



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 918
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
BUILDING CODES DIVISION

FILED

10/31/2025 8:47 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends the Oregon Residential Specialty Code provisions for wildfire mitigation and sleeping lofts

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/21/2025 5:00 PM

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

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Filed By:
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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/18/2025

TIME: 9:30 AM - 10:30 AM

OFFICER: Staff

IN-PERSON HEARING DETAILS

ADDRESS: Building Codes Division, Conference Room A, 1535 Edgewater St NW, Salem, OR 97306

SPECIAL INSTRUCTIONS:

This will be a hybrid meeting, open to the public both in-person and virtually. The hearing will also be live-streamed at <https://www.oregon.gov/bcd/Pages/bcd-video.aspx>. Virtual connection information will be available on the streaming webpage:

<https://www.oregon.gov/bcd/Pages/bcdvideo.aspx> on the day of the hearing.

NEED FOR THE RULE(S)

Wildfire mitigation building standards

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. The division adopted a temporary rule, but this rule is required to make the amendments in the temporary rule permanent.

Sleeping lofts

The rule is needed because the statutory provisions that govern construction standards for small homes and exclude small homes from the Prefabricated Structures Program are set to sunset on January 1, 2026. At that time small homes will no longer be excluded from the state Prefabricated Structures Program, and the Building Codes Division is proposing code changes that account for the safety risks associated with sleeping lofts and ladders in accordance with statutory mandates. The sleeping loft provisions are proposed to be available for use regardless of dwelling size, and

permit the use of ladders as the permanent method of access and egress. In addition, the division plans to include the statutory residential fire sprinkler system requirement for protection of the sleeping loft space and the room (compartment) in which the sleeping loft is located. Sleeping lofts pose a heightened and untested fire and smoke accumulation risk. This risk can likely be sufficiently mitigated by installing simple, residential “dwelling” fire sprinkler protection limited to the sleeping loft area and the atmospherically connected room (compartment) in which it is located and open to. The proposed language will continue to address the inherent risk in alignment with existing statute, while not requiring fire sprinkler system protection be extended to the remaining spaces of the dwelling. These systems are often connected to the plumbing system and are not nearly as complex as fire sprinkler systems commonly encountered in public or commercial buildings and commonly thought of when considering fire sprinklers. Dwelling designs that do not voluntarily contain sleeping lofts will not be subject to the associated residential fire sprinkler requirement. These standards will not be applicable to “tiny houses on wheels,” recreational vehicles, or other structures that are subject to vehicle construction requirements and titling processes outside the scope and authority of the division. The division does not regulate any type of wheeled structure. Additionally, these standards will not apply to manufactured homes which are regulated by the federal government, or to local transitional housing accommodations which are exclusively regulated by local municipalities.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Draft rules are available from the division’s rules coordinator located at 1535 Edgewater Street NW, Salem, OR 97304 and are posted on the division’s Website at: <http://www.oregon.gov/bcd/laws-rules/Pages/proposed-rules.aspx>.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The division believes these proposed rules will not have an impact on racial equity in the state. The division invites feedback from the public on any impacts to racial equity from these rules.

FISCAL AND ECONOMIC IMPACT:

Wildfire mitigation building standards

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 over the most economical code path available in the code.
- 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.

Sleeping lofts

The legislature created the small home specialty code in statute in 2019 and with a sunset in 2026. The small home specialty code provides construction provisions for homes 400 square feet and less and includes code provisions for sleeping lofts and egress ladders, along with specific fire life safety provisions related to their use. The legislation also required the division to adopt construction provisions to allow for the use of sleeping lofts and egress ladders in the state building code by 2026. This rulemaking is based on that statutory requirement and allows for sleeping lofts and ladders in residential construction regardless of house size. Any use of sleeping lofts and egress ladders would be a design choice and is not a mandatory construction requirement. When a designer chooses to include a sleeping loft or egress ladder the cost impact would be based on other design choices. For example the use of an egress ladder in place of a traditional staircase could result in a cost savings, while the fire life safety requirements for a sleeping loft could result in a small cost increase. A specific cost impact for a project will depend on the specific design choices for that project.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Wildfire mitigation building standards

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

This rulemaking does not create any new mandatory requirements for state agencies or units of local government or the public. If a local jurisdiction adopts Section R327 locally, then there may be some additional training and administrative costs that are tied to that adoption. Additionally, the previously discussed potential impacts on housing cost could be borne by the public in a jurisdiction that adopts the section locally.

