

**Polices, Procedures and Code Requirements
of the
Office of the Illinois State Fire Marshal
Applicable to
Small Residential Board and Care Occupancies
including
Community Integrated Living Arrangements
(CILAs)**



Office of the Illinois State Fire Marshal

November 2006

The information contained in this document is intended to answer some of the more common questions that residential board and care home owners/operators may have about the operation of the Office of the State Fire Marshal, the Life Safety Code that will be applied to these occupancies, and the procedures for receiving fire clearance.

RESIDENTIAL BOARD AND CARE HOME OCCUPANCIES

At this time the Office of the Illinois State Fire Marshal (OSFM) is not aware of any "across-the-board" statewide licensing program for residential board and care homes. One point of confusion on this matter is the fact that residential board and care homes are rarely labeled as such. These occupancies are identified by a variety of names including Community Residential Alternatives, Community Residential Facilities, Halfway Houses, Rehabilitation Homes, Community Integrated Living Arrangements, Transitional Facilities, Shelter Homes, etc. The type of residents living in these facilities are as varied as the names given to them and may include: drug and alcohol rehabilitation clients, mentally challenged residents that have been de-institutionalized, unwed mothers, and the elderly who need assistance in their everyday living requirements. However, the residents should not be of type that require health care or nursing care. Because of the widely varied clients, residential board and care occupancies are licensed by different state agencies and under a variety of licensing regulations. However, fire safety requirements applied by the OSFM do not vary based upon the state-licensing agency that regulates the occupancy.

The OSFM is concerned with the potential fire threat presented by residential board and care homes. Historically, these occupancies have exhibited a high number of fires and fire deaths relative to the general population. The National Fire Protection Association, which tracks fires on a nationwide basis, offers the following list of just some of the tragic fires in residential board and care homes:

<u>DATE</u>	<u>OCCUPANCY</u>	<u>CIVILIANS KILLED</u>
4/1/79	Marietta Foster Home, Connellsville, PA	10
4/2/79	Wayside Inn Boarding House, Farmington, MO	25
4/11/79	1715 Lamont Street, Washington, DC	10
11/11/79	Coats Boarding House, Pioneer, OH	14
7/26/80	Brinley Inn Boarding Home, Bradley Beach, NJ	24
1/9/81	Beachview Rest Home, Kingsburg, NJ	31
10/28/82	Perry's Domiciliary Care Home, Pittsburg, PA	5
2/7/83	Silver Leaves Group Home, Eau Claire, WI	6
4/19/83	Central Community Home, Worcester, MA	7
8/31/83	Anandale Village, Lawrenceville, GA	8
6/25/86	138 Pingree Boarding Home, Detroit, MI	4
5/14/97	Harveys Lakes Bd & Care, Harveys Lake, Pennsylvania	9

OFFICE OF THE ILLINOIS STATE FIRE MARSHAL

The OSFM has the statutory responsibility of protecting the citizens of Illinois against the hazards associated with fire. In an effort to carry out this responsibility the Office operates several divisions with varied assignments. The OSFM is charged with the writing and/or adoption of statewide fire prevention regulations and the inspection of occupancies for compliance with those regulations. While the agency obviously cannot enforce the code in every building across the state, the OSFM, working

on a risk potential priority basis, concentrates its inspection efforts in state-owned and state-licensed occupancies as well as specific targeted hazards. This includes the inspection of residential board and care homes.

Two divisions of the OSFM are involved in the regulation of residential board and care homes and Life Safety Code enforcement. The Division of Fire Prevention provides enforcement of the state fire safety codes by assigning field inspectors to perform on-site inspections. This division also is responsible for maintaining all fire prevention inspection records pertaining to a facility. The inspectors of the Division of Fire Prevention are given continuing education on the application of the state's fire prevention code and inspection of residential board and care homes. The Division of Technical Services conducts centralized plan review, code interpretation and continuing education services allowing the OSFM enforcement in residential board and care home occupancies to be consistent statewide.

ILLINOIS' FIRE PREVENTION CODE

The regulations that are applied to board and care homes are found in 41 Illinois Administrative Code 100. The Office of the State Fire Marshal has adopted the National Fire Protection Association's "Life Safety Code[®]" (NFPA 101 the 2000 edition) by reference within this section of the rules. This "Life Safety Code"(LSC) is not a federal law, but rather a code which has been privately developed over several years and adopted by at least 36 other states and numerous municipalities across the country. The code making process involves members of the NFPA. However, these members are not limited to the fire service or regulatory agencies. In fact, an examination of the list of members who sit on the subcommittee that develops the chapters of the Life Safety Code that apply to residential board and care homes reveals representation from the following groups and/or companies: (representative list from the 2000 LSC):

- American Health Care Assoc.
- American Insurance Services Group
- Association of Health Facility Licensure and Certification Directors
- City of Atlanta Building Department
- Ganges/Klapenbach Architects
- Joint Committee on the Accreditation of Hospitals
- Maryland Department of Economic & Community Development
- Maryland State Fire Marshals Office
- National Assoc. of Private Residential Facilities for the Mentally Retarded
- National Forest Products Assoc.
- New York State Dept. of Health
- New York State Urban Development Company
- NIST/Center for Fire Research
- President's Committee on Mental Retardation
- Schirmer Engineering Corporation
- Texas Dept. of Mental Health & Mental Retardation
- The United Methodist Homes
- Dept. of Health & Human Services/HCFA
- Dept. of Veterans Affairs
- National Bureau of Standards

- Senate Committee on Aging
- Underwriters Laboratories
- Vanco Human Services, Inc.
- West Virginia State Fire Marshals Office

The Life Safety Code is developed through a consensus process which affords all interested and affected parties an opportunity to voice an opinion and vote on code changes. The only prerequisite for voting on proposed code changes at the annual conference is membership in the National Fire Protection Association which can be made on an individual or corporate basis for a small annual dues payment. As can be seen from the representative list above of the "Technical Committee on Residential Occupancies of the Life Safety Code", the NFPA balances the representation on code making committees to include not only regulatory agencies, but also representatives of owners/operators, national testing laboratories, trade associations, manufacturers of products used in the occupancies, and architectural/engineering design firms.

