

To: Pat Zenner, John Simon, Tim Teddy
From: Becky Thompson, Law Department
Date: 12/30/2021
Re: Building Code Requirements for Short Term Rentals

Issue

What building codes are applicable to short term rentals?

Analysis

The City of Columbia has adopted, with some amendments thereto, the 2018 International Residential Code (IRC), International Building Code (IBC), and International Existing Building Code (IEBC), hereinafter collectively referred to as the “Codes.” The City’s Building Construction Codes Commission, the body responsible for reviewing the Codes for purposes of updating and recommending changes, is in the process of reviewing the 2021 Codes.

A short-term rental (STR) is not currently a distinct type of occupancy in the adopted 2018 Codes, as amended by City Ordinance. Given the various configurations that present themselves through the short-term rental business model, it is likely multiple occupancies may be applicable to STRs.

Generally speaking, the provisions of the IBC apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy of every building or structure or any appurtenances connected or attached to such buildings or structures. There is an exception for one- and two-family dwellings and multiple single-family dwellings (townhouses), which are regulated by the IRC and not the IBC. Additionally, owner-occupied lodging houses (as defined by the IBC) with five or fewer guest rooms and ten or fewer occupants are permitted to be constructed in accordance with the IRC where provided with a residential fire sprinkler complying with Section P2904.^{1 2}

Pursuant to IBC 302.1, structures are classified with respect to occupancy in one or more of the groups listed and defined therein. **“Where a structure is proposed for a purpose that is not specifically provided for in this code, such structure shall be classified in the group that the occupancy most nearly resembles, according to the fire safety and relative hazards involved.”** IBC 105.1 provides that any owner who intends to *change the occupancy* of a building or structure shall first make application to the Building Official and obtain the required permit. Pursuant to Article 6 of the City’s Ordinances, the administration and enforcement of the Codes shall be the duty of the Director of Community Development, who shall be referred to as the Building Official.

As a result, the determination as to what occupancy a proposed use, such as a STR, is classified as would be made by the Building Official. At this time, without a general regulatory framework for how the City

¹ Lodging house is defined as a one-family dwelling unit where one or more occupants are primarily permanent in nature and rent is paid for guestrooms. Section 67.281 RSMo provides, in part, that no purchaser of a one- or two-family dwelling shall be denied the right to decline to install a fire sprinkler system in such dwelling by any code, ordinance, etc. It may be argued that reading this statutory provision in conjunction with the building code as adopted allows owner-occupied lodging houses to be regulated under the IRC without installation of a residential fire sprinkler. Regardless, it should also be noted that for existing buildings, the City may accept an IEBC alternative compliance evaluation with a passing score in lieu of the installation of fire sprinklers.

² This exception applies to owner-*occupied* lodging houses. While “owner” is defined by the IBC, “owner-occupied” is not and it is not clear whether “owner-occupied” is synonymous with what we have historically referred to as “owner-hosted” STRs.

will define STRs, the various configurations thereof that will be authorized, and the land use regulations that will be applicable to them, it would be premature to decide what occupancy group(s) of the Codes are applicable. The determination of the applicability of the Codes to a particular land use is outside the purview of the Planning and Zoning Commission; however, if the Commission determines as a collateral matter that it would like to make a recommendation to the Building Official on how STRs are classified under the Codes, the Commission may make that recommendation separately from the recommended STR zoning regulations.