 24-1998(Temp), f. & cert. ef. 12-1-98 thru 5-29-99; Temporary Rule repealed by BCD 3-1999, f. 3-12-99, cert. ef. 4-1-99; BCD 5-1999, f. 6-17-99, cert. ef. 10-1-99; BCD 12-1999(Temp), f. 9-23-99, cert. ef. 11-1-99 thru 4-28-00; BCD 2-2000 f. 1-14-00, cert. ef. 4-1-00; BCD 20-2000, f. 9-15-00, cert. ef. 10-1-00; BCD 8-2001, f. 7-17-01,

cert. ef. 10-1-01; BCD 18-2001, f. 12-21-01, cert. ef. 1-1-02; BCD 14-2003, f. 8-13-03, cert. ef. 10-1-03; BCD 18-2003(Temp) f. & cert. ef. 11-14-03 thru 5-11-04; BCD 5-2004,f. & cert. ef. 4-1-04; BCD 16-2004, f. 9-24-04, cert. ef. 10-1-04; BCD 21-2004, f. & cert. ef. 10-1-04; BCD 9-2005(Temp), f. & cert. ef. 4-7-05 thru 9-30-05; BCD 14-2005, f. & cert. ef. 7-5-05; BCD 18-2005(Temp), f. & cert. ef. 7-12-05 thru 9-30-05; BCD 22-2005, f. 9-29-05, cert. ef. 10-1-05; BCD 23-2005, f. 9-29-05, cert. ef. 10-1-05; BCD 1-2006, f. & cert. ef. 2-1-06; BCD 9-2006, f. 6-30-2006, cert. ef. 7-1-06; BCD 1-2007, f. 2-15-07, cert. ef. 4-1-07; BCD 9-2008 (Temp), f. & cert. ef. 6-25-08 thru 12-22-08; BCD 20-2008, f. 9-30-08, cert. ef. 10-1-08; BCD 4-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 1-2011, f. 2-15-11, cert. ef. 4-1-11; BCD 14-2011, f. & cert. ef. 5-13-11; BCD 32-2011, f. 12-30-11, cert. ef. 1-1-12

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