



Patrick Zenner <patrick.zenner@como.gov>

ICC requirements concerning STR use

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To: Patrick Zenner <Patrick.Zenner@como.gov>

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Hi Pat –

Please find attached a DRAFT overview of how the ICC (International Code Council) requirements as currently adopted by the City of Columbia may be considered to impact Short Term Rental (STR) use. Understanding how STR uses are regulated by ICC may help determine what additional regulations need to be developed on the land use side.

The primary characteristics determining how the structures are regulated by ICC include:

1. "Structure type" (ie: 1-/2-family home vs. apartment)
2. Hosted (by "owner", "primarily permanent resident" (PPR) or "proprietor") vs. Un-hosted. NOTE: ICC treats "owner hosted" differently than "PPR" hosted
3. Total number of occupants (limited to 10 total in structures regulated under IRC or under IBC as R-3)
4. Number of guest rooms (limited to 5 in structures regulated under IRC or under IBC as R-3)

I'm attaching a spreadsheet – as well as a list that attempts to summarize the findings in the spreadsheet.

I included some ICC definitions - including definitions for some of the ICC residential use groups, ie: IRC, R-3, R-2, R-1. There is often some correlation between these use groups and zoning/land uses. IE: R-1 and R-2 zoned areas typically have buildings constructed under IRC or R-3 classifications. The R-MFH zone corresponds with IBC R-2 Use classification or below (ie: R-3, IRC). IBC R-1 Use is considered "commercial" residential – ie: hotels, motels, other transient housing with more than 10 occupants.

Please keep in mind that this is a work in process! The attached is based on STR discussions to date; but additional information may impact which sections of the code are applicable and/or how the code is applied.