Copies of the NFPA Life Safety Code are available for examination at any of the regional offices of the Fire Prevention Division of the OSFM or the Life Safety Code may be purchased from the NFPA at:

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02269-9959
1-800-344-3555

PLEASE NOTE THAT ILLINOIS HAS ADOPTED THE 2000 EDITION OF THE LIFE SAFETY CODE

INTERACTION WITH LOCAL FIRE AND BUILDING DEPARTMENT AUTHORITIES

The rules adopted and enforced by the OSFM are concurrently applicable with local rules and ordinances. This results in occupancies across Illinois needing to comply with both state and local requirements. Owners must satisfy the adopted rules and defined conditions set forth by both state and local authorities. Even though some local fire or building departments may not practice field-enforcement of their standards by requiring an on-site inspection, facility owners should be aware of their obligation to comply with locally adopted rules. Local authorities often adopt national standards other than the NFPA Life Safety Code and may often enforce specific local ordinances not found in any national code. Compliance with OSFM rules does not imply compliance with local regulations.

Many facility owners commonly misunderstand the relationship between the OSFM and local fire departments. The OSFM does not maintain a position of authority over local fire departments. Therefore, the OSFM cannot order local departments to enforce (or not enforce) particular codes or rules, or influence how those departments interpret rules. Although the OSFM maintains a cooperative and supportive relationship with local fire agencies, no superior-subordinate relationship exists.

INSPECTION PROCEDURES

The OSFM must receive written notice of the need for a facility inspection from the appropriate licensing agency before field inspection will commence. When a facility is to be inspected by the OSFM, an inspector from the OSFM will conduct an on-site walk through inspection of the occupancy. In the case of residential board and care homes, the OSFM realizes such occupancies may be residential settings with a low number of staff and occupants and that security is a concern. Therefore, for identification purposes, OSFM inspectors drive State of Illinois vehicles clearly identified with decals reading "Office of the State Fire Marshal". The inspector also carries a photo-identification card.

The inspection is carried out in a "hands-off" manner. This means that although the inspector will need to view all areas of the facility including attics and basements, and may need to have rooms or spaces unlocked, they will not conduct any "destructive" inspection procedures such as poking holes in walls or ceilings, flowing water from sprinkler heads, or burning any samples of materials. Upon completion of the inspection the inspector will conduct an "exit interview" with the on-site owner/operator or their designee. At this interview, the inspector will review their findings and explain any violations that may have been noted as well as the work necessary to correct the violations. This interview should be conducted before the inspector leaves the facility.

Shortly after the on-site inspection the facility owner will receive a written notice of the findings of the inspector mailed from the regional office of the OSFM. This will be in the form of either a compliance letter or a violation letter which outlines numbered items that are in non-conformance with the Life Safety Code. (If there were code violations noted at the facility, the violations letter will be sent via certified mail). The letter will also explain an appeal process that is available if the owner feels that the inspector was in error in their application of the Code or that the facility accomplishes an equivalent level of fire safety through alternative means of protection. The OSFM's letter is also copied to the licensing agency and the local fire authority.

In the case of a facility which has violations of the Life Safety Code, compliance is expected immediately. The OSFM will not conduct a re-inspection of the facility until notified by the licensing agency that the deficiencies have been corrected. If the re-inspection reveals that the violations have been corrected, the inspector will notify the regional office to issue a "Compliance Letter" which also will be copied to the licensing agency and the local fire department. If no progress is being made towards correcting the deficiencies, the inspector will recommend discontinuance of licensure and prosecution by the Attorney General's Office for violation of the state fire prevention regulations.

After the initial licensing inspection of a facility by an OSFM inspector, subsequent re-licensing inspections allow for the use of a different abbreviated "Short Form" inspection report that is completed at the facility and left with the owner/operator on the day of the inspection. This abbreviated inspection form is applied if the facility is found to be in compliance with applicable rules or only minor housekeeping violations are noted. In such cases, no formal letter is mailed from the regional office. However, the results continue to be transmitted to the licensing agency to ensure their knowledge of fire safety conditions at the facility.

The Office of the State Fire Marshal prefers to follow a policy of cooperation and assistance with owners of the facilities that the agency inspects. Inspectors are instructed to "work with owners" whenever and however possible to solve violations of the fire prevention code. The Office makes every attempt to understand the budget and time constraints under which businesses operate. However, it must be remembered that the Life Safety Code prescribes "minimum standards" for fire prevention, and that the OSFM must enforce the Code equally and in its entirety statewide.

Inspection requests from licensing agencies, inquiries concerning past inspections or file information about an occupancy, and contact with the assigned fire prevention inspector should be made through the respective regional office of the OSFM. The following list offers the location of each regional office and the counties inspected by that office.

Chicago Office James R. Thompson Center 100 W. Randolph St. Suite 4-600 Chicago, IL 60601 312/814-2693	Springfield Office 1035 Stevenson Drive Springfield, IL 62703 217/785-4714		Marion Office 2309 West Main Street, Suite 102 A Marion, IL 62959 618/993-7085	
BOONE CARROLL COOK DEKALB DU PAGE JO DAVIESS KANE KENDALL LAKE LEE MC HENRY OGLE STEPHENSON WHITESIDE WILL WINNEBAGO	ADAMS BROWN BUREAU CALHOUN CASS CHAMPAIGN CHRISTIAN CLARK COLES CUMBERLAND DE WITT DOUGLAS EDGAR FORD FULTON GREENE GRUNDY HANCOCK HENDERSON HENRY IROQUOIS JERSEY KANKAKEE KNOX LASALLE LIVINGSTON	LOGAN MACON MACOUPIN MARSHALL MASON MCDONOUGH MC LEAN MENARD MERCER MONTGOMERY MORGAN MOULTRIE PEORIA PIATT PIKE PUTNAM ROCK ISLAND SANGAMON SCHUYLER SCOTT SHELBY STARK TAZEWELL VERMILION WARREN WOODFORD	ALEXANDER BOND CLAY CLINTON CRAWFORD EDWARDS EFFINGHAM FAYETTE FRANKLIN GALLATIN HAMILTON HARDIN JACKSON JASPER JEFFERSON JOHNSON LAWRENCE MADISON MARION MASSAC MONROE PERRY POPE PULASKI RANDOLPH RICHLAND ST. CLAIR SALINE	UNION WABASH WASHINGTON WAYNE WHITE WILLIAMSON

