

ICC Code Technology Committee (CTC)

Day Care/Adult Care/Assisted Living

ICC Code Change History 2000-2004/2005

Final Action indicated next to code change number

G30-00-AS
308.2 (IFC 202)

Proponent: Wayne Jewell, City of Southfield, MI, representing BOCA Means of Egress Code Review Committee

1. Revise as follows:

308.2 Group I-1. This occupancy shall include a building or part thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, half-way houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2. A facility such as above, housing at least six and not more than 16 persons shall be classified as a Group R-4.

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 of 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 and detoxification facilities. A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2.

308.3.1 Child care facility. A child care facility which provides care on a 24-hour basis to more than five children 2-1/2 years of age or less shall be classified as Group I-2.

310.1 Residential Group "R". Residential Group "R" includes among others, the use of a building or structure, or a portion thereof, for sleeping accommodations when not classed as an Institutional Group I. Residential occupancies shall include the following:

R-1 *no change*

R-2 *(no change to current text)*

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, or I and where buildings do not contain more than two dwelling units, or adult and child care facilities, that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult and child care facilities that are within a single family home are permitted to comply with the International Residential Code in accordance with Section 101.2.

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 shall meet the requirements for construction as defined for Group R-3 except for the height and area limitation in Section 503 or shall comply with the International Residential Code in accordance with Section 101.2.

2. Revise as follows:

310.2 Definitions

Residential Care/Assisted Living Facilities. A building or part thereof housing a ~~maximum of 16~~ persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical

assistance from staff. This classification shall include, but not be limited to the following: residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities. Residential Care/Assisted Living Facilities housing more than 16 persons shall be classified as a Group I-1.

Reason: The purpose of this code change is a clarification of the occupancy for small 24 hour care facilities. There are two separate issues.

2. Where small care facilities are provided as a portion of a private home, the intent was that the code requirements would be the same as for a single family home. Without the reference to Section 101.2, the occupancies would require compliance with the IBC for these facilities.

3. The second issue is the definition of "Residential care/Assistive Living Facilities" in Section 310.2. The term "residential care/assisted living facilities" is being utilized in the industry to apply to all size facilities where the accommodations for the residents is more of a residential atmosphere than the typical nursing home/institutional facility. Utilization of the term in the building code to address only R-4 occupancies (6 to 16 occupants) would lead to confusion. In addition, for consistency in code text the requirements for an occupancy should not be in a definition. The number of occupants in the type of facility is already addressed in Section 308.2 (I-1) and 310.1 (R-4) respectively.

Committee Action:

Approved as Submitted

Committee Reason: Approved in accordance the proponent's reason statement.

Assembly Action:

No Motion

G32-00-AS

308.5 (IFC 202)

Proponent: Wayne Jewell, City of Southfield, MI, representing BOCA Means of Egress Code Review Committee

1. Revise as follows:

308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. Places of worship during religious functions are not included.

2. 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 Groups I-4.

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

Reason: The purpose of this code change is a clarification of the requirements for care facilities for children and/or adults where the length of stay is less than 24 hours. There are two issues.

1. When small care facilities are provided as a portion of a private home, the intent was that the code requirements would be the same as for a single family home. Without the reference to Section 101.2, the occupancies would require compliance with the IBC for these facilities.

2. The current text does not indicate what Use Group an adult day care center where the occupants are capable of self-preservation would be classified. The Group A-3 is a "best fit" alternative.

G32-00

Committee Action:

Approved as Submitted

Committee Reason: Approved in accordance with the proponent's reason statement.

Assembly Action:

No Motion

2002

G31-02-D

308.2, 310.1, 310.2

Proponent: Ken Schoonover, P.E., KMS Associates

Revise as follows:

308.2 (Supp) Group I-1. This occupancy shall include a building or part thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, half-way houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. A facility such as above, housing at least six and not more than 16 persons shall be classified as a Group R-4 or shall comply with the *International Residential Code* in accordance with Section 101.2.

310.1 (Supp) 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 classed as an Institutional Group I. Residential occupancies shall include the following:

R-1 (No change to current text)

R-2 (No change to current text)

R-3 (No change to current text)

R-4 Residential occupancies shall include buildings arranged for ~~occupancy as Residential Care/Assisted Living Facilities including~~ housing more than five but not more than 16 occupants, excluding staff, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, half-way houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. A facility such as above, housing more than 16 persons shall be classified as a Group I-1.

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* in accordance with Section 101.2.

2) Delete without substitution:

Section 310.2 Definitions. (No change to current text)

~~**(Supp)RESIDENTIAL CARE/ASSISTED LIVING FACILITIES.** A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical~~

~~assistance from staff. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.~~

Reason: The purpose of this change is for coordination between the descriptions for Group I-1 and R-4 facilities. While the Group R-4 was developed as a result of some Fair Housing Discrimination lawsuits, it is effectively a small I-1 occupancy. Additionally, the definition for 'Residential Care/Assisted Living Facilities' includes requirements, and is therefore not proper code text. The requirements should be listed in the Group description.