Best,

Sara

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2 attachments

 STR bldg code matrix.xlsx
15K

 ICC Regulations on STR Uses.docx
22K

STR ICC Regulations

DRAFT 10/23/2021

	Type of Structure	STR Use	Host	Applicable Code(s)	Occupancy Classification/Group	Change in Occupancy Group Classification?	Fire Sprinkler & Manual Fire Alarm System	Option for Alternative Compliance in Existing Buildings	Max. number of guestrooms	Min. SF & Occupant load per room	Max. Number of occupants per dwelling unit	Accessibility
"lodging house" - owner hosted	1- or 2-family dwelling	"lodging house" with five or fewer guest rooms (IRC 2018/21 101.2, Except 2) and 10 or fewer total occupants (IBC 2018/21 310.4.2)	Owner* hosted (IRC 2018/21 R101.2, Exception 2; IBC 2018/21 310.4.2)	IEBC 2018, IRC 2018 (1- and 2-family Building Code), IMPC 2018	IRC	a 1- or 2-family dwelling used as an owner-occupied lodging house per IRC's code requirements would continue to be regulated by the IRC (IRC 2018/21 101.2, Except 2, IBC 2018/21 310.4.2)	IRC 2018/21 101.2 and IBC 2021 310.4.2 require a fire sprinkler (per P2904 of the IRC) in order to exercise the exception allowing an "owner occupied lodging house" under the IRC.	IEBC performance alternative compliance evaluation (Table 1301.7) allows for scoring and accepting existing conditions that may not fully meet current prescriptive requirements	5 (IRC 101.2, Exception 2; IBC 2018/21 310.4.2)	lv g rm: 120 SF min.; 1st occupant/bedrm: 70 SF min.; add. occupant/bedrm: 50 SF min; dining (if req'd): 80 SF min (IPMC 2018/21 404.4.1)	Calculation per IPMC Table 404.5 or 10 max. per IBC 2018/21 310.4.2, whichever is less	Owner occupied lodging houses with 5 or fewer guests rooms are not required to comply (IRC 2018/21 R320.1.1) *see also ADA definition below
"lodging house" - permanent resident hosted	1- or 2-family dwelling	"lodging houses (transient) with 5 or fewer guest rooms and 10 or fewer occupants" (IBC 2018/21 310.4)	The IBC definition of "lodging house" identifies that "one or more occupants be primarily permanent in nature." While the IRC specifies the "primarily permanent resident" be the owner, IBC R-3 classification doesn't limit the "primarily permanent resident" to the owner - so if STR is hosted by resident other than owner, it would be considered R-3. *see ICC definition for "owner"	IEBC 2018, IBC 2018, IMPC 2018, IFC 2018	IBC R-3	a detached 1- or 2- family dwelling used as a non-Owner hosted STR is considered IBC Group R-3 - Group R-3 is an occupancy group classification regulated under the IBC, not the IRC; this would be considered a change in classification.	"Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area." (IBC 2018/21 903.2.8) "Group R-3. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies." (IBC 2018/21 903.2.8.1) IBC Ch 9 applies to changes of use that include different fire system protection thresholds (IEBC 2018/21 1004.1, 1011)	IEBC performance compliance evaluation (Table 1301.7) provides a basis for evaluating existing structures for a change in occupancy and scoring and accepting existing conditions that may not fully meet current prescriptive requirements	5 (IBC 2018/21 310.4)	lv g rm: 120 SF min.; 1st occupant/bedrm: 70 SF min.; add. occupant/bedrm: 50 SF min; dining (if req'd): 80 SF min (IPMC 2018/21 404.4.1)	Calculation per IPMC Table 404.5 or 10 max. per IBC 2018/21 310.4.2, whichever is less	IEBC 2018, Section 305.4 identifies accessibility requirements for existing buildings with a change of group or occupancy. Requirements include providing: an accessible entrance, an accessible route to the primary function(s) & accessible parking, if parking is provided. Compliance may be to the extent possible when full compliance is technically infeasible. *see also ADA definition below
Unhosted "boarding house" or "congregate housing" - no host	1- or 2-family dwelling	"Residential Group R-1 occupancies containing sleeping units where the occupants are primarily transient in nature, including: Boarding Houses (transient) with more than 10 occupants; Congregate Living Facilities (transient) with more than 10 occupants; Hotels (transient); Motels (transient)" (IBC 2018/21 301.2)	Not hosted; occupants' length of stay is <=30 days	IEBC 2018, IBC 2018, IMPC 2018, IFC 2018	IBC R-1	a detached 1- or 2-family dwelling used as a non-Owner hosted STR would be considered IBC Group R-1 - Group R-1 is an occupancy group classification regulated by the IBC, not the IRC; this would be considered a change in classification.	"Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all building with a Group R fire area." (IBC 2018/21 903.2.8) IBC Ch 9 applies to changes of use that include different fire system protection thresholds (IEBC 2018/21 1004.1, 1011)	IEBC performance compliance evaluation (Table 1301.7) provides a basis for evaluating existing structures for a change in occupancy and scoring and accepting existing conditions that may not fully meet current prescriptive requirements	Not limited	lv g rm: 120 SF min.; 1st occupant/bedrm: 70 SF min.; add. occupant/bedrm: 50 SF min; dining (if req'd): 80 SF min (IPMC 2018/21 404.4.1)	Calculation per IPMC Table 404.5 based on room types & sizes	IEBC 2018, Section 305.4 identifies accessibility requirements for existing buildings with a change of group or occupancy. Requirements include providing: an accessible entrance, an accessible route to the primary function(s) & accessible parking, if parking is provided. Compliance may be to the extent possible when full compliance is technically infeasible. NOTE for R-1 Group: proprietor occupied R-1 Group dwellings containing not more than 5 sleeping units are not required to comply (IBC 2018/21 1103.2.11) *see also ADA definition below
"lodging house", "boarding house" or "congregate housing" w/ >5 guestrooms or >10 occupants - hosted or unhosted	1- or 2-family dwelling	"Residential Group R-1 occupancies containing sleeping units where the occupants are primarily transient in nature, including: Boarding Houses (transient) with more than 10 occupants; Congregate Living Facilities (transient) with more than 10 occupants; Hotels (transient); Motels (transient)" (IBC 2018/21 301.2)	May or may not be hosted, doesn't matter - defining criteria is >5 guestrooms or >10 occupants & the fact that the guests' length of stay is <=30 days	IEBC 2018, IBC 2018, IMPC 2018, IFC 2018	IBC R-1	a detached 1- or 2-family dwelling used as a STR and having more than 5 guestrooms or more than 10 occupants (hosted or unhosted) is considered IBC Group R-1 - Group R-1 is an occupancy group classification regulated by the IBC, not the IRC; this would be considered a change in classification.	"Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all building with a Group R fire area." (IBC 2018/21 903.2.8) IBC Ch 9 applies to changes of use that include different fire system protection thresholds (IEBC 2018/21 1004.1, 1011)	IEBC performance compliance evaluation (Table 1301.7) provides a basis for evaluating existing structures for a change in occupancy and scoring and accepting existing conditions that may not fully meet current prescriptive requirements	Not limited	lv g rm: 120 SF min.; 1st occupant/bedrm: 70 SF min.; add. occupant/bedrm: 50 SF min (IPMC 2018/21 404.4.1)	Calculation per IPMC Table 404.5 based on room types & sizes	IEBC 2018, Section 305.4 identifies accessibility requirements for existing buildings with a change of group or occupancy. Requirements include providing: an accessible entrance, an accessible route to the primary function(s) & accessible parking, if parking is provided. Compliance may be to the extent possible when full compliance is technically infeasible. *see also ADA definition below
Apartment	Occupancies containing sleeping units or more than two dwelling units	An R-2 Occupancy includes occupants that are primarily permanent in nature, ie: >30 days. If occupants stay in a dwelling units for <=30 days, then the use is considered R-1.	Not hosted; occupants' length of stay is <=30 days	IEBC 2018, IBC 2018, IMPC 2018, IFC 2018	IBC R-1	Building construction certification and permitting distinguishes between R-1 and R-2 classifications.	"Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all building with a Group R fire area." (IBC 2018/21 903.2.8)	IEBC performance compliance evaluation (Table 1301.7) provides a basis for evaluating existing structures for a change in occupancy and scoring and accepting existing conditions that may not fully meet current prescriptive requirements	Not limited	lv g rm: 120 SF min.; 1st occupant/bedrm: 70 SF min.; add. occupant/bedrm: 50 SF min (IPMC 2018/21 404.4.1)	Calculation per IPMC Table 404.5 based on room types & sizes	IEBC 2018, Section 305.4 identifies accessibility requirements for existing buildings with a change of group or occupancy. Requirements include providing: an accessible entrance, an accessible route to the primary function(s) & accessible parking, if parking is provided. Compliance may be to the extent possible when full compliance is technically infeasible. *see also ADA definition below