CLASSIFICATION OF RESIDENTIAL BOARD AND CARE HOMES UNDER THE LIFE SAFETY CODE

Determining which rules of the Life Safety Code apply to a particular residential board and care occupancy is a matter of determining three factors: Whether the facility is “new” or “existing”, how many clients are served in the home, and the applicable “evacuation capability” of the home.

New vs. Existing

The Life Safety Code is applicable to all occupancies regardless of the age of the structure in which that occupancy is located. The Code recognizes that while some occupancies may be "existing" at the time of the Code's adoption, this should not allow the owners of such occupancies to operate an unsafe facility. Although you will find that some of the Code's requirements will be less stringent if the occupancy was existing, there is not a complete absence of regulations pertaining to existing occupancies (commonly referred to as “grandfathering”).

It must be further pointed out that the Life Safety Code classifies as "new", buildings that:

a) are constructed after the adoption date of the Code,

OR

b) experience a change of occupancy classification after the adoption date of the Code. (For example, a building previously used as a day care center, that is converted into a residential board and care home occupancy after the adoption date of the Life Safety Code, would necessarily be classified as a "new" occupancy and be required to meet the criteria of the appropriate section of the Code as would a newly constructed board and care occupancy).

An important date relative to the classification of occupancies, and essential in determining the Life Safety Code requirements that will be applied to a facility, is January 1, 2002. It was on this date that the Office of the State Fire Marshal adopted the 2000 edition of the NFPA Life Safety Code into the state’s administrative code. Occupancies in existence as residential board and care occupancies before January 1, 2002 will be inspected under the requirements of the “existing” residential board and care chapter of the 2000 edition of the Life Safety Code. Those either constructed or converted from another occupancy type on or after January 1, 2002 are required to comply with the criteria of the “new” residential board and care chapter of the 2000 edition of the LSC.

Conversions

The 2000 LSC recognizes that existing residential type occupancies (i.e., single family dwellings, lodging houses, hotels, motels, apartment buildings, etc.) as well as former health care occupancies are often converted into residential board and care occupancies. If this conversion occurs after January 1, 2002, then the “new” residential board and care occupancy chapter of the LSC is applicable. However, as the result of the building previously having served as a residential or health care occupancy, the LSC allows the building to be deemed a “conversion”. As a conversion, the Code allows some relaxed requirements compared to those applicable to a newly constructed residential board and care home.

Large vs. Small Facility

The Life Safety Code also classifies residential board and care occupancies as either “small” or “large” dependent upon the number of clients in the facility. Facilities that serve 16 or fewer clients (staff are not counted) are classified as “small” facilities. Those facilities which serve greater than 16 clients (again, staff not included) are classified as “large” facilities. Although all Illinois Community Integrated Living Arrangement (CILA) occupancies will be classified as “small” under the LSC as the result of client limitations in licensing rules, other types of residential board and care homes may serve more than 16 residents and thus be classified as “large” residential board and care occupancies. The Life Safety Code’s requirements for large facilities are more stringent than those for small facilities.

This document addresses only “small” residential board and care homes.

Residential Board and Care Home vs. Single Family Dwelling Classification

The Life Safety Code offers varying requirements for different types of occupancies depending upon the life safety/fire risks which have been documented in those occupancies across the nation. Furthermore, the Code often subcategorizes occupancy types dependent upon the number of occupants and/or clients using the building. With reference to the type of activity which will be conducted in a residential board and care occupancy, the section of the Life Safety Code which will be applied is either:

"Residential Board and Care Occupancies"
(if the facility houses 4 or more clients)

-OR-

"Single- and Two-Family Dwellings"
(if the facility houses 3 or less clients)

If four or more residents are housed in a residential board and care home occupancy, and therefore the "Residential Board and Care Occupancy" chapter is applied, the occupancy is further sub-classified as "Small" or "Large" dependent upon the number of residents served. The occupancy will also receive another subclassification based upon the ability of the residents to exit the building during a fire or fire alarm drill. These subclassifications are identified as "prompt", "slow", or "impractical". The Life Safety Code defines the ability to escape as the “Evacuation Capability Rating” of the facility.

Evacuation Capability Rating of the Home

The evacuation capability rating is important when classifying residential board and care home occupancies. The Life Safety Code imposes more stringent fire safety requirements as a facility’s evacuation capability becomes slower. Slower evacuation capabilities usually result from the introduction of less mobile residents or the presence of fewer staff members who can assist with evacuation. The evacuation capability rating of a residential board and care home is determined by the staff of the facility conducting fire drills and documenting the time necessary to evacuate all residents. The OSFM inspector will examine the documented fire drill reports to determine the evacuation capability of the home. The Life Safety Code requires that if evacuation drill documentation is not maintained or presented, the facility shall be classified as the worst possible evacuation capability, which is “impractical”. This results in the home being subjected to the most stringent of Life Safety Code requirements. In approximate measures, the following evacuation times for a facility are parameters for evacuation classification:

Prompt: all residents exit in under three minutes from the time of alarm (evacuation capability rating equivalent to the general population);

Slow: all residents exit in between 3 and 13 minutes from the time of alarm (the group is capable of moving to a point of safety in a timely manner, with some of the residents requiring assistance from staff);

Impractical: occupancy evacuation requires in excess of 13 minutes from the time of alarm (the group, even with staff assistance cannot reliably move to a point of safety in a timely manner.)