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:

The division is not able to determine an exact estimate of fiscal impact on small businesses because of the nature of the amendment being not required but available for local adoption. It would impact small businesses that build ORSC governed buildings in local jurisdictions that choose to adopt Section R327 locally.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

For jurisdictions that choose to adopt Section R327 locally, there would be a minimal reporting requirement to inform the division that it is electing to adopt the section and where the section will be applied.

c. Equipment, supplies, labor and increased administration required for compliance:

No additional costs beyond the potential housing cost impacts listed above.

Sleeping lofts

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

This rulemaking does not create any new fiscal impact as it maintains existing allowances for sleeping lofts while expanding their potential use and is a voluntary design option. There will be additional training for local inspectors and building officials regarding the new ORSC provisions and the removal of the statutory path, but the division does not anticipate an increase in cost.

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:

There may be a minimal fiscal impact on small businesses who construct homes with sleeping lofts. The statutory requirement for an automatic sprinkler system is maintained and slightly modified under the ORSC amendment; the area of the sleeping loft and the room in which it is located must be protected with the same NFPA 13D system. A specific cost cannot be determined, but any increase in cost should be minimal as the rule is a voluntary design option.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

There are no additional reporting or recordkeeping requirements. The division does not anticipate a cost increase.

c. Equipment, supplies, labor and increased administration required for compliance:

The division does not anticipate any additional equipment supplies, or labor for compliance, and there are no additional costs anticipated.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Wildfire mitigation building standards

Construction Small businesses are represented on the Residential and Manufacture Structures Board which approved the temporary rule and this permanent rule.

Sleeping lofts:

Small businesses are represented on the Residential and Manufactured Structures Board which approved this rule.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Wildfire mitigation building standards

A rulemaking advisory committee was consulted when the division first made R327 available for local adoption in 2019 and again when the section was updated in anticipation of the statewide wildfire fire hazard map in 2022. No significant changes have been made to the technical provisions in the section and the changes to the scoping provisions were mandated by legislation. The rule and code language were also approved by the Residential and Manufactured Structures Board.

Sleeping lofts:

The rule and code language were also approved by the Residential and Manufactured Structures Board.

HOUSING IMPACT STATEMENT:

Wildfire Mitigation Building Standards:

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.

Sleeping Lofts

Materials and labor costs increase or savings:

This rulemaking does not create any new fiscal impact as it maintains existing allowances for sleeping lofts while expanding their potential use and is a voluntary design option. Under the statutory Small Home Specialty Code (SHSC) prior to the sunset, sleeping lofts were intentionally limited to dwelling units meeting the small home definition. This new amendment to the ORSC maintains allowance of the same design parameters for sleeping lofts but no longer limits their use to any particular size of dwelling. Similarly, the methods of accessing and egressing from the loft spaces via use of ladders and alternating tread devices are also maintained. The statutory requirement for an automatic sprinkler system is maintained and slightly modified under the ORSC amendment; the area of the sleeping loft and the room in which it is located must be protected with the same NFPA 13D system. In the case of smaller single compartment home designs, this will result in an identical code application moving forward, and where a sleeping loft is voluntarily included in a larger multi-compartment home design, this approach will maintain a reasonable level of protection by covering the sleeping loft and the room where the sleeping loft is placed with automatic sprinklers. There will be additional training for local inspectors and building officials regarding the new ORSC provisions and the removal of the statutory path, but the division does not anticipate an increase in cost.

AMEND: 918-480-0010

RULE SUMMARY: 918-480-0010(4): 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.

918-480-0010(5): Amends the Oregon Residential Specialty Code by adding construction provisions to address sleeping lofts and ladders used to access and egress from sleeping lofts via new Section R332.

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. ¶

(5) Effective January 1, 2026, the 2023 Oregon Residential Specialty Code Section R332 is amended for adding construction provisions to address sleeping lofts and ladders used to access and egress from sleeping lofts.¶

[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