

To: Building and Fire Officials, and Owners, Designers and Contractors of Transient Rental Homes

From: Chris Bainbridge, Director of Codes Enforcement
Gary Farley, Director of Electrical, Residential and Marina Inspections

Date: January 29, 2016

Subject: Transient Rental Homes and Cabins

In April 2014, the State Fire Marshal's Office ("SFMO") discovered that, in some areas of the state, transient rental homes and cabins were classified as one- and two-family dwellings. After a fatal fire with multiple victims in one of these buildings, the SFMO researched the classification of the buildings. The SFMO determined at that time that transient rental homes and cabins should not be classified as one- and two-family dwellings, subject to the International Residential Code ("IRC"), because occupants were not familiar with the building, hindering escape in the case of an emergency. Rental homes and cabins occupied on a transient basis (for no more than thirty (30) days) would be more appropriately classified under the International Building Code ("IBC") as R-1 occupancies. These occupancies require plan submission, approval and inspection by the SFMO. The SFMO authorized jurisdictions with exemptions for commercial buildings to regulate them locally. The SFMO also made special provisions for buildings that were three (3) or fewer stories and less than five-thousand (5,000) square feet.

Subsequent discussions regarding the classification of these buildings as R-1 were held with stakeholders across the state. With input from various industries and regulators, the Department of Commerce and Insurance ("Department") determined to adopt rules which balanced the risks and construction challenges specific to transient rental homes and cabins. A public rulemaking hearing to amend Tenn. R. & Regs. 0780-02-23 (One and Two Family Dwellings and Townhouses) was held on November 2, 2015. The formal rulemaking process has concluded, and the amended rules will take effect in the near future but as yet an undetermined date. However, in an effort to better serve those impacted by the regulations, the Department has chosen to provide the updated provisions listed below for these buildings. The new provisions are as follows:

1. A transient rental home ("TRH") is a building that is a single dwelling unit providing complete independent living facilities including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation occupied for thirty (30) days or less. These include rental cabins, buildings offered for rent on Airbnb and similar services, yurts and similar structures.
2. TRHs with three (3) or less stories, less than five-thousand (5,000) gross square feet, and twelve (12) or fewer occupants shall be classified as one- and two- family dwellings subject to Tenn. Comp. R. & Regs. 0780-02-23 (One and Two Family Dwellings and Townhouses). These buildings may be regulated by cities and counties that have received an exemption to enforce codes for one- and two-family dwellings and townhouses from the SFMO. These buildings are subject to the fire sprinkler exemptions of Tenn. Code Ann § 68-120-101(a)(8)(A).
3. TRHs with thirteen (13) or more occupants, four (4) or more stories, or five-thousand (5,000) gross square feet or more are to be classified as R-3 and subject

to the IBC and Tenn. Comp. R. & Regs. 0780-02-03 (Review of Construction Plans and Specifications). These buildings may be regulated by cities and counties that have received an exemption to enforce codes for *commercial* buildings from the SFMO. These buildings are *not* subject to the fire sprinkler regulations of Tenn. Code Ann § 68-120-101(a)(8)(A).

4. A boarding house or congregate living facility shall meet the requirements of the applicable standards adopted pursuant to Tenn. Code Ann. § 68-120-101 and Tenn. Comp. R. & Regs. 0780-02-02 (Codes and Standards) and 0780-02-03 (Review of Construction Plans and Specifications).
5. For the purposes of this memo:
 - a. *Gross square feet* is the area of all floors within the outside perimeter of the exterior walls. *Gross square feet* includes any finished or occupied basements.
 - b. A basement counts as a story if: 1) The finished surface of the floor above the basement is more than six (6) feet above grade plane; or 2) The finished floor surface of the floor above the basement is more than twelve (12) feet above finished ground level at any point. Grade plane is a reference plane representing the average finished ground level adjoining the building at exterior walls.

These new provisions will take effect on February 1, 2016, and may be utilized by local jurisdictions. Buildings that are currently under construction may additionally meet the new provisions.

Questions about SFMO's regulations of TRHs may be directed to Chris Bainbridge at 615.741.6246 or christopher.bainbridge@tn.gov, or to Gary Farley at 615.741.7170 or gary.farley@tn.gov.