IT IS IMPORTANT TO NOTE THAT THE LIFE SAFETY CODE PRESCRIBES VARYING LEVELS OF PROTECTION (AND THEREFORE CODE REQUIREMENTS) BASED UPON THE EVACUATION CAPABILITY RATING FOR THE FACILITY. A FACILITY WHICH MEETS THE LIFE SAFETY CODE WHILE HOUSING "PROMPT" RESIDENTS MAY NOT MEET THE CODE IF A "SLOW" OR "IMPRACTICAL" EVACUATION CAPABILITY RATING IS ASSIGNED BECAUSE OF A CHANGE IN THE RESIDENTS OR STAFF. FURTHERMORE, RESIDENTIAL BOARD AND CARE OWNERS SHOULD REALIZE THAT THE LIFE SAFETY CODE REQUIRES THAT EXISTING RESIDENTIAL BOARD AND CARE FACILITIES THAT EXPERIENCE A CHANGE IN EVACUATION SCORE TO A SLOWER RATING, OR A CHANGE IN SUB-CLASSIFICATION FROM A SMALL TO A LARGE FACILITY, MUST COMPLY WITH THE REQUIREMENTS FOR "NEW" RESIDENTIAL BOARD AND CARE FACILITIES.

FIRE SAFETY EVALUATION SYSTEMS

The chapters of the Life Safety Code pertaining to residential board and care occupancies are unique because they provide an alternative compliance option known as a "Fire Safety Evaluation System" (FSES). A FSES is a point scoring system that can be used to determine the fire protection equivalency of features within a board and care occupancy which may differ from the prescribed requirements listed in the applicable chapter of the Life Safety Code. The FSES process and rating system are described in detail and blank scoring forms provided in "NFPA 101A *Guide on Alternative Approaches to Life Safety*".

While the OSFM will evaluate submitted FSES documentation from a board and care home owner, it cannot prepare an FSES evaluation for a facility. The detail and complexity of an FSES requires several hours/days of work in documenting the fire protection features at a facility. It is recommended that if a facility intends upon proving equivalency through the use of a FSES, that a professional engineer or architect familiar with the FSES process be contacted to conduct and submit the report. The FSES is an NFPA-sanctioned process for proving equivalent fire and life safety to that provided by the prescriptive requirements of the Life Safety Code. If a facility has proven equivalent life safety through the successful passing of an FSES that facility will be considered code-compliant by the Office of the State Fire Marshal just as if the facility had passed an inspection applying the prescribed requirements of the Life Safety Code.

CODE REQUIREMENTS

The remaining pages of this document serve to review the major requirements of the 2000 Life Safety Code for small residential board and care home occupancies.

SINGLE & TWO FAMILY DWELLING RULES CHAPTER 24 OF THE 2000 LSC

APPLICABLE IF: LESS THAN 4 CLIENTS IN THE HOME

The following section contains the major requirements of the NFPA Life Safety Code that will be enforced by the Office of the State Fire Marshal in residential board and care home occupancies with less than four clients. (As previously noted, if less than four clients are cared for in the home, the occupancy is classified as a Single- and Two-Family Dwelling according to the Life Safety Code). It must also be noted that the rule making that adopted the NFPA's Life Safety Code did so in a manner that makes the language of the Single & Two Family Dwelling occupancy chapter "recommended" rather than mandatory. Therefore, board and care home operators serving three or less clients will find that inspection reports from the OSFM make "recommendations" rather than "requirements" for compliance.

Primary Means of Escape

Every sleeping room and living area should have a primary means of escape. A primary means of escape may be a door or stairway providing a means of unobstructed travel to the outside of the building at street or ground level. No bedroom or living area should be accessible by only a ladder or folding stairs or through a trap door.

Secondary Means of Escape

It is also recommended that every sleeping room and living area have a secondary means of escape (or automatic sprinkler protection). The second means of escape may be one of the following:

- a) a door, stairway, passage or hall providing a way, independent of, and remote from, the primary means of escape, of unobstructed travel to the outside of the dwelling at street or ground level, **OR**
- b) a passage through adjacent non-lockable spaces independent of and remote from the primary means of escape to any approved means of escape, **OR**
- c) an outside window or door operable from the inside without the use of tools and providing a clear opening of not less than 20 inches in width and 24 inches in height and 5.7 ft² in area. The bottom of the window should not be more than 44 inches off the floor. Such means of escape are acceptable if: the window is within 20 feet of grade, or the window is directly accessible to the fire department for rescue, or the window or door opens onto an exterior balcony, **OR**
- d) The window should have a sill height below the adjacent ground level and should be provided with a window well meeting the following criteria:
 1. The window well should have horizontal dimensions that allow the window to be fully opened.
 2. The window well should have an accessible net clear opening of not less than 9 ft² with a length and width of not less than 36 in.

3. A window well with a vertical depth of more than 44 in. should be equipped with an approved permanently affixed ladder or with steps meeting the following criteria:
The ladder or steps should not encroach more than 6 in. into the required dimensions of the window well.
The ladder or steps should not be obstructed by the window.

For existing single family homes, the Code allows a protection alternative to the secondary means of escape rather than a true path of escape. This alternative consists of separating the bedroom or living area from all other parts of the living unit by construction having a fire resistance rating of at least 20 minutes and providing a door that will resist the passage of fire for at least 20 minutes. These doors should also be designed and installed to minimize smoke leakage. A means of providing smoke venting and fresh air to the occupants should be provided.

IT SHOULD BE NOTED THAT THE SECOND MEANS OF ESCAPE IS NOT NECESSARY AT ALL IF THE BEDROOM OR LIVING AREA HAS A DOOR LEADING DIRECTLY TO THE OUTSIDE OF THE BUILDING, AT OR TO GRADE LEVEL OR IF THE BUILDING IS PROTECTED THROUGHOUT BY AN AUTOMATIC SPRINKLER SYSTEM INSTALLED IN ACCORDANCE WITH LIFE SAFETY CODE REQUIREMENTS.

