

# CTC AREA OF STUDY – DAY CARE/ADULT CARE/ASSISTED LIVING

## 2006/1007 ICC CODE DEVELOPMENT CYCLE DAY CARE RELATED CODE CHANGES

The following are the code changes submitted in the 2006/2007 ICC Code Development Cycle related to the above area of study.

### **G38–06/07**

#### **303.1, 305.2, 308.5.2; IRC R101.2.1 (New), IFC [B] 202**

**Proponent:** Paul K. Heilstedt, PE, Chair, representing ICC Code Technology Committee (CTC)

**THIS PROPOSAL IS ON THE AGENDA OF THE IBC GENERAL COMMITTEE AND THE IRC BUILDING/ENERGY COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THESE COMMITTEES**

#### **PART I – IBC**

##### **1. Revise as follows:**

**303.1 Assembly Group A.** Assembly Group A occupancy includes, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption; or awaiting transportation.

##### **Exceptions:**

1. A building used for assembly purposes with an occupant load of less than 50 persons shall be classified as a Group B occupancy.
2. A room or space used for assembly purposes with an occupant load of less than 50 persons and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.
3. A room or space used for assembly purposes that is less than 750 square feet (70 m<sup>2</sup>) in area and is accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.

Assembly occupancies shall include the following:

**A-1** Assembly uses, usually with fixed seating, intended for the production and viewing of the performing arts or motion pictures including, but not limited to:

- Motion picture theaters
- Symphony and concert halls
- Television and radio studios admitting an audience
- Theaters

**A-2** Assembly uses intended for food and/or drink consumption including, but not limited to:

- Banquet halls
- Night clubs
- Restaurants
- Taverns and bars

**A-3** Assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in Group A including, but not limited to:

- Adult care facilities in accordance with Section 308.5.1
- Amusement arcades
- Art galleries
- Bowling alleys
- Places of religious worship
- Community halls
- Courtrooms

Dance halls (not including food or drink consumption)  
Exhibition halls  
Funeral parlors  
Gymnasiums (without spectator seating)  
Indoor swimming pools (without spectator seating)  
Indoor tennis courts (without spectator seating)  
Lecture halls  
Libraries  
Museums  
Waiting areas in transportation terminals  
Pool and billiard parlors

**A-4** Assembly uses intended for viewing of indoor sporting events and activities with spectator seating including, but not limited to:

Arenas  
Skating rinks  
Swimming pools  
Tennis courts

**A-5** Assembly uses intended for participation in or viewing outdoor activities including, but not limited to:  
Amusement park structures

Bleachers  
Grandstands  
Stadiums

## 2. Revise as follows:

**305.2 Day-care Child Care Facility.** The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2<sup>1</sup>/<sub>2</sub> years of age for less than 24 hours, shall be classified as a Group E occupancy.

A child care facility that provides care for more than five but no more than 100 children 2½ years or less of age, for less than 24 hours, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as a Group E occupancy.

## 3. Revise as follows:

**308.5.2 Child care facility.** A facility that provides supervision and personal care on less than a 24-hour basis for more than five children 2½ years of age or less shall be classified as Group I-4.

**Exception:** ~~A child day care facility that provides care for more than five but no more than 100 children 2½ years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior,~~ in accordance with Section 305.2 shall be classified as Group E.

## PART II – IRC

### Add new text as follows:

**R101.2.1 Care facilities.** Where permitted in accordance with the *International Building Code*, the provisions of the *International Residential Code* shall be permitted to apply to adult care facilities, child care facilities and residential care/assisted living facilities as defined in the *International Building Code*.

**Reason:** The ICC Board established the ICC Code Technology Committee (CTC) as the venue to discuss contemporary code issues in a committee setting which provides the necessary time and flexibility to allow for full participation and input by any interested party. The code issues are assigned to the CTC by the ICC Board as “areas of study”. Information on the CTC, including: meeting agendas; minutes; reports; resource documents; presentations; and all other materials developed in conjunction with the CTC effort can be downloaded from the following website: <http://www.iccsafe.org/cs/cc/ctc/index.html> Since its inception, the CTC has held six meetings - all open to the public.

This proposed change is a result of the CTC’s investigation of the area of study entitled “Day Care/Adult Care/Assisted Living”. The scope of the activity is noted as:

Study issues associated with Day Care/Adult Care and Assisted Living facilities with an emphasis on the number of occupants in relation to the supervision, and the determination of the resident’s capability of responding to an emergency situation without physical assistance from the facility’s supervision.