There may be additional clarification needed for coordination with the ADAAG definition of 'long term care facilities'.

G31-02

Committee Action:

Disapproved

Committee Reason: The proposed code change, if approved, would allow Group I-1 occupancies to comply with the IRC without allowing the option of complying with IBC Group R-3 requirements as would be allowed for Group R-4. The proposed change does not provide the intended clarification.

Assembly Action:

No Motion

G86-02-D

419 (new); Table 1004.3.2.1

Proponent: William L. Warren, Chief, North Carolina Division of Facility Services, Construction Section

1) Add new text as follows:

SECTION 419

LICENSED RESIDENTIAL CARE FACILITIES

419.1 Buildings in which more than three people are harbored for medical, charitable or other care or treatment shall be classified as Residential Care Facilities. The State Agency having jurisdiction shall classify the facility as a Residential Care Home, Small Residential Care Facility, Small Non-Ambulatory Care Facility, or Large Residential Care Facility.

419.1.1 Fire extinguishers shall be installed in Licensed Residential Care Facilities in accordance with the *International Fire Code*.

419.1.2 Where two exits are required, the exits or exit access doors shall be so located and constructed to minimize the possibility that both may be blocked by any one fire or other emergency condition.

419.2 Residential Care Homes. Homes keeping no more than six adults or six unrestrained children who are able to respond and evacuate the facility without assistance, determined by the State Agency having jurisdiction to be licensable, shall be classified as Single Family Residential (*International Residential Code*).

419.2.1 Each normally occupied story of the facility shall have two remotely located exits.

419.2.2 Smoke detectors shall be provided on all levels in accordance with the *International Electrical Code*.

419.2.3 Interior wall and ceiling finish shall be Class C.

419.2.4 Unvented fuel-fired heaters and portable electric heaters shall not be used.

419.3 Small Residential Care Facilities. When determined by the State Agency having jurisdiction to be licensable shall be classified as Single-Family Residential.

1. Residential Care Facilities keeping no more than six adults or six unrestrained children with no more than three who are unable to respond and evacuate without assistance.
2. Residential Care Facilities keeping no more than five adults or five children who are unable to respond and evacuate without assistance, when certifiable for Medicaid reimbursement, and when staffed 24-hours per day with at least two staff awake at all times.
3. Residential Care Facilities keeping no more than nine adults or nine children who are able to respond and evacuate without assistance.

419.3.1 Either the building shall be of one-hour fire resistant construction including all walls, partitions, floors and ceilings and bedroom doors shall be 1.75 inches solid wood core or the building shall be sprinkled with a wet pipe system in accordance with NFPA 13R including bathrooms, toilets, closets, pantries, storage and utility spaces. The sprinkler system shall be monitored per Section 903.4. (Section 903.4 exception 1 is not applicable in this occupancy).

419.3.2 Buildings shall not exceed two stories in height or the area limitations for Group R-4. Attics and basements used as habitable spaces shall be counted as stories.

419.3.3 Each normally occupied story of the facility shall have two remotely located exits.

419.3.4 Facility exit stairways shall be either exterior unenclosed or interior enclosed on each level with one-hour fire resistant construction and a self-closing 20-minute labeled door. Other interior stairways shall be enclosed on one floor level with one-hour fire resistant walls and a self-closing 20-minute labeled door.

419.3.5 Smoke detectors shall be provided on all levels per the International Electrical Code. Heat detectors shall be installed in all attic spaces. The heat detectors shall be connected to the fire alarm and detection system.

419.3.6 Any incidental use area (as defined by table 302.1.1) shall be enclosed with one-hour fire resistant construction and a self-closing 20-minute labeled door or provided with sprinklers and smoke resistant separation from other areas.

419.3.7 A building fire alarm system shall be provided in accordance with NFPA 72. Provisions shall be made to activate the internal evacuation alarm at all required exits.

419.3.8 Interior wall and ceiling finish shall be gypsum wallboard, plaster or other non-combustible material.

419.3.9 Unvented fuel-fired heaters, floor furnaces, and portable electric heaters shall not be used.

419.3.10 Occupants younger than six-years of age shall sleep on the level of exit discharge with adult supervision.

419.3.11 Every facility shall formulate an evacuation plan (in cooperation with the local fire department) for the protection of all persons in the event of fire, for their evacuation to areas of refuge, and from the building when necessary.

419.4 Small Non-Ambulatory Care Facilities. Facilities keeping no more than six adults or six children who are unable to respond and evacuate without assistance, when determined by the State Agency having jurisdiction to be licensable shall comply with the requirements for Small Residential Care Facilities.