No required path of travel to the outside from any room should be through another room or apartment not under the immediate control of the occupant of the first room or his family, nor through a bathroom or other space subject to locking.

Doors

Doors may be of the swinging or sliding type.

Doors in the path of escape should not be less than 28 inches wide but bathroom doors may be 24 inches in width.

Doors should have a minimum height of 6'-6".

Every closet door latch should be such that children can open the door from inside the closet.

Every bathroom door lock should be designed to permit the opening of the locked door from the outside in an emergency.

No door in any means of escape should be locked against egress when the building is occupied. All locking devices which impede or prohibit egress or which cannot be easily disengaged should be prohibited. Single-turn dead bolt type locks are permissible, but not a lock that would require special knowledge or the locating of a key to open the lock/door.

Smoke Detection

Up until this point, this paper has discussed only the application of the OSFM adopted NFPA Life Safety Code. In reference to smoke detectors however, there is a state law that also applies. Therefore, the State Smoke Detector Act and LSC requirements will be explained in this document.

Illinois State Smoke Detector Act

The Illinois State Smoke Detector Act requires that all residential occupancies be equipped with smoke detectors. In facilities built after December 31, 1987 these smoke detectors are required to be powered by the building's electrical service (hard-wired) and interconnected. Interconnected means that the activation of any one detector will cause all detectors in the occupancy to sound. The State Smoke Detector Act permits the use of battery-powered, non-interconnected smoke detectors to in residential occupancies that pre-date December 31, 1987. The Act requires placement of the smoke detectors on every story of the dwelling unit, including basements but not including unoccupied attics. For units with split levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level if the lower level is less than one full story below the upper level.

Life Safety Code (Note that these requirements must be combined with the State Smoke Detector Act requirements listed above. The combined requirements are offered directly after this section).

The Life Safety Code also requires that smoke detectors be present in single- and two-family dwellings. If the building was either constructed or first used as a residential occupancy after January 1, 2002 (the adoption date of the 2000 Life Safety Code in Illinois), then the smoke detectors should be "continuously powered by the building's electrical service". If the occupancy is classified as "existing", meaning that it was being used as a single or two family residence on or before January 1, 2002, and the occupancy classification has not changed since, battery operated smoke detectors may be used. The Life Safety Code states that these smoke detectors should be located:

- outside of each separate sleeping area in the immediate vicinity of the bedrooms, and
- on each story of the family living unit including basements but excluding crawl spaces and unfinished attics

The operation of a detector should cause an alarm which shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. The tests of audibility shall be conducted with all household equipment which may be in operation at night in full operation (such as air conditioners and humidifiers). If hearing impaired residents are present the alarm system must provide visual notification of system activation.

Combined Requirements

Combining the requirements of the State Smoke Detector Act and the Life Safety Code, all single- and two-family residences are required to have smoke detectors located on all levels of the occupancy, including basements, but not in unoccupied attics. If the home was constructed after December 31, 1987, the detectors must be powered by the building's electrical service and interconnected so that if one detector is activated all detectors in the home provide alarm notification to residents. If sleeping areas are located so that the one smoke detector on each level does not provide a detector "in the immediate vicinity of each sleeping room" than additional detectors may be required.

Heat detectors are not recognized by the Life Safety Code or the OSFM as suitable replacements for smoke detectors.

Hallways

Corridor widths should be a minimum of 36” in facilities constructed after January 1, 2002 while those in existence prior to this date may have corridors that are only 28” in width. Ceilings should be a minimum height of 7’-0” with any projections in the hallway allowing not less than 6’-8” clearance.

Heating Equipment

No stove or combustion heater should be so located as to block escape in case of fire arising from malfunctioning of the stove or heater.

SMALL RESIDENTIAL BOARD AND CARE OCCUPANCIES **CHAPTER 32 AND 33 OF THE 2000 LSC**

The Life Safety Code defines a “Residential Board and Care Occupancy” as a building or part thereof that is used for lodging and boarding of four or more residents, not related by blood or marriage to the owners or operators for the purpose of providing personal care services.

“Personal care services” is subsequently defined as protective care of residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident while inside the building. Personal care may include daily awareness by the management of the resident’s functioning and whereabouts, making and reminding a resident of appointments, the ability and readiness for intervention in the event of a resident experiencing a crisis, supervision in the areas of nutrition and medication, and actual provision of transient medical care. The Office of the State Fire Marshal considers that all residential facilities for which the agency receives inspection requests from other state-licensing agencies to be providing “personal care” services. If you believe that your licensed facility does not provide personal care services, and therefore, should not be classified as a residential board and care home, you should discuss this with the state licensing agency holding jurisdiction over the facility license.

As previously noted in this document, the Life Safety Code prescribes different requirements based upon the evacuation capability rating of the residents of the facility. By far, the majority of the residential board and care homes inspected by the OSFM have “prompt” evacuation ratings.

Primary Means of Escape

Every sleeping room and living area shall have access to a primary means of escape located as to provide a safe path of travel to the outside of the building without traversing any corridor or space exposed to an unprotected vertical opening. Where the sleeping room is above or below the level of exit discharge, the primary means of escape shall be an enclosed interior stair, an exterior stair, a horizontal exit, or an existing fire escape stair. (Note the difference from "Single and Two Family Dwelling" rules which do not require the primary means of escape to be enclosed). The lack of stairway enclosure is one of the most frequently encountered violations of the Life Safety Code when the OSFM inspects residential board and care occupancies. The majority of residential occupancies do not provide for the enclosure of interior stairways. The requirement prohibits an open stairway that serves as the building’s primary escape route from a basement or upper level from being exposed to the elements on the ground floor of the occupancy. Such a stairway is required to be separated from the remainder of the occupancy’s areas by construction that provides at least a ½-hour fire protection rating. There are exceptions to the stairway enclosure requirements provided by the Life Safety Code however, all of these exceptions require the facility to be protected throughout by an automatic sprinkler system.