CTC notes the use of inconsistent and undefined terms in the codes which warrants further investigation. CTC notes the need for coordination of occupancy classifications within the IBC and the need for coordinating text in the IRC. This proposal is submitted in response to these issues. The CTC further notes that this area of study is not complete with regards to other aspects of the scope of the activity.

**Part I - IBC**

IBC 303.1: Coordination with the exception to Section 308.5.1 which states that adult care facilities where the occupants are capable of responding to an emergency are considered Group A-3.

IBC 305.2 & 308.5.2: Coordination with the exception to Section 308.5.2 for child care facilities. Where these spaces have a door leading directly outside, the spaces are to be considered Group E.

**Part II - IRC**

IRC R101.2.1: In IBC Section 310.1, under R-3, both the 2003 and 2006 editions of the IBC permit adult and child care facilities within a single family home to comply with the IRC. This effectively provides for a limited change in scope to the IRC and should be acknowledged within the IRC. A reference to the IBC, in lieu of specific text in the IRC describing such facilities, will allow for subsequent changes to the requirements in the IBC without a necessary correlative change to the IRC as the IRC refers to the IBC for the applicable requirements.

**Bibliography:** Interim Report No. 1 of the CTC, Area of Study – Day Care/Adult Care/Assisted Living, March 9, 2006.

**Cost Impact:** The code change proposal will not increase the cost of construction.

**PART I – IBC**

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

**PART II – IRC**

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

**G43–06/07**

**305.2, 308.5.2 (IFC [B] 202)**

**Proponent:** John Haberek, California State Firefighters Association

**Revise as follows:**

**305.2 Day care.** The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2<sup>1</sup>/<sub>2</sub> years of age capable of responding to an emergency situation without physical assistance from staff, shall be classified as a Group E occupancy.

**308.5.2 Child care facility.** A facility that provides supervision and personal care on less than a 24-hour basis for more than five children 2<sup>1</sup>/<sub>2</sub> years of age or less or a facility that provides educational, supervision or personal care services for more than five children older than 2<sup>1</sup>/<sub>2</sub> years of age where occupants are not capable of responding to an emergency situation without physical assistance from the staff shall be classified as Group I-4.

**Exception:** A child day care facility that provides care for more than five but no more than 100 children 2<sup>1</sup>/<sub>2</sub> years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

**Reason:** This proposed code change provides clarification that an E Occupancy classification is meant to be used only for children physically or cognitively capable of responding to an emergency situation. The 2003 IBC Commentary, Volume 1 indicates that children less than 2 ½ years of age are generally incapable of responding to emergencies and therefore need to be placed in an occupancy with a higher level of protection (Group I-4). Children over 2 ½ years of age with physical or cognitive impairments that render them incapable of responding to emergency situations can often be placed in day care programs. By nature of their impairments, they require the higher level of life safety protection afforded in Group I-4 and it would be inappropriate to place them in a Group E occupancy.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

**G45–06/07**  
**308.3 (IFC [B] 202)**

**Proponent:** Gerald Anderson, City of Overland Park, KS  
**Revise as follows:**

**308.3 Group I-2.** This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care ~~on a 24-hour basis~~ for more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

- Hospitals
- ~~Nursing homes (both intermediate care facilities and skilled nursing facilities)~~
- Mental hospitals
- Detoxification facilities
- Health Care Centers for ambulatory patients receiving outpatient medical care that render the patient incapable of unassisted self preservation.
- Nursing homes (both intermediate-care facilities and skilled nursing facilities) that provide care on a 24 hour basis. A facility of this type caring for five or less persons shall be classified as Group R-3 or shall comply with the *International Residential Code*.
- Child care facilities that provide care on a 24-hour basis for children 2 1/2 years of age or less. A facility of this type caring for five or less persons shall be classified as Group R-3 or shall comply with the *International Residential Code*.