419.4.1 The building shall be sprinkled with a wet pipe system in accordance with NFPA 13R including bathrooms, toilets, closets, pantries, storage and utility spaces. The sprinkler system shall be monitored per Section 903.4 (Section 903.4 exception one is not applicable in this occupancy).

419.5 Large Residential Care Facilities. Facilities keeping no more than twelve residents, when determined by the State Agency having jurisdiction to be licensable shall be classified as Group R-4, residential (International Building Code).

419.5.1 The building shall be of one-hour fire resistant construction, sprinkled with a wet pipe system in accordance with NFPA 13R including bathrooms, toilets, closets, pantries, storage and utility spaces, and limited to one story in height. The sprinkler system shall be monitored per Section 903.4; (Section 903.4 exception 1 is not applicable in this occupancy).

419.5.2 The facility shall have two remotely located exits.

419.5.3 All doorways subject to use by residents shall have a clear width of not less than 32-inches when the door is in the open position.

419.5.4 Required corridors, ramps, and passageways shall have a clear width of not less than 6-feet when serving as part of the means of egress from resident areas.

419.5.5 Buildings may have spaces open to the corridor provided:

1. Each area does not exceed 250 square feet.
2. The spaces are not used for patient sleeping rooms, treatment rooms, or incidental use areas as defined in

Table 302.1.1.

3. The area is equipped with smoke detectors.
4. Not more than one such area is permitted, in any one smoke compartment when smoke compartments are provided.
5. The area is arranged not to obstruct access to required exits.

419.5.6 Unless required otherwise by Section 419.5.8, corridor partitions and doors in corridor partitions need not have a fire resistance rating but shall be designed to resist the passage of smoke. Doors shall be equipped with approved latches that will keep the door tightly closed. All doors except those to patient sleeping rooms shall be self-closing or automatic closing by smoke detection. Interior wall and ceiling finish shall be gypsum wallboard, plaster or other non-combustible material.

419.5.7 Corridors shall be provided with smoke detectors. Heat detectors shall be installed in all attic spaces. The heat detectors shall be connected to the fire alarm and detection system.

419.5.8 Any incidental use area shall comply with the requirements of Table 302.1.1.

419.5.9 A building fire alarm system shall be provided in accordance with NFPA 72. Provisions shall be made to activate the internal evacuation alarm at all required exits.

419.5.10 Every Facility shall formulate an evacuation plan (in cooperation with the local fire department and community emergency planning authority) for the protection of all persons in the event of fire, for their evacuation to areas of refuge, and from the building when necessary.

2) Revise as follows:

TABLE 1004.3.2.1 (Supp)
CORRIDOR FIRE-RESISTANCE RATING

OCCUPANCY	OCCUPANT LOAD SERVED BY CORRIDOR	REQUIRED FIRE-RESISTANCE RATING (hours)	
		Without sprinkler system	With sprinkler system ^c
R ^d	Greater than 10	1	0.5

(Portions of table content not shown do not change)

a. through c. (No change to current text)

d. For requirements for Residential Care Facilities, see Section 419.

Reason: 1) The de-institutionalization of mental health patients and custodial care residents has been an ongoing program nationally for several decades. Often the needs of many mental health patients and custodial care residents can better be met in a residential facility than in an institution. General Statutes in North Carolina mandate that mental health patients and custodial care residents be allowed to be cared for in residential facilities. Several years ago the North Carolina Division of Facility Services (DFS) and the North Carolina Department of Insurance (DOI) jointly developed Section 419 as an amendment to the North Carolina State Building Code (NCSBC) specifically for residential care facilities. Section 419 was originally developed to address the life/safety and building issues and conditions that are unique to residential care facilities of various sizes based on the number and condition of patients and residents cared for in the facility. Because the majority of residential care facilities are small and often located in single family residences, a strong effort was made to include most of the essential life/safety requirements in Section 419 in order to provide a concise location for those requirements. The development and utilization of Section 419 has significantly contributed to the safety, success, and economical viability of the residential care programs in North Carolina, and to date the DFS has licensed over 4,200 such facilities. The proposed Section 419 has been developed utilizing Section 419 of the current NCSBC with modifications and refinements that reflect the experience the DFS and the (DOI) has had implementing the current NCSBC requirements. Note: The North Carolina Building Code Council has adopted the 2000 Edition of the IBC with this amendment (except for certain errata items) with an effective date of December 31, 2001.

2) Table 1004.3.2.1 needs to be coordinated with new proposed Section 419. Note: The North Carolina Building Code Council has adopted the 2000 Edition of the IBC with this amendment with an effective date of December 31, 2001.

G86-02

Committee Action:

Disapproved

Committee Reason: The subject matter of the proposed change is a local statutory problem that should not be added to an internationally used model code document. The proposed change also includes operational issues that are unrelated to code enforcement.