In existing residential board and care homes with slow or impractical evacuation capability ratings the primary means of escape for each sleeping room cannot be exposed to living areas or kitchens except in those facilities that are protected throughout by an automatic sprinkler system. This means that in a one story home, if the evacuation capability rating is not “prompt”, there must be fire rated barriers that separate the path of escape from sleeping rooms from all living areas and kitchens.

Secondary Means of Escape

In addition to the primary route, each sleeping room shall have a second means of escape or protection as follows:

- a) a door, stairway, passage or hall providing a way, independent of and remote from the primary means of escape, or unobstructed travel to the outside of the dwelling at street or ground level, **OR**
- b) a passage through adjacent non-lockable spaces independent of and remote from the primary means of escape to any approved means of escape, **OR**
- c) an outside window or door operable from the inside without the use of tools and providing a clear opening of not less than 20 inches in width and 24 inches in height and 5.7 square feet in area. The bottom of the opening shall not be more than 44 inches off the floor. Such means of escape shall be acceptable if: the window is within 20 feet of grade, or the window is directly accessible to fire department rescue, or the window or door opens directly onto a balcony, **OR**
- d) for existing residential board and care homes (those existing prior to January 1, 2002) the bedroom or living area shall be separated from all other parts of the living unit by construction having a fire resistance rating of at least 20 minutes and shall be equipped with a door that will resist the passage of fire for at least 20 minutes. This door must also be designed and installed to minimize smoke leakage. A means of providing smoke venting and fresh air to occupants shall be provided.

IT SHOULD BE NOTED THAT THIS SECONDARY MEANS OF ESCAPE IS NOT REQUIRED AT ALL IF THE BEDROOM OR LIVING AREA HAS A DOOR LEADING DIRECTLY TO THE OUTSIDE OF THE BUILDING, AT OR TO GRADE LEVEL OR IF THE BUILDING IS PROTECTED THROUGHOUT BY AN APPROVED AUTOMATIC SPRINKLER SYSTEM INSTALLED IN ACCORDANCE WITH LIFE SAFETY CODE REQUIREMENTS.

Doors

Doors in existing residential board and care homes (prior to 1/1/02) shall not be less than 28 inches wide. For new residential board and care homes (after 1/1/02), doors must be a minimum of 32” wide, although 28” is allowable if the building is being converted from an existing occupancy. Bathroom doors may be 24 inches in both new and existing occupancies.

Every closet door latch shall be such that children can open the door from inside the closet.

Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

No door in any means of escape shall be locked against egress when the building is occupied. (Single-turn dead bolt type locks are permissible, but not a lock that would require special knowledge or the locating of a key to open the lock/door).

Protection of Vertical Openings

Vertical openings are required to be protected so that no primary exit route is exposed to an unprotected vertical opening. The vertical opening is considered protected if the opening is cut off and enclosed in a manner that provides a smoke and fire resisting capability of not less than 30 minutes and doors in the vertical opening must provide 20 minute protection and be self-closing and self-latching. There are exceptions to the vertical opening enclosure requirements when the building is protected throughout by an automatic sprinkler system.

Interior Finish

The interior finish on walls and ceilings of occupied spaces shall be Class A or Class B. Class C products are only permitted if the evacuation rating of the home is “prompt”. Interior finish relates to the flame spread and smoke developed characteristics exhibited by products which might be attached to walls or ceilings in the occupancy. The requirements do not apply to normal thicknesses of paint on walls. Materials such as paneling, carpet on walls, or unfinished wooden walls/ceilings must meet interior finish criteria. This information is usually obtainable from the manufacturer of the products applied. The OSFM also maintains lists of the interior finish ratings of most types of wood. It is important to note that many existing interior finish products that do not meet the Code requirements can be brought into compliance with the application of paint-like fire/flame retardant materials manufactured and rated for this purpose. Painted plaster, drywall or masonry walls present no interior finish consequences. However, application or presence of paneling, plastic materials, or carpeting in a vertical position or on ceilings may cause for interior finish violations.

Separation of Sleeping Rooms

All sleeping rooms shall be separated from corridors by walls and doors that provide at least a 30-minute fire resistance rating. There can be no louvers or operable transoms or other air passages penetrating the wall except for properly installed heating and utility installations. Open air transfer grills are prohibited. Doors that separate sleeping rooms from corridors must be provided with latches or other mechanisms suitable for keeping the door closed. No door can be arranged so as to prevent the occupant from closing the door. Doors must be self-closing, or must be automatic closing upon the detection of smoke. In facilities with a prompt evacuation capability rating, the separation between sleeping rooms and corridors need only needs to prevent the spread of smoke and not be a 30-minute fire rated barrier. In both new an existing facilities, if the entire building is protected by an automatic sprinkler system, then the self-closing devices on bedroom doors may be eliminated.

Staff may sleep in an unseparated area that is located so as to alert the staff member to the activation of the fire alarm/smoke detection system.

Hazardous Areas

A hazardous area is any space that contains storage or other activity having fuel conditions that exceed that of a typical one- or two- family dwelling. Hazardous areas include, but are not limited to, areas for cartoned storage, food or household items in wholesale or institutional-type quantities and concentrations, or massed storage of residents' belongings. Areas containing approved properly installed and maintained residential-type furnaces and heating equipment and furnace rooms, normal residential cooking and laundry facilities are not classed as hazardous on the basis of such equipment.

If hazardous areas are present they shall be protected as follows:

a) if the hazardous area is on the same floor as, or is within or is adjacent to a primary means of escape or a sleeping room, then the hazardous area shall be protected by either:

- 1) enclosure with a fire resistance rating of 1-hour including a fire door having a fire protection rating of at least 45-minutes and a self-closing device and latch, or
- 2) automatic sprinkler protection of the area combined with a separation that will resist the passage of smoke. Doors in such separations will be self-closing or automatic-closing upon the detection of smoke and also be self-latching.

b) all other hazardous areas shall be protected by either:

- 1) an enclosure with a fire resistance rating of at least 30-minutes with a self-closing and self-latching door or smoke detector operated automatic-closing door at least equivalent to a 1-3/4 inch solid bonded wood core construction, or
- 2) automatic sprinkler protection.

