BOD 22-01: Day care exemption to fire sprinklers

2019 OSSC 903.2.3 and 903.2.6, 305.2.3, 308.5.4, and 308.5.5

QUESTION: Are day care facilities in homes required to have fire sprinklers?

RESPONSE: Oregon currently licenses two types of childcare facilities that were intended to be allowed in single family dwellings: Registered Family Child Care Homes and Certified Family Child Care Homes.

- April 1, 2021: The scoping for the residential building code (Oregon Residential Specialty Code or ORSC) was revised to require that new family childcare uses located within detached one-family dwellings comply with the commercial building code (Oregon Structural Specialty Code or OSSC) and be classified as R-3 occupancies. There are many differences in the requirements for structures built under the commercial building code instead of the residential building code, but one of the most cost prohibitive for a new day care is installation of NFPA 13D fire sprinklers.
- July 14, 2021: Oregon Building Codes Division (BCD) issued a technical bulletin that provides additional direction for which day care providers are affected by the code change.
- January 26, 2022: BCD adopted amendments to the 2019 OSSC to allow child care facilities to comply with the ORSC without a fire sprinkler system provided the day care facilities meet specific conditions. Please see amendments for full set of conditions.

One of the conditions adopted into the 2019 OSSC is that the day care facilities be located on the level of exit discharge. A level of exit discharge is any story that has a door to the exterior with an open-air path to the public way that is at or near grade. The City of Portland will allow above and below grade spaces to be used for day care rooms where the level meets the following three conditions:

1. The elevation of the basement floor is 48" or less from the elevation of the landing for the exterior door; AND
2. The stair is open to the room(s) where care is provided; AND
3. The basement has at least one egress window that meets ORSC Section R310 Emergency Escape and Rescue Openings.

After review of the fire sprinkler requirements and exemptions for day care uses in OSSC 903.2.6, the City of Portland will also allow adult day care facilities providing care for less than 24 hours

per day to a maximum of 5 adults to comply with the ORSC **without a fire sprinkler system** provided the day care facilities are located on the level of exit discharge. It is not applicable to overnight uses such as adult foster care.

Effective Date	Significant Changes	Employee Name
12/17/2021	Implementation	J. Orrison
2/17/2022	Revise to align with OSSC amendments 1.26.2022	J. Orrison