Assembly Action:

No Motion

F89-02-D

903.2.7; 903.2.8 (New) (IBC 903.2.7; 903.2.8 [New])

Proponent: Ken Schoonover, KMS Associates; representing Ken Schoonover

1. Revise as follows:

903.2.7 (Supp) Groups R-1, R-2 or R-3R. Automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Groups RR-1, R-2 or R-3 fire areas.

2. Add new text as follows:

903.2.8 Group R-4. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R-4 area with more than eight occupants.

(Renumber existing sections accordingly)

Reason: The Group R-4 occupancy was developed as part of a group of code changes in response to a series of lawsuits filed under Fair Housing for dissemination. Part of those lawsuits were due to code officials requiring sprinkler systems in what was effectively acting as a single family home. The intent of this proposal is to restore the compromise that was incorporated into the original package.

F89-02

Committee Action:

Disapproved

Committee Reason: The code change was disapproved to be consistent with previous membership actions in F45-00 and F39-01 and is considered a life safety issue.

Assembly Action:

No Motion

2003-2004

G39-03/04-WP

305.2

Proponent: Zofia A. Zager, Building Official, Fairfax County VA, DPWES/OBCS; representing Fairfax County Board of Supervisors

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 2¹/₂ years of age with not more than five children 2 ½ years of age or less, shall be classified as a Group E occupancy. An occupancy with more than five children 2 ½ years of age or less shall be classified as Group I-2 or Group I-4.

Reason: Occupancy classifications for day care facilities are often unclear. The concept of using “five or fewer” occupants versus “more than five” as a threshold between varying Groups or sub-Groups is not new, and is already applied elsewhere in the code. For day care facilities and programs, the probable population that needs to be accommodated, and the attending safety requirements of the code, should be considered. As an example, a typical family whose children are to be enrolled in a Group E day care facility could easily have children both over and under 2 ½ years of age. The first phrase would permit the children to be accommodated within the Group E day care facility, while maintaining overall safety requirements. The last sentence directs the user to the correct portions of the code for an occupancy with more than five children less than 2 ½ years of age.

Cost Impact: None

G39-03/04

Withdrawn by Proponent

G41-03/04-D

308.2

Proponent: Tom Hedges & Forrest Fielder; representing Self

1. Revise as follows:

308.2 Group I-1. This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

- Residential board and care facilities
- Assisted living facilities
- Halfway houses
- Group homes
- Congregate care facilities
- Social rehabilitation facilities
- Alcohol and drug centers
- Convalescent facilities

A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. A facility such as above, housing at least six and not more than 16 persons, shall be classified as Group R-4 Condition 1.

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 of 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

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* in accordance with Section 101.2.

This occupancy shall also include buildings and structures used for residential care/assisted living facilities, providing custodial, personal, or directed care on a 24-hour basis of more than ten persons who are not capable of self-preservation by responding to an emergency situation without physical assistance from staff.

A residential care/assisted living facility such as the above with 10 or fewer persons shall be classified as a Group R-4 Condition 2.

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. Residential occupancies shall include the following:

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

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

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
- Monasteries
- Vacation timeshare properties
- Hotels (nontransient)
- Motels (nontransient)

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units as applicable in Section 101.2, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code* in accordance with Section 101.2.

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. Buildings of Group R-4 shall be classified as one of the following occupancy conditions:

Group R-4 Condition 1. This occupancy condition shall include facilities providing supervisory care services for more than five but not more than 16 occupants, excluding staff, in which occupants are capable of self-preservation, by responding to an emergency situation without physical assistance from staff. Condition 1 facilities housing more than 16 persons shall be classified as a Group I-1.

Group R-4 Condition 2. This occupancy condition shall include facilities providing personal or directed care services for not more than 10 occupants, excluding staff, in which occupants are incapable of self-preservation by responding to an emergency without physical assistance from staff. Condition 2 facilities housing more than 10 persons shall be classified as Group I-2.

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* in accordance with Section 101.2.

Exception: All Group R-4 shall also be constructed in accordance with Section 419.

310.2 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

DIRECTED CARE SERVICE. Care of residents, including personal care services, who are incapable of recognizing danger, summoning assistance, expressing need, or making basic care decisions.

PERSONAL CARE SERVICE. The care of residents who do not require chronic or convalescent medical or nursing care including assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and the administration of medications and treatments. Personal care involves responsibility for the safety of the resident while inside the building.

RESIDENTIAL CARE/ASSISTED LIVING FACILITIES. A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides supervisory, personal, or directed care services. ~~The occupants are capable of responding to an emergency situation without physical assistance from staff.~~ This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.

SUPERVISORY CARE SERVICE. General supervision, including daily awareness of resident functioning and continuing needs.