Fire Alarm System

Manual Alarm:

A means of manually activating the building's fire alarm system is required. This usually requires the presence of manual pull stations on each floor, at both required paths of escape from home. In existing residential board and care facilities the Life Safety Code permits one manual pull device per floor if there is an interconnected smoke alarm system in the facility. Additionally, the manual device does not have to be a "listed device" but may be as simple as the installation of electric bells and a clearly identified switch on each floor.

New Facility Smoke Alarms

In new residential board and care homes, smoke alarms are required to be installed on all levels of the home, including basements but excluding crawl spaces and unfinished attics. Additionally, smoke alarms must be installed for all living areas. (A "living area" is defined as: "any normally occupiable space in a residential occupancy, other than sleeping rooms or rooms that are intended for combination sleeping/living, bathrooms, toilet compartments, kitchens, closets, halls, storage or utility spaces, and similar areas"). These smoke alarms are required to be interconnected. The operation of any required interconnected smoke detectors must cause an alarm which shall be clearly audible over background noise levels with all intervening doors closed. The tests of audibility should be conducted with all household equipment which may be in operation at night in full operation (such as air conditioners and humidifiers.) These smoke alarms are not required if the building is protected throughout by an automatic sprinkler system.

Additionally, in new facilities, each sleeping room is required to be provided with an approved, listed, single-station smoke alarm. "Single-station" means that when activated, the smoke alarm only sounds a signal at the device, and does not necessarily cause other smoke alarms in the home to be activated or sound an alarm. The sleeping room smoke detectors must still be provided regardless of whether or not automatic fire sprinklers are provided in the home. If hearing impaired residents are present the alarm system must provide visual notification of system activation. In new residential board and care

homes, all of the smoke alarms mentioned above must be powered by the building's electrical system. Battery-operated smoke alarms are not permitted in new facilities.

Existing Facility Smoke Alarms

Existing facilities are required to have smoke alarms on all levels of the home excluding crawl spaces or unfinished attics, but rather than specifying their exact location by room, the Life Safety Code requires that the alarms be “audible in all sleeping areas”. The Life Safety Code does not dictate that a smoke alarm be installed in each and every sleeping room. Also in existing occupancies only, if the residential board and care home is protected throughout by an automatic sprinkler system, then the smoke alarms may be battery-powered rather than having their power supplied by the building's electrical system. This allowance for the use of battery-operated smoke alarms is also dependent upon the owner having demonstrated a history of battery replacement, testing and maintenance.

Similar to single- and two-family dwelling rules, the State Smoke Detector Act applies to residential board and care home occupancies. The OSFM considers the requirements of the State Smoke Detector Act met if the occupancy complies with the above-noted requirements of the Life Safety Code for smoke alarm installation.

Automatic Extinguishing Systems

Most new residential board and care homes are required to be protected by an automatic sprinkler system that includes quick-response or residential sprinklers. An exception to this requirement is in “conversions”, sprinklers are not required in small board and care homes with an evacuation capability rating of prompt and serving eight or fewer residents. “Conversion” refers to converting an occupancy from former use as a residential or health care form of occupancy into a residential board and care home. Conversions are required to comply with the “new residential board and care occupancy” rules, except for this exemption from sprinkler requirements.

Most existing residential board and care homes are not required to be protected by an automatic sprinkler system. Only existing residential board and care homes with an “impractical” evacuation capability are required to be protected throughout with automatic sprinklers. If such systems are installed to take advantage of “design options” offered within the Code, then the activation of the extinguishing system must also activate the building alarm system.

Design options that are allowed to be taken advantage of if the home is protected throughout by automatic sprinklers include:

- Elimination of the requirement to enclose most interior stairs forming the primary means of escape
- Reduction in the classification of interior finish
- Ability to use battery operated smoke alarms in existing occupancies
- Elimination of the need to provide a secondary means of escape from sleeping rooms
- Elimination of door closing devices on bedroom doors
- Elimination of the requirements to provide fire resistant mattresses or furniture

Operating Features

Hangings or draperies shall not be placed over exit doors. Mirrors shall not be placed in or adjacent to any exit in such a manner as to confuse the direction of exit.

The administration of every residential board and care facility shall have in effect and available to all supervisory personnel, written copies of a plan for the protection of all persons in the event of fire and for their evacuation to areas of refuge and from the building when necessary. The plan shall include special staff actions including fire protection procedures needed to ensure the safety of any resident and shall be amended or revised upon admission to the home of any resident with unusual needs. All employees shall be periodically instructed and kept informed in respect to their duties and responsibilities under the plan. Such instruction shall be reviewed by the staff at least every two months. A copy of the plan shall be readily available at all times within the facility.

All residents capable of assisting in their evacuation shall be trained in the proper actions to take in the event of fire. This training shall include actions to take if the primary escape route is blocked. If the resident is given rehabilitation or habilitation training, training in fire prevention and actions to take in the event of a fire shall be a part of the rehabilitation training program. Residents shall be trained to assist each other in case of fire to the extent their physical and mental abilities permit them to do so without additional personal risk.

Fire exit drills shall be conducted at least six times per year, two times a year on each shift. Twelve drills shall be conducted the first year of operation. The drills may be announced in advance to the residents. The drills shall involve the actual evacuation of all residents to a selected assembly point and shall provide residents with experience in exiting through all exits required by the Code. Exits not used in any fire drill shall not be credited in meeting the requirements of the Code for Board and Care Occupancies. Fire exit drills shall be documented in writing by attending staff. Information, at a minimum shall include date, time, names of staff present, names of clients present, exits used, evacuation time and any noted problems with the evacuation.

The actual exiting from windows shall not be required to meet the requirements that the window be counted as a secondary means of escape.

Fire exit drills shall be documented and available to the on-site fire prevention inspector to verify the evacuation capability rating of the facility.