~~A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code*.~~

~~**308.3.1 Child care facility.** A child care facility that provides care on a 24-hour basis to more than five children 2<sup>+</sup>/<sub>2</sub>-years of age or less shall be classified as Group I-2.~~

**Reason:** The purpose of this code change is to clarify the code and to clearly state that health care facilities that render patients incapable of self preservation as part of their overall care shall be consider as I-2 occupancies. What separates an I-2 facility from other types of occupancies is the fact that within this occupancy we find people of all ages who are incapable of unassisted self-preservation. For that reason and that reason alone the code places more stringent code requirements on these types of facilities. Most recently a lot has been made about the "24 hour clause". When it comes to addressing patients who are incapable of self preservation this component does not make a facility more safe or of less concern. An emergency room in a hospital typically does not treat patients for an extended period of time, yet I know of no one who would suggest that an emergency room should be view as anything other than an I-2. Why would we then suggest that an outpatient facility which may render patients incapable of self-preservation as part of the overall care be classified as anything other than an I-2.

When looking at Nursing homes (both intermediate and skilled) and child care facility, I suggest that the same problem exist. However, since my main focus at this time is to have the code address the health care centers, I have left the 24 hour clause in for these types of facilities.

I have also limited the reference to the R-3 use to those the nursing home and child care facilities caring for 5 for less people. Other types of facilities caring for five or less people would then be designated as some other occupancy type, most likely a group B. The R-3 reference seems inappropriate.

Classifying these types of health care facilities that do day surgeries as use group B is simply not the right thing to do. In the commentary on Group B uses its stated that "the occupants, because of the nature of the use, are alert, ambulatory, conscious, aware of their surroundings and generally familiar with the buildings features, particularly the means of egress". These facilities don't meet the first criteria so how can we classify them as use group B. Group B's can also be located in wood frame buildings, with no fire protection or fire alarm system. Where are the life features for the non-ambulatory patients?

Some comments raised in previous code changes were essentially suggesting that we (the code) do not have to worry about these types of facilities because they are covered by other widely adopted codes and standards in the health care industry or that they are covered by state licensing regulations. This may be true, however, it does not provide any sort of justification for this body not to address facilities of this type. It almost begs the question that if other codes and standards address these types of occupancies then why don't the I-codes.

**Cost Impact:** Unknown. Undoubtedly there will be cost associated with having to provide for the additional life safety features which are needed for these types of facilities.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

## G46–04/05

### 308.5.1 (IFC [B] 202)

**Proponent:** Wayne R. Jewell, City of Southfield, MI

#### Revise as follows:

**308.5.1 Adult care facility.** A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

**Exception:** A facility where occupants are capable of responding to an emergency situation without physical assistance from the staff shall be classified as Group ~~A-3~~ R-3.

**Reason:** When I had proposed change G-32-00 I had a serious typo an “A” was placed where an “R” should have been. I never intended for these facilities to be considered an Assembly Group and this is a correction of my error. The language in Section 310.1 for R-3 uses does speak to these uses.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing:	Committee:	AS	AM	D
	Assembly:	ASF	AMF	DF

---

## G47–06/07

### 310.1 (IFC [B] 202)

**Proponent:** Richard Lyman, Sandy City Fire Department, representing the Utah Chapter

#### Revise as follows:

**310.1 Residential Group R.** Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code* in accordance with Section 101.2. Residential occupancies shall include the following:

**R-1** Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

- Boarding houses (transient)
- Hotels (transient)
- Motels (transient)

Congregate living facilities (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

**R-2** Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (not transient)
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (nontransient)
- Monasteries
- Motels (nontransient)
- Vacation timeshare properties

Congregate living facilities with 16 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

**R-3** Residential 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.

Adult facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.

Child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.

Congregate living facilities with 16 or fewer persons.

Adult care and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code*

**R-4** Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code, or shall comply with the *International Residential Code*.

**Reason:** This change would establish a threshold of 10 for occupancies such as a bed and breakfast or a ski rental which would otherwise be considered an R-1. If a single family dwelling was converted into a bed and breakfast with two bedrooms accommodating just 4 guests the requirements for an R-1 are triggered. One of the Legacy Codes established a threshold of 10 for congregate residences. This concept was brought back into the IBC in the 2006 Code for an R-2 but not an R-1. Because of the transient nature of these types of occupancies and the lack of familiarity with surroundings a maximum of 10 rather than 16 is proposed.

Utah has a statewide amendment to the 2003 IBC that currently addresses R-1 and R-2 occupancies with a similar exception. This statewide amendment would be eliminated with the approval of the proposed change.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing:	Committee:	AS	AM	D
	Assembly:	ASF	AMF	DF

---