

WSR 24-08-037

EXPEDITED RULES

BUILDING CODE COUNCIL

[Filed March 26, 2024, 4:22 p.m.]

Title of Rule and Other Identifying Information: Changes to the provisions for family home child care.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making is to correlate changes to the provisions for family home child care in the 2021 International Residential Code made with normal rule making filed under WSR 24-04-035. The correlated change occurs in WAC 51-54A-0202.

Reasons Supporting Proposal: The changes are necessary to align with SB [E2SSB] 5237 which allows the department of children, youth, and families to issue a waiver to the limit of 12 children. The changes allow up to 16 children to be placed in a family home child care scenario while still using code requirements within the International Residential Code. Additional safety considerations are added as well.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Statute Being Implemented: RCW 19.27.031, 19.27.074.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dustin Curb, 1500 Jefferson Street S.E., Olympia, 360-972-4158; Enforcement: Local jurisdictions.

This notice meets the following criteria to use the expedited adoption process for these rules:

Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: A robust process to change the language contained in the 2021 International Residential Code was completed and filed under WSR 24-04-035. This expedited rule filing only correlates the changes made in the 2021 International Residential Code into the 2021 International Building Code for consistency across codes.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Dustin Curb, Washington State Building Code Council, 1500 Jefferson Street S.E., P.O. Box 14449 [41449], Olympia, WA 98504-1449, phone 360-972-4158, email dustin.curb@des.wa.gov, AND RECEIVED BY June 6, 2024.

March 26, 2024
Daimon Doyle
Council Chair

OTS-5295.1

AMENDATORY SECTION (Amending WSR 23-23-106, filed 11/15/23, effective 3/16/24)

WAC 51-54A-0202 General definitions.**SECTION 202 GENERAL DEFINITIONS**

ADULT FAMILY HOME. A dwelling, licensed by the state of Washington department of social and health services, in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An existing adult family home may provide services to up to eight adults upon approval from the department of social and health services under RCW 70.128.066 and in accordance with Section 903.

ALERT SIGNAL. A distinctive signal indicating the need for trained personnel and occupants to initiate a specific action, such as shelter-in-place.

ALERT SYSTEM. Approved devices, equipment and systems or combinations of systems used to transmit or broadcast an alert signal.

ASSISTED LIVING FACILITY. A home or other institution, licensed by the state of Washington, providing housing, basic services and assuming general responsibility for the safety and well-being of residents under chapters 18.20 RCW and 388-78A WAC. These facilities may provide care to residents with symptoms consistent with dementia requiring additional security measures.

CHILD CARE. For the purposes of these regulations, child care is the care of children during any period of a 24-hour day.

CHILD CARE, FAMILY HOME. A child care facility, licensed by Washington state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of ((12)) 16 or fewer children, including children who reside at the home.

CLUSTER. Clusters are multiple *portable school classrooms* separated by less than the requirements of the building code for separate buildings.

COVERED BOAT MOORAGE. A pier or system of floating or fixed access ways to which vessels on water may be secured and any portion of which are covered by a roof.

CUSTODIAL CARE. Assistance with day-to-day living tasks; such as assistance with cooking, taking medication, bathing, using toilet facilities, and other tasks of daily living. Custodial care includes persons receiving care who have the ability to respond to emergency situations and may receive limited verbal or physical assistance. These care recipients may evacuate at a slower rate and/or who have mental and psychiatric complications.

ELECTRICAL CODE. The National Electrical Code, promulgated by the National Fire Protection Association, as adopted by rule or local ordinance under the authority of chapter 19.28 RCW.

EMERGENCY RESPONDER COMMUNICATIONS ENHANCEMENT SYSTEM (ERCES). An infrastructure solution installed within a building to enhance the communications capabilities

for first responders that utilizes solutions such as a signal booster, voting receiver, base station, or other technology capable of enhancing the radio frequency (RF) to ensure effective public safety communications.

FREQUENCY. The particular waveband at which a communications system broadcasts or transmits.

FREQUENCY LICENSE HOLDER(S). The person(s) or entity(s) that are issued the license from the frequency licensing authority of United States or other country of jurisdiction for the frequencies being used by both the in-building emergency responder communications enhancement system and the emergency services communications system that it enhances.

FREQUENCY LICENSING AUTHORITY. The government authority in a country or territory that issues frequency licenses for the use of communications frequencies by authorized entities and individuals.

GRAVITY-OPERATED DROP OUT VENTS. Automatic smoke and heat vents containing heat-sensitive glazing designed to shrink and drop out of the vent openings when exposed to fire.

HOSPICE CARE CENTER. A building or portion thereof used on a 24-hour basis for the provision of hospice services to terminally ill inpatients.

LIMITED VERBAL OR PHYSICAL ASSISTANCE. Persons who, because of age, physical limitations, cognitive limitations, treatment or chemical dependency, and may not independently recognize, respond, or evacuate without limited verbal or physical assistance during an emergency situation. Verbal assistance includes prompting, giving, and repeating instructions. Physical assistance includes assistance with transfers to walking aids or mobility devices and assistance with egress.