2. Add new text as follows:

419 RESIDENTIAL CARE/ASSISTED LIVING FACILITIES

419.1 Applicability. The provisions of this section shall apply to residential care/assisted living facilities classed as Group R-4 use. Except as specifically required by this division, R-4 occupancies shall meet all applicable provisions of Group R-3.

419.2 General. Buildings or portions of buildings classified as R-4 occupancies shall meet all applicable provisions of Group R-3, may be constructed of any materials allowed by this code, shall not exceed two stories in height nor be located above the second story in any building, and shall not exceed 2000 square feet above the first story except as provided in Section 506.

419.3 Special Provisions. R-4 occupancies having more than 2000 square feet of floor area above the first floor shall be of not less than one-hour fire-resistive construction throughout.

419.3.1 Mixed Uses. R-4 occupancies shall be separated from other uses as provided in Table 302.3.3.

419.4 Access and Means of Egress Facilities.

419.4.1 Accessibility. R-4 occupancies shall be accessible in accordance with Chapter 11. Sleeping rooms and associated toilets shall be constructed in accordance with Section 1107.5.7.

Exception: Existing buildings shall comply with Section 3408. Bathing and toilet facilities not required to be accessible shall be provided with grab bars in accordance with ICC/ANSI A117.1.

419.4.2 Exits

419.4.2.1 Number of Exits. Every story, basement, or portion thereof shall have not less than two exits.

Exception: Basements and stories above the first floor containing no sleeping rooms may have means of egress as provided in Chapter 10.

419.4.2.2 Distance to Exits. The maximum exit access travel distance shall comply with Section 1004 except the maximum exit access travel distance from the center point of any sleeping room to an exit shall not exceed 75 feet.

419.4.2.3 Emergency Exit Illumination. In the event of a power failure, exit access and exit illumination shall be automatically provided from an emergency system powered by storage batteries or an onsite generator set installed

in accordance with the ICC Electric Code.

419.4.2.4 Emergency Escape and Rescue. R-4 occupancies shall comply with the requirements of Section 1009, except that the exceptions to Section 1009.1 do not apply to R-4 Conditions 1 and 2 uses.

419.4.2.5 Delayed egress locks. In R-4 Condition 2 occupancies, delayed egress locks shall be permitted in accordance with Section 1003.3.1.8.2.

419.5 Smoke Alarms and Sprinkler Systems

419.4.3.1 Smoke Alarms. All habitable rooms and hallways in R-4 occupancies shall be provided with smoke alarms installed in accordance with Section 907.2.10. Such alarms shall be interconnected to provide an alarm in all occupied rooms or areas.

419.4.3.2 Sprinkler Systems. R-4 occupancies shall be provided with a sprinkler system installed in accordance with Section 903.2.7. Sprinkler systems installed under this Section shall be installed throughout including attached garages and in Condition 2 facilities shall include attics and concealed spaces constructed of or containing combustible materials. Such systems shall not contain unsupervised valves between the domestic water riser control valve and the sprinklers. In R-4 Condition 2 occupancies, such systems shall contain water-flow switches electrically supervised by an approved supervising station and shall sound an audible signal at a constantly attended location.

3. Revise as follows:

1008.1.2 Door swing. Egress doors shall be side-hinged swinging.

Exceptions:

1. Private garages, office areas, factory and storage areas with an occupant load of 10 or less.
2. Group I-3 occupancies used as a place of detention.
3. Doors within or serving a single dwelling unit in Groups R-2, ~~and~~ R-3 as applicable in Section 101.2 and R-4.
4. In other than Group H occupancies, revolving doors complying with Section 1008.1.3.1.
5. In other than Group H occupancies, horizontal sliding doors complying with Section 1008.1.3.3 are permitted in a means of egress.
6. Power-operated doors in accordance with Section 1008.1.3.1.

Doors shall swing in the direction of egress travel where serving an occupant load of 50 or more persons or a Group H occupancy.

The opening force for interior side-swinging doors without closers shall not exceed a 5-pound (22 N) force. For other side-swinging, sliding and folding doors, the door latch shall release when subjected to a 15-pound (67 N) force. The door shall be set in motion when subjected to a 30-pound (133 N) force. The door shall swing to a full-open position when subjected to a 15-pound (67 N) force. Forces shall be applied to the latch side.

1008.1.8.6 Delayed egress locks. Approved, listed, delayed egress locks shall be permitted to be installed on doors serving any occupancy except Group A, E and H occupancies in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 419 for Group R-4, or an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors unlock in accordance with Items 1 through 6 below. A building occupant shall not be required to pass through more than one door equipped with a delayed egress lock before entering an exit.

1. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.
2. The doors unlock upon loss of power controlling the lock or lock mechanism.
3. Except for Group R-4, ~~the~~ door locks shall have the capability of being unlocked by a signal from the fire command center.
4. The initiation of an irreversible process which will release the latch in not more than 15 seconds when a force of not more than 15 pounds (67 N) is applied for 1 second to the release device. Initiation of the irreversible

process shall activate an audible signal in the vicinity of the door. Once the door lock has been released by the application of force to the releasing device, relocking shall be by manual means only.

Exception: Where approved, a delay of not more than 30 seconds is permitted.

5. A sign shall be provided on the door located above and within 12 inches (305 mm) of the release device reading: PUSH UNTIL ALARM SOUNDS. DOOR CAN BE OPENED IN 15 [30] SECONDS.
6. Emergency lighting shall be provided at the door.

Reason: The purpose of this amendment is to provide provisions in the code to deal with small residential facilities commonly referred to as "assisted living home" or "assisted living center" that allow for aging in place. Occupants gradually become dependent upon others for their care and safety yet for various reasons, can not be located in large institutional facility. These types of small facilities are common in many states and are in fact legislated by some states to allow the use in residential neighborhoods, including existing single family dwellings, with out regard for building code regulations. These state regulations force building departments to deal with these facilities in conflict with the model codes.

Each state has unique agency programs for assisted living occupancies, which establish license categories based on numbers of residents and the familiar ambulatory/non-ambulatory distinction. Uniformity could be accomplished by either trusting health service agencies nationally to agree to uniform thresholds and other licensing characteristics, or by amending building codes to a minimum level of safety.

The most hazardous scenario is a facility in an ordinary, un-rated residential structure, occupied by (10) bed-bound residents, supervised by a single caregiver. Provisions for exiting, smoke detectors, emergency illumination, sprinklers, et al, can substantially increase the chances of survival in a fire or other emergency for these residents.

State license classifications typically provide "personal care services" and "directed care services" to residents allowing for residents to be bed-bound in residential settings. The use of "Condition" distinctions is reflective of similar distinctions in I-occupancies.

Cost Impact: Will increase the cost of construction.

The cost associated with R-4 condition 2 will be less than full compliance with Group I-2 requirements. Condition 1 uses may rise minimally, but experience in Arizona indicates that Condition 1 uses typically migrate to Condition 2 uses.

G41-03/04

Committee Action:

Disapproved

Committee Reason: While the committee agrees with the need for some revisions to the code, this change could cause as much confusion as there is presently in dealing with these uses. There is concern over the correlation between 10 occupants and 16 occupants thresholds. The committee suggests that these provisions need a more comprehensive study before any attempts are made to overhaul the provisions.

Assembly Action:

None

G45-03/04-D

302.1

Proposed Change as Submitted:

Proponent: Sarah A. Rice, C.B.O., Schirmer Engineering Corporation

1. 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. Residential occupancies shall include the following:

- R-1** Residential occupancies where the occupants are primarily transient in nature, including:
- Boarding houses (transient)
 - Hotels (transient)

Motels (transient)

- 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)
 - Congregate Living Facilities with > 16 persons
 - Convents
 - Dormitories
 - Fraternities and sororities
 - Monasteries
 - Vacation timeshare properties
 - Hotels (nontransient)
 - Motels (nontransient)

- R-3** Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I, ~~and where~~ including; buildings do not contain more than two dwelling units as applicable in Section 101.2, or adult and 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 less persons. Adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code* in accordance with Section 101.2.

- 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* in accordance with Section 101.2.

2. Add new text as follows:

310.2 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

CONGREGATE LIVING FACILITIES. A building or part thereof that contains sleeping units where residence share bathroom and/or kitchen facilities.

Reason: The proposed text adds congregate living facilities to the list of facilities classified as Group R, with a further distinction when a congregate living facility is classified as a Group R-2 or R-3.

The threshold of 16 persons is consistent with the results of the most recent census, which has 98 % of all homes in the US containing less than 16 persons.

Cost Impact: None

Committee Action: **Disapproved**

Committee Reason: The proposed language in the R-3 definition is not clear regarding when congregate living facilities become an R-3. The difficulty is in the reference to an I facility, with no cross-reference to R-3 in Section 308.

Assembly Action: **None**

Individual Consideration Agenda

This item is on the agenda for individual consideration because a public comment was submitted.

Public Comment:

Sarah A. Rice, CBO, Schirmer Engineering Corporation, requests Approval as Modified by this Public Comment.

Modify proposal and reformat as follows:

- R-3** Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I, including:
 - Buildings do not contain more than two dwelling units as applicable in Section 101.2, ~~or~~

Congregate living facilities with 16 or ~~less~~ fewer persons

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

Adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code* in accordance with Section 101.2.