ICC Definitions:

Boarding House	A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit
Congregate Living Facility	A building or part thereof that contains sleeping units where residents share bathroom or kitchen facilities, or both.
Dwelling	A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.
Dwelling Unit	A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating and sanitation.
Intended to be Occupied as a Residence	This refers to a dwelling unit or sleeping unit that can or will be used all or part of the time as the occupant's place of abode.

ADA Definitions:

Lodging House	A one-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms.
Owner	Any person, agent, operator, entity, firm or corporation having any legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding an interest or title to the property; or otherwise having possession or control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real
Sleeping Unit	A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.
Transient	Occupancy of a dwelling unit or sleeping unit for not more than 30 days.
Transient Lodging	ADA requirements are applicable to "Transient Housing." ADA's definition of "Transient Housing" is: "A building or facility containing one or more guest room(s) for sleeping that provides accommodations that are primarily short-term in nature. Transient lodging does not include residential dwelling units intended to be used as a residence, inpatient medical care facilities, licensed long-term care facilities, detention or correctional facilities, or private building or facilities that contain not more than five rooms for rent or hire and that are actually occupied by the proprietor as the residence of such proprietor."

The following identifies how the 2018 IRC, IBC, IEBC and IMPC as adopted by the City of Columbia may be considered to regulate “short term rental” (STR) use. The list is intended to be a work in progress; as issues related to STRs are revised or introduced, additional ICC regulations may become relevant.

