



Memorandum

TO: City Administrator Anthony J. Ruggiero

FROM: Building Inspector Timothy P. Dexter

RE: Short Term Rental – Building Code Provisions

DATE: March 22, 2018

In order to properly administer the Building and Fire Code, we have to determine which one of the specific use groups outlined in the International Building Code is appropriate to apply. We do this based on the information available to us about how a building will be used and operated. In the case of short term rentals, which is a use group that is not defined in the Building or Fire Codes, we would need to rely on the existing definitions and descriptions provided in the Building Code.

Short term rentals by their very nature are transient occupancies which in the International Building Code are considered an R1 use group. Typical transient occupancies are boarding houses, hotels, and motels. We have to apply the appropriate regulations for the individual use group which will tell us when and where fire alarm systems, fire sprinkler systems, exit signage, emergency lighting, and other life safety provisions need to be provided.

Authors of the International Building and Fire Code recognize as people are less familiar with their surroundings as transient guests there is a need for a higher level of fire protection. Further, some years ago they recognized the need to address short term rentals which they did by including a use group and definition for “Bed & Breakfast” and “Lodging House”. Unfortunately, at that time the Code writers did not anticipate the “Airbnb” type uses we now see and therefore no specific use group exists in the Code to properly address such short term uses.

By definition, a Bed & Breakfast is defined in the 2017 New York State Code Supplement, (2.2 Page 24), as “an owner-occupied residence resulting from a conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than 10 transient lodgers, and containing not more than five bedrooms for such lodgers.” Bed & Breakfast establishments must be owner-occupied and are further regulated by Section AJ 704) of the 2017 New York State Code Supplement setting forth fire safety provisions. In addition, the NYS Code Supplement recognizes owner-occupied Lodging Houses (J 101.2.1, Exception 3). The term lodging house is defined in the

International Building Code as a one-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms. While the International Code does not require owner Lodging houses to be owner occupied the NYS code supplement does. Owner-occupied Lodging Houses require a fire sprinkler system in accordance with Section P 2904 of the 2015 International Residential Code. In addition, a fire-safety notice shall be affixed to the occupied side of the entrance door of each sleeping unit or dwelling unit in a lodging houses. (R314.8). The State Code Division has advised us that the basic difference between a Bed & Breakfast occupancy and a Lodging House in New York State is that Bed & Breakfasts are conversions of existing single-family houses whereas Lodging Houses are the construction of a brand new occupancy of this nature.

The key for allowing a less stringent set of fire safety requirements is the owner-occupancy component of a one-family dwelling. Any other occupancy used for short term rentals that are not owner-occupied single family homes will be regulated as a Group R1 occupancy similar to a hotel or motel. Group R1 occupancies would require a full fire alarm system as opposed to simple smoke detectors (907.2.8) and a full NFPA automatic sprinkler system (903.2.8).

It should be noted that there are other more restrictive code requirements for R occupancies verses short term rentals categorized as a Lodging House or Bed & Breakfast. It is important to recognize the owner-occupancy requirement of single-family homes as the defining factor for less robust fire and life safety requirements. I have attached the relevant Code sections cited for your review.