(Portions of code change not shown remain as proposed)

Commenter's Reason: In the most recent census, 98% of single-family homes in the United States contain 16 persons or less. This code change provides a practical line of demarcation for these facilities that will ensure fair and reasonable housing requirements for congregated residences. This is needed since there is no practical definition for "family" with these types of facilities. To address the committee's concern over Group I, the proposed language would also cover the Group I-1 or I-2 facilities with 5 or less residents referenced to Group R-3 by Sections 308.2 and 308.3. Small day care, referenced by Section 308.5, is already listed.

RB268-03/04-AS

Appendix M

Proponent: Greg Wheeler, representing City of Thornton, Colorado

Add new text as follows:

APPENDIX M HOME DAYCARE – R-3 OCCUPANCY

SECTION AM 101 GENERAL

AM101.1. General. This appendix chapter shall apply to a home daycare operated within a dwelling. It is to include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for

SECTION AM102 DEFINITIONS

EXIT ACCESS. That portion of a means of egress system that leads from any occupied point in a building or structure to an exit.

SECTION AM103 MEANS OF EGRESS

AM103.1. Exits Required. If the occupant load of the residence is more than nine, including those who are residents, during the time of operation of the daycare, two exits are required from the ground level story. Two exits are required from a home daycare operated in a manufactured home regardless of the occupant load. Exits shall comply with Section R311.

AM103.1.1. Exits Access Prohibited. An exit access from the area of daycare operation shall not pass through bathrooms, bedrooms, closets, garages, fenced rear yards or similar areas.

Exception: An exit may discharge into a fenced yard if the gate or gates remain unlocked during daycare hours. The gates may be locked if there is an area of refuge located more than 50 feet from the dwelling. The area of refuge shall be large enough to allow 5 square feet per occupant.

AM103.1.2. Basements. If the basement of a dwelling is to be utilized in the daycare operation, two exits are required from the basement regardless of the occupant load. One of the exits may pass through the dwelling and the other must lead directly to the exterior of the dwelling.

Exception: An emergency and escape window complying with Section R310, which does not conflict with Section AM 103.1.1 Exit Access Prohibited, may be used as the second means of egress from a basement.

AM103.1.3. Yards. If the yard is to be utilized as part of the daycare operation it shall be fenced.

AM103.1.3.1. Type of Fence and Hardware. The fence shall be of durable materials at least six feet in height completely enclosing the area used for the daycare operations. Each opening shall be a gate or door equipped with a self-closing and self-latching device to be installed at a minimum of five feet above the ground.

Exception: The door of any dwelling, which forms part of such enclosure, need not be equipped with self-closing and self-latching devices.

AM103.1.3.2. Construction of Fence. Openings in the fence, wall or enclosure required by this section shall have intermediate rails or an ornamental pattern such that a sphere four inches in diameter cannot pass through. In addition, the following criteria must be met:

1. The maximum vertical clearance between grade and the bottom of the fence, wall or enclosure shall be two inches.
2. Solid walls or enclosures that do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions except for tooled masonry joints.
3. Maximum mesh size for chain link fences shall be 1-1/4-inch square unless the fence is provided with slats at the top or bottom which reduce the opening to no more than 1-3/4 inches. The wire shall not be less than nine-gauge.

AM103.1.3.3. Decks. Decks that are more than 12 inches above grade shall have a guard in compliance with Section R316.

AM103.2. Width and Height of an Exit. The minimum width of a required exit is 36 inches with a net clear width of 32 inches. The minimum height of a required exit is 6 feet, 8 inches.

AM103.3. Type of Lock and Latches for Exits. Regardless of the occupant load served, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. When the occupant load is 10 or less, a night latch, dead bolt or security chain may be used provided such devices are openable from the inside without the use of a key or tool and mounted at a height not to exceed 48 inches above the finished floor.

AM103.4. Landings. Landings for stairways and doors shall comply with Section R312 except that landings shall be required for the exterior side of a sliding door when a home daycare is being operated in an R-3.

SECTION AM104 **SMOKE DETECTION**

AM104.1. General. Dwelling units used for home daycare operations shall be provided with smoke detectors. Detectors shall be installed in accordance with the approved manufacturer's instructions. If the current smoke detection system in the dwelling is not in compliance with the currently adopted code for smoke detection, it shall be upgraded to meet the currently adopted code requirements and Section 103 before daycare operations commence.

AM104.2. Power Source. Required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source and shall be equipped with a battery backup. The detector shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than those required for over-current protection. All required smoke detectors shall be interconnected so if one detector is activated, all detectors are activated.

AM104.3. Location. A detector shall be located in each bedroom and any room that is to be used as a sleeping room and centrally located in the corridor, hallway or area giving access to each separate sleeping area. When the dwelling unit has more than one story and in dwellings with basements, a detector shall be installed on each story and in the basement. In dwelling units where a story or basement is split into two or more levels, the smoke detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a detector shall be installed on each level. When sleeping rooms are on the upper level the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms or sleeping areas exceeds that of the hallway by 24 inches or more, smoke detectors shall be installed in the hallway and adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.