1. Owner-hosted Short Term Rental (STR):

- a. If a 1- or 2-family STR is “owner-occupied” it may continue to be regulated under the IRC (International Residential Building Code for 1- and 2-Family Buildings) provided fire sprinklers are installed in the building.
- b. For existing buildings, the city may accept an IEBC (International Existing Building Code) alternative compliance evaluation with a passing score in lieu of the installation of fire sprinklers.
- c. Because “owner occupied STR” use is covered under the IRC (as “lodging house”), a new Certificate of Occupancy would not be required for a structure already regulated by the IRC.
- d. Under the IRC, an owner-occupied STR is limited to 5 guestrooms and 10 total occupants – this includes the owner and their family.
- e. Total occupants per bedroom would be based on IMPC (International Property Management Code) 404.4.1 – 70 SF for the 1st occupant/bedroom and 50 SF min. for each additional occupant/bedroom.
- f. Total occupants per dwelling unit would be based on IPMC Table 404.5 (lvg rm (1-5 occupants): 120 SF min.; lvg rm (6-10 occupants): 150 SF min.; bedroom: 1st occupant: 70 SF min.; 50 SF per additional bedroom occupant; dining (3-5 occupants): 80 SF min; dining (6-10 occupants): 100 SF min.) or IRC’s limits for “lodging house” (10 occupants), whichever is less.
- g. Per IRC R320.1.1, owner-occupied lodging houses with 5 or fewer guest rooms are not required to meet accessibility requirements.

2. “Permanent Resident” hosted STR:

- a. If a 1- or 2-family STR is occupied by a “permanent resident” who is not the “owner,” the IBC (International Building Code) considers it a R-3 occupancy group.
- b. R-3 Occupancies are regulated under the IBC, not the IRC. If the structure was originally certified under the IRC, a new Certificate of Occupancy is required to confirm the structure meets the requirements for the new proposed occupancy group (IEBC 1001.3).
- c. IBC, Section 903 requires an automatic fire sprinkler in Group R occupancies.
- d. For existing buildings, the city may accept an IEBC (Existing Building Code) alternative compliance evaluation with a passing score in lieu of requiring the installation of fire sprinklers.
- e. An STR classified as IBC R-3 is limited to not more than 5 guestrooms and 10 total occupants.
- f. Total occupants per bedroom would be based on IMPC 404.4.1.
- g. Total occupants per dwelling unit would be based on IPMC Table 404.5 or IBC’s limits for R-3 (10 occupants), whichever is less.
- h. Per IRC R320.1.1, owner-occupied lodging houses with 5 or fewer guest rooms are not required to meet accessibility requirements.
- i. Accessibility – IEBC, 305.4 identifies accessibility requirements for existing buildings with a change of occupancy. Requirements include providing: an accessible entrance, an accessible route to the primary function(s) and accessible parking, if parking is provided. Compliance may be limited to the extent possible when full compliance is technically infeasible

3. Unhosted STR:

- a. If a 1- or 2-family STR is used as an “unhosted STR”, the IBC would consider it a R-1 Occupancy.
- b. R-1 Occupancy is regulated under the IBC, not the IRC. If the structure was originally certified under the IRC. A new Certificate of Occupancy is required to confirm the structure meets the requirements for the new proposed occupancy group (IEBC 1001.3).
- c. IBC, Section 903 requires an automatic fire sprinkler in Group R occupancies.
- d. For existing buildings, the city may accept an IEBC (Existing Building Code) alternative compliance evaluation with a passing score in lieu of requiring the installation of fire sprinklers.

- e. R-1 classification does not limit the number of guestrooms or occupants.
- f. Total occupants per bedroom would be based on IMPC 404.4.1.
- g. Total occupants per dwelling unit would be based on IPMC Table 404.5.
- h. Accessibility— per IBC 1103.2.11, proprietor-occupied R-1 group buildings containing not more than 5 sleeping units are not required to comply with accessibility requirements. If the building is not proprietor-occupied or has more than 5 sleeping units, then IEBC, 305.4 identifies accessibility requirements for existing buildings with a change of occupancy. Requirements include providing: an accessible entrance, an accessible route to the primary function(s) and accessible parking, if parking is provided. Compliance may be to the extent possible when full compliance is technically infeasible.

