

Defining and Permitting Townhouses and Multifamily Structures

Deciding how to review and permit for structures with 3 or more units can be complicated - in this document you will be provided with code-driven direction on making the distinction between these structure types and then how to review and permit for them.

Deciding how to review and permit for a structure depends on the structural configuration – this is key.

Terminology – what is it called ?


“Triplex” and “4-plex” are real estate and developer terms, not technical code terms. Other commonly used real estate/developer terms include duplexes, rowhouses, condominium, condos, quadplexes, 5-plexes, etc.

It is important to know that none of these terms exist in the Oregon Building Code or in the technical code world.

First, let’s look at a portion of the Oregon Residential Specialty Code (ORSC) scope and the definition of **townhouse**:

The provisions of the this code shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, *equipment*, use, occupancy and location of the following:

1. Detached one- and two-family dwellings and *townhouses* classified as Group R-3, and *accessory* Group U Occupancies, not more than three stories above *grade plane* in height.



[RB] TOWNHOUSE. A single-family *dwelling unit* constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a *yard* or public way on not less than two sides.

As covered by the ORSC scope, the definition of a townhouse is key to answering the “triplex” or “4-plex” question.

If the “triplex” or “4-plex” meets the definition of *townhouse*, then it is covered by the ORSC scope of application and would be permitted as such. Ultimately the actual structural configuration will dictate the appropriate code application.

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Here are some illustrations of a townhouse:



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While these all may be commonly referred to as “triplexes”, they each have three or more attached units, and each unit appears to be separated from foundation to roof with a yard or public way on at least two sides. As such, these would be regulated by the ORSC – as *townhouses*. Townhouses are only limited in number by land-use, and not by the ORSC.



Townhouses are not considered “multifamily” and each **townhouse** is considered a separate building for the purposes of ORSC application. Shared elements are permitted as detailed in ORSC Section R302.2.

How to permit for structures classified as a *Townhouse(s)*:

Townhouses would be permitted as a **Residential Structural** record type to start - with a Category of Construction = Townhouses - and ideally one record for each attached unit, to keep inspections and occupancy most organized. Then as the project progresses, each Structural parent record would have related child records for the Mechanical, Electrical, and Plumbing (cloned as the same base record number – or – copied/related after-the-fact as separate record numbers, this would be based on preference or how they came in potentially). Relating all the individual attached unit records together is important so as to keep the project expiration dates synchronized and the contiguous structure all connected.

Townhouses are considered as separate individual dwelling units (and often individually owned) for the purposes of code, even though they appear to be a single building.

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In the image below, there are three units. This will also commonly, but incorrectly, be referred to as a “triplex.”



However, the above does not meet the definition of a **townhouse** since the unit separation does not extend from foundation to roof because there is a basement unit – causing unit “stacking.” As such, this would be regulated as “multifamily” Group R-2 apartments, under the Oregon Structural Specialty Code (OSSC).

Same with the illustration below. While it looks like a simple home, it is a three unit Group R-2 multifamily (apartment) building with stacked dwelling units.



From a relative hazard consideration, having stacked units statistically presents a higher level of assumed hazard than having only adjacent units separated from foundation to roof.

The exception to this is detached two-family dwellings. Commonly incorrectly referred to as “duplexes”, two-family dwellings may be side-by-side or stacked, and the relative hazard is mitigated by the limitation of two total units being physically connected.

If the design meets the **townhouse** definition, it will be regulated as such and should be appropriately permitted through the ORSC.


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If the design includes stacked units and does not meet the **townhouse** definition, it will be regulated by the OSSC and permitted as Group R-2 multifamily apartments.

The biggest differences of the OSSC R-2 application are; possible accessible design requirements (*covered multifamily dwellings* – as defined), and an automatic fire sprinkler system per OSSC Chapter 9.

310.3 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



With the passage of House Bill 2001 (2019), “duplexes”, “triplexes”, and “quadplexes” may become much more common throughout the State. Considering the *conversion* of a large existing dwelling into two, three, or four unit multifamily apartments, these rules may help delineate the appropriate code application (and subsequent permitting path):

<https://www.oregon.gov/bcd/laws-rules/Documents/rules/20200114-single-family-conversions-pr.pdf>

Of note:

(4) Applicable standards for the conversion of a single-family dwelling as follows:
(a) A conversion into two dwelling units follows the construction standards of the Oregon Residential Specialty Code; and
(b) A conversion into three or four dwelling units follows the construction standards of the Oregon Structural Specialty Code.

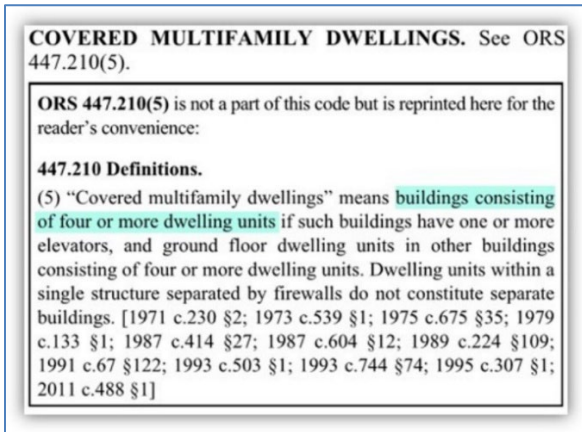
The associated implementation report may also be a useful reference:

<https://www.oregon.gov/bcd/laws-rules/Documents/rules/hb-2001-implementation.pdf>

Finally, we have the scope and application of the Fair Housing Act (as set forth by ORS 447.220).

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This scope applies to *covered multifamily dwellings*, as defined in the FHA, statute, and OSSC.

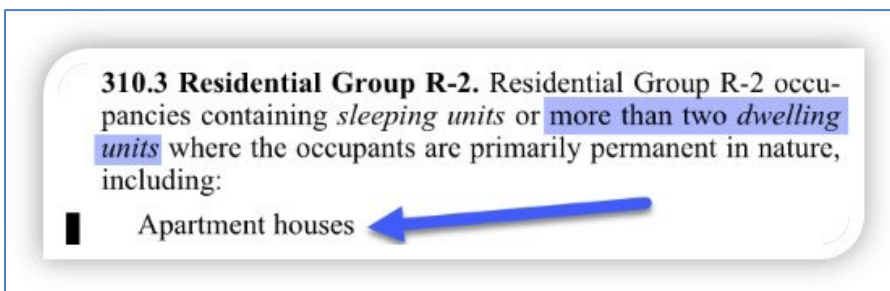


The trigger for "covered" units is a first-occupancy having four or more dwelling units in a single building.

Often, this is why developers prefer to build new "triplex" multifamily units – staying under the *covered multifamily dwelling* threshold.

Regardless of the reasoning, the actual structural configuration of a "triplex" or "quadplex" dictates the appropriate permitting path -- and necessary Certificate of Occupancy requirements.

If the **townhouse** definition is met, we will be regulated as such and should be appropriately permitted through the ORSC. If we have stacked units and do not meet the townhouse definition, we will be regulated by the OSSC and permitted as Group R-2 multifamily apartments.



How to permit for Multifamily structures:

Create a **Commercial Structural** parent record for each individual building – not unit - noting the number of dwelling units it contains. – Then as the project progresses, the Structural parent record would have related child records for the Mechanical, Electrical, and Plumbing (cloned as the same base record number – or - related after-the-fact as separate record numbers, this would be based on preference or how they came in potentially) Relating all the individual attached unit records together is important so as to keep the project expiration dates synchronized.

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