MOBILE FOOD PREPARATION VEHICLE. Mobile food preparation vehicles that are equipped with appliances that produce smoke or grease-laden vapors or utilize LP-gas systems or CNG systems for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

MOTOR VEHICLE. Includes, but not limited to, a vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for use upon the highways in the transportation of passengers or property. It does not include a vehicle, locomotive or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. The term "motor vehicle" also includes freight containers or cargo tanks used, or intended for use, in connection with motor vehicles.

NIGHTCLUB. An A-2 Occupancy use in which the aggregate area of concentrated use of unfixed chairs and standing space that is specifically designated and primarily used for dancing or viewing performers exceeds 350 square feet (32.5 m²), excluding adjacent lobby areas. "Nightclub" does not include theaters with fixed seating, banquet halls, or lodge halls.

OCCUPANCY CLASSIFICATION. For the purposes of this code, certain occupancies are defined as follows:

Institutional Group I-1. Institutional Group I-1 occupancy shall include buildings, structures or portions thereof for more than 16

persons excluding staff, who reside on a 24-hour basis in a supervised environment and receive custodial care. Buildings of Group I-1 shall be classified as one of the occupancy conditions indicated below. This group shall include, but not be limited to, the following: Assisted living facilities licensed under chapter 388-78A WAC and residential treatment facilities licensed under chapter 246-337 WAC shall be classified as Group I-1, Condition 2.

No change to the rest of the occupancy conditions.

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

- Foster care facilities
- Detoxification facilities
- Hospice care centers
- Hospitals
- Nursing homes
- Psychiatric hospitals

Five or fewer persons receiving care. A facility such as the above with five or fewer persons receiving such care shall be classified as Group R-3 or shall comply with the *International Residential Code* provided that an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or with Section P2904 of the *International Residential Code*.

Family home child care. Family home child care licensed by Washington state for the care of ((12)) 16 or fewer children shall be classified as Group R-3 or shall comply with the *International Residential Code*.

Adult care facility. A facility that provides accommodations for less than 24 hours for more than 5 unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

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

Child care facility. Child care facilities that provide supervision and personal care on a less than 24-hour basis for more than 5 children 2 1/2 years of age or less shall be classified as Group I-4.

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

2. Family child care homes licensed by Washington state for the care of 12 or fewer children shall be classified as Group R-3.

Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code*. This group shall include:

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

- Boarding houses (transient) with more than 10 occupants
- Congregate living facilities (transient) with more than 10 occupants
- 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

Congregate living facilities (nontransient) with more than 16 occupants

Boarding houses (nontransient) with more than 16 occupants

Convents

Dormitories

Fraternities and sororities

Monasteries

Hotels (nontransient)

Live/work units

Motels (nontransient)

Vacation timeshare properties

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, or I, including:

Buildings that do not contain more than two dwelling units.

Care facilities that provide accommodations for five or fewer persons receiving care.

Congregate living facilities (nontransient) with 16 or fewer occupants.

Boarding houses (nontransient) with 16 or fewer occupants

Convents

Dormitories

Fraternities and sororities

Monasteries

Congregate living facilities (transient) with 10 or fewer occupants.

Boarding houses (transient) with 10 or fewer occupants

Lodging houses (transient) with five or fewer guestrooms and 10 or fewer occupants

Care facilities within a dwelling. Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the *International Residential Code* provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or with Section P2904 of the *International Residential Code*.

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

Foster family care homes. Foster family care homes licensed by Washington state are permitted to comply with the *International Residential Code*, as an accessory use to a dwelling, for six or fewer children including those of the resident family.

PORTABLE SCHOOL CLASSROOM. A prefabricated structure consisting of one or more rooms with direct exterior egress from the classroom(s). The structure is transportable in one or more sections, and is designed to be used as an educational space with or without a permanent foundation. The structure shall be capable of being demounted and relocated to other locations as needs arise.

POWERED MICROMOBILITY DEVICES. Motorized bicycles, motorized scooters, and other personal mobility devices powered by a rechargeable battery. The term does not include motor vehicles that are required to be registered with the department of motor vehicles for the state or jurisdiction.

RECALL SIGNAL. An electrically or mechanically operated signal used to recall occupants after an emergency drill or to terminate a shelter-in-place event that shall be distinct from any alarm or alert signal used to initiate an emergency plan, or other signals.

SHELTER-IN-PLACE. An emergency response used to minimize exposure of facility occupants to chemical or environmental hazards by taking refuge in predetermined interior rooms or areas where actions are taken to isolate the interior environment from the exterior hazard.

SPECIAL HAZARDS SUPPRESSION SYSTEMS. Wet-chemical systems (NFPA 17A), Dry-chemical systems (NFPA 17), Foam systems (NFPA 11), Carbon dioxide systems (NFPA 12), Halon systems (NFPA 12A), Clean-agent systems (NFPA 2001), Automatic water mist systems (NFPA 750), Aerosol fire-extinguishing systems (NFPA 2010), and Explosion prevention systems (NFPA 69).