



# MEMO

To: Owners, Designers, and Contractors of Transient Rental Homes

From: Chris Bainbridge, Director of Codes Enforcement

Date: April 13, 2023

**Subject: State Fire Marshal's Office Reminds Transient Rental Homeowners of Building and Fire Code Requirements**

In an effort to provide greater fire safety awareness and protect members of the public, the Tennessee State Fire Marshal's Office ("SFMO") reminds owners and operators of the regulations of short-term rental homes and cabins to ensure they are code compliant. Transient rental homes ("TRHs") are homes or cabins that are occupied for thirty (30) days or less.

In April 2014, a fatal fire with multiple victims occurred in a Tennessee TRH. The SFMO discovered that, in some areas of the state, many large TRHs were improperly classified as one- and two-family dwellings and allowed to be built to the International Residential Code ("IRC"). Because occupants are not familiar with the building, hindering escape in case of an emergency, large TRHs are more appropriately classified under the International Building Code ("IBC").

On February 1, 2016, the SFMO began regulating TRHs through Tenn. Comp. R. & Regs. 0780-02-23 (One- and Two- Family Dwellings and Townhouses) as follows:

1. A transient rental home 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. (Tenn. Comp. R. & Regs. 0780-02-23).
2. TRHs with three (3) or less stories, less than five thousand (5,000) gross square feet, and twelve (12) or fewer occupants are 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* allowed to use the fire sprinkler exemption of Tenn. Code Ann § 68-120-101(a)(8)(A).
3. TRHs with four (4) or more stories, five thousand (5,000) gross square feet or more, or thirteen (13) or more occupants are classified as R-3 occupancies and subject to the IBC and Tenn. Comp. R. & Regs. 0780-02-03 (Review of Construction Plans and Specifications). In [cities and counties that have received an exemption](#), these buildings are regulated by the local building and fire code officials. Outside of those areas, they are regulated by the SFMO. These buildings *are not* allowed to use the fire sprinkler exemption of Tenn. Code Ann. § 68-120-101(a)(8)(A).



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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, 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* means 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 is classified 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.
  - c. *Boarding house* means a building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.
  - d. *Congregate living facility* means a building or part thereof that contains sleeping units where residents share bathroom and/or kitchen facilities.

Please direct questions related to the SFMO's regulations of TRHs to Chris Bainbridge at [christopher.bainbridge@tn.gov](mailto:christopher.bainbridge@tn.gov).