Reason: The reason for the proposed new Appendix M chapter is that there are several states that have laws for Licensed Home Care Providers that will allow more than 5 children to be cared for in a person's home. Many times, the State jurisdiction requires documentation from the local jurisdictions stating that the applicant has complied with the local Planning and Building Departments' zoning and building codes. Typically, a State jurisdiction will allow six full-time children and 2 or more part-time children. The part-time child care is usually before and after school hours. Currently, the IBC regulates Group I-4, Day care facilities in Section 308.5 and states "...A facility such as the above with five or fewer persons shall be classified as a Group R-3..." Section 308.5.2 Child care facility works with more than five children. So if a License Home Care Provider

is licensed in their State for more than 5 children, the IBC Table 302.3.3 requires a two-hour separation between the I-4 and R-3. When directed to the IRC, one finds that there are no requirements for day care operations in a Group R-3. The requirement for a two-hour separation is unreasonable, impractical and cost prohibitive for the individual Licensed Home Care Provider working in their R-3 dwelling. This proposed appendix is not intended to be in the body of the IRC. This proposal is strictly for guidance and/or adoption by those jurisdictions that have Licensed Home Care Provider laws and statues that allows more than 5 children to be cared for in a person's home. We would recommend that if a jurisdiction were to adopt this appendix, they should also amend the IBC in Sections 308.5 and 308.5.2 to change the five to the desired number that the jurisdiction or state statue will allow.

Cost Impact: None

RB268-03/04

Committee Action:

Approved as Submitted

Committee Reason: Based on proponent's published reason.

Assembly Action:

None

2004/05

G41-04/05-D

310.1

Proponent: Jeff Inks, National Association of Home Builders (NAHB), Washington, DC

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. Residential occupancies shall include the following:

R-1

Residential occupancies where the occupants are primarily transient in nature, including:

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

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
Monasteries
Vacation timeshare properties
Hotels (nontransient)
Motels (nontransient)

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 R-1, R-2, R-4 or I, including:

~~and where~~ Buildings that do not contain more than two dwelling units as applicable in Section 101.2, ~~or~~

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

Adult and child care facilities that are within a single-family home are permitted to comply with the International Residential Code in accordance with Section 101.2.

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 in accordance with Section 101.2.

Reason: The preliminary report from HUD evaluating the 2003 for 'safe harbor' described congregate residences that did not operate as single family homes.

The intent of this proposal is to more clearly define when a congregate living facility is operating as a single family home. Blended families are now commonplace and not necessarily defined strictly by blood or marriage. The 16 occupant load is used to define group homes with supervision required (Group R-4). The limit was based on the last U.S. census. 98% of the homes that identified themselves as single-family had 16 occupants or less.

Cost Impact: _____ **None**

G41-04/05

Committee Action: _____ **Disapproved**

Committee Reason: The proposal is disapproved in favor of G42-04/05.

Assembly Action: _____ **None**

G42-04/05-AS

310.1, 310.2 (New)

Proponent: Sarah A. Rice, C.B.O., Schirmer Engineering Corp., Cincinnati, OH

1. 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. Residential occupancies shall include the following:

R-1

Residential occupancies where the occupants are primarily transient in nature, including:

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

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)
- Congregate Living Facilities with > 16 persons
- Convents
- Dormitories
- Fraternities and sororities
- Monasteries
- Vacation timeshare properties
- Hotels (nontransient)
- Motels (nontransient)

R-3

Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I, ~~and where~~ including;

- Buildings that do not contain more than two dwelling units, as applicable in Section 101.2, ~~or~~
- Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours;
- ~~and~~
- 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 facilities and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code* in accordance with Section 101.2.

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* in accordance with Section 101.2.

2. Add new text as follows:

310.2 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

CONGREGATE LIVING FACILITIES. A building or part thereof that contains sleeping units where residents share bathroom and/or kitchen facilities.

Reason: The proposed text adds congregate living facilities to the list of facilities classified as Group R, with a further distinction when a congregate living facility is classified as a Group R-2 or R-3. The threshold of 16 persons is consistent with the results of the most recent census, which has 98 % of all homes in the US containing less than 16 persons.

Current requirements for Group R-4 allow for compliance with Group R-3 construction requirements. There is no justification for building that house 16 or fewer persons that require supervision to have less restrictive requirements than buildings that house 16 or fewer persons that are capable of self preservation, The distinction is needed for the smaller congregate residences such as fraternities, sororities, convents and monasteries.

As for the adult and child care facilities, the difficulty is in the reference to a Group I type of facility, with no cross reference in Group R-3 to Section 308.

Cost Impact: None

G42-04/05

Committee Action:

Approved as Submitted

Committee Reason: The proposal clearly defines that a congregate residence is small enough to be evaluated similar to a single family home.

Assembly Action:

None