4. STR with > 5 guestrooms or > 10 occupants – hosted or unhosted:

- a. A STR with >5 guestrooms or >10 occupants is considered an IBC R-1 Occupancy – regardless of whether the STR is hosted or unhosted.
- b. R-1 Occupancy is regulated under the IBC, not the IRC. A new Certificate of Occupancy is required to confirm the structure meets the requirements for the new proposed occupancy group (IEBC 1001.3).
- c. IBC, Section 903 requires an automatic fire sprinkler in Group R occupancies.
- d. For existing buildings, the city may accept an IEBC (Existing Building Code) alternative compliance evaluation with a passing score in lieu of requiring the installation of fire sprinklers.
- e. R-1 classification does not limit the number of guestrooms or occupants.
- f. Total occupants per bedroom would be based on IMPC 404.4.1.
- g. Total occupants per dwelling unit would be based on IPMC Table 404.5.
- h. Accessibility – per IBC 1103.2.11, proprietor-occupied R-1 group buildings containing not more than 5 sleeping units are not required to comply with accessibility requirements. If the building is not proprietor-occupied or has more than 5 sleeping units, then IEBC, 305.4 identifies accessibility requirements for existing buildings with a change of occupancy. Requirements include providing: an accessible entrance, an accessible route to the primary function(s) and accessible parking, if parking is provided. Compliance may be to the extent possible when full compliance is technically infeasible.

5. Apartment STR – hosted or unhosted:

- a. An apartment building is considered to be an IBC R-2 Occupancy; R-2 Occupancy classification is based on occupants having a tenancy of more than 30 days (ie: “not transient”).
- b. If tenants reside “not more than 30 days,” they are considered “transient” and the occupancy classification is: R-1. An unhosted STR in an apartment dwelling unit would be classified as R-1.
- c. A certificate of occupancy is required where a change of occupancy occurs that results in a different occupancy classification as determined by the IBC (IEBC 1001.3).
- d. IBC requires, among other things, rated separation between R-1 dwelling units and Section 903 requires an automatic fire sprinkler in Group R occupancies.
- e. For existing buildings, the city may accept an IEBC (Existing Building Code) alternative compliance evaluation with a passing score in lieu of full compliance with current code provisions – NOTE: this may require evaluating an entire building or fire area.
- f. R-1 classification does not limit the number of dwelling units, guestrooms or occupants.
- g. Total occupants per bedroom in a dwelling unit would be based on IMPC 404.4.1.
- h. Total occupants per dwelling unit would be based on IPMC Table 404.5.
- i. Accessibility – per IBC 1103.2.11, proprietor-occupied R-1 group buildings containing not more than 5 sleeping units are not required to comply with accessibility requirements. If the building is not proprietor-occupied or has more than 5 sleeping units, then IEBC, 305.4 identifies accessibility requirements for existing buildings with a change of occupancy. NOTE: IBC distinguishes between “dwelling unit” and “sleeping unit.” Accessibility requirements may include providing: an accessible entrance, an accessible route to the primary function(s) and accessible parking, if parking is provided. Compliance may be to the extent possible when full compliance is technically infeasible.

ICC Definitions:

Boarding House	A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit
Congregate Living Facility	A building or part thereof that contains sleeping units where residents share bathroom or kitchen facilities, or both.
Dwelling	A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.
Dwelling Unit	A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating and sanitation.
Intended to be Occupied as a Residence	this refers to a dwelling unit or sleeping unit that can or will be used all or part of the time as the occupant's place of abode.
IRC 1-/2-Family Code	The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height .
IBC Residential Group R-1	Residential Group R-1 occupancies containing sleeping units where the occupants are primarily transient in nature, including: Boarding houses (transient) with more than 10 occupants, Congregate living facilities (transient) with more than 10 occupants, Hotels (transient), Motels (transient)
IBC Residential Group R-2	Residential Group R-2 occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including: Apartment houses, Congregate living facilities (nontransient) with more than 16 occupants, Hotels (nontransient) Live/work units, Motels (nontransient), Vacation timeshare properties
IBC Residential Group R-3	Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including: Buildings that do not contain more than two dwelling units, Care facilities that provide accommodations for five or fewer person receiving care, Congregate living facilities (nontransient) with 16 or few occupants, Congregate living facilities (transient) with 10 or fewer occupants, Lodging houses (transient) with five or fewer guest rooms and 10 or fewer occupants.
Lodging House	A one-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms.
Owner	Any person, agent, operator, entity, firm or corporation having any legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding an interest or title to the property; or otherwise having possession or control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
Sleeping Unit	A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.
Transient	Occupancy of a dwelling unit or sleeping unit for not more than 30 days.