If smoking is permitted in these occupancies, noncombustible safety-type ash trays and receptacles shall be provided in convenient locations.

New upholstered furniture within residential board and care homes is required to be tested to show resistance to cigarette ignition. This is a test performed and documented by the manufacturer, not the home owner or the OSFM. This is not required if the home is protected throughout by an automatic sprinkler system.

New mattresses within residential board and care homes are required to be tested to show resistance to charring in accordance with Part 1632 of the Code of Federal Regulations. This is a test performed and documented by the manufacturer, not the home owner or the OSFM. This is not required if the home is protected by an automatic fire sprinkler system.

PROPOSED OCCUPANCY INSPECTIONS

Often, owners or providers of residential board and care services are interested in determining whether a building complies with the OSFM's requirements for residential board and care before they own or lease the space. The OSFM refers to such inspections as "proposed inspections" because the use of the space is only "proposed" and a state licensing agency is not formally requesting that the inspection occur. The OSFM does assist owners/providers with these proposed inspections with the following qualifications:

- The request for a proposed inspection needs to be put in writing to the regional office of the OSFM
- Proposed inspections are conducted on a secondary-priority basis (which means that facilities awaiting inspection in order to be licensed or opened are given higher priority.
- Owners need to understand that the results of such a proposed inspection are based upon an assumption of how many clients will occupy the facility and what the evacuation capability of the facility will be. (As reviewed elsewhere in this document, a change in the number of residents as well as a change in the evacuation score of the facility can result in a different code provisions).
- A final inspection must still be conducted at the time the facility applies for state licensing.

PLAN REVIEW SERVICES

The OSFM's Division of Technical Services will provide plan review services of any proposed work to be done within a residential board and care home. This plan review service is conducted free-of-charge as a public service. The review will only compare proposed work with the requirements of state-adopted codes and does not consider whether proposed projects comply with locally adopted building codes or fire prevention codes. The plans are required to be accompanied by the OSFM's "Plan Submittal Form" which documents basic information about the submittal. Submittal of plans should be made to:

Office of the State Fire Marshal
Division of Technical Services
James R. Thompson Center
100 West Randolph Street Suite 4-600
Chicago, IL 60601

BOARD AND CARE WITHIN AN APARTMENT BUILDING

The Life Safety Code prescribes special requirements for residential board and care occupancies that are located within an apartment building. The requirements are found in Section 32.4 and 33.4 of the Life Safety Code for new and existing residential board and care occupancies respectively.

Essentially, the Life Safety Code requires that individual apartments used as residential board and care occupancies comply with the requirements reviewed earlier in this document for small residential board and care homes, while the other apartments, and the common areas of the building (corridors, stairways, means of egress from the apartment building, etc.) must comply with the Life Safety Code's "Apartment Building" occupancy chapter. Depending upon the floor level upon which the residential board and care home is located, and the overall size (height and number of apartment units in the building) this can add requirements to the building that regulate the types of materials from which the building may be constructed as well the need for a full fire alarm system in the apartment building.

Often, the OSFM encounters more than one apartment within an apartment building being used for residential board and care services or encounters varying numbers of clients receiving board and care services in different apartments of the same apartment building. This has resulted in the agency making the following policy decisions relative to classifying apartment buildings containing one or more apartments which offer residential board and care “personal services”:

1. If only one apartment in the building is so designated, and that apartment houses three or less clients, the apartment is not classified as residential board and care and therefore the apartment and the entire building must simply comply with the “apartment building” occupancy requirements of the Life Safety Code.
2. If there are three or less total clients in an apartment building, regardless of how many apartments they occupy, the building is not classified as residential board and care and therefore those apartments, and the entire building must simply comply with the “apartment building” occupancy requirements of the Life Safety Code.
3. If there are more than 4 clients receiving personal care services within the building, even if those clients are in different apartments, then those apartments must comply with the “small” residential board and care requirements of the Life Safety Code and the other areas of the building must comply with the apartment building requirements of the LSC.
4. If there are a total of more than 16 clients receiving care within the building, even if those clients are in different apartments, then the entire facility/building will be considered a “large” residential board and care occupancy from the highest floor level housing clients and including all floors below that level. Floor levels above the highest level on which residential board and care is found need only comply with the “apartment building” requirements of the LSC.

OSFM FIRE INSPECTION OF A RESIDENTIAL BOARD AND CARE OCCUPANCY

Appropriate regional office of the OSFM receives a request to conduct a fire safety inspection of the occupancy

The regional administrator assigns the inspection to an OSFM fire prevention inspector

The OSFM inspector determines the applicable edition and occupancy chapter of the Life Safety Code with which the occupancy must comply

2000 Life Safety Code
"Existing" chapter if existing prior to January 1, 2002

2000 Life Safety Code
"New" chapter if constructed or change of occupancy on or after January 1, 2002

New facility may qualify for allowances as a "conversion"

< 4 residents
Single- and Two Family Dwelling rules apply on a recommended basis only

≥ 4 residents
Residential Board and Care occupancy rules apply on a mandatory basis.

≤ 16 residents
"Small" RB&C rules

> 16 residents
"Large" RB&C rules

Evacuation Capability
PROMPT SLOW IMPRACTICAL

The OSFM inspector conducts a walk-through hands-off inspection of the occupancy, finalizing the inspection with an exit interview to inform the owner/operator what was found

The regional office, after receipt of the inspector's report, prepares either a "No violations" letter or correspondence detailing noted violations. This correspondence is mailed to the facility owner and copied to the licensing agency and the local fire department. At subsequent inspections, a "Short Form" inspection report will be left with the owner on the day of the inspection if no major violations are noted

NO VIOLATIONS

Correspondence is forwarded from the OSFM to the requesting licensing agency

VIOLATIONS

A certified violation letter is sent and the owner has the right to appeal the violations or correct the violations

A re-inspection determines compliance with originally noted violations

Corrections are not made and the OSFM recommends prosecution to the Attorney General and that no license be issued.