

WSR 24-08-036

EXPEDITED RULES

BUILDING CODE COUNCIL

[Filed March 26, 2024, 4:19 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 changes occur in WAC 51-50-0200, 51-50-0305, and 51-50-0308.

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-5294.1

AMENDATORY SECTION (Amending WSR 23-22-115, filed 10/31/23, effective 3/15/24)

WAC 51-50-0200 Chapter 2—Definitions.**SECTION 202—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 in accordance with RCW 70.128.066.

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.

AUTOMATIC LOAD MANAGEMENT SYSTEM (ALMS). A system designed to manage electrical load across one or more EV Ready parking spaces.

BOTTLE FILLING STATION. A plumbing fixture connected to the potable water distribution system and sanitary drainage system that is designed and intended for filling personal use drinking water bottles or containers not less than 10 inches (254 mm) in height. Such fixtures can be separate from or integral to a drinking fountain and can incorporate a water filter and a cooling system for chilling the drinking water.

CHILD CARE. 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.

CLIMATE ZONE. A geographical region that has been assigned climatic criteria as specified in the Washington State Energy Code.

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

COMPOST. Biodegradable solid wastes that are separated for composting such as food waste, food soiled paper, and yard waste.

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.

EFFICIENCY DWELLING UNIT. A dwelling unit where all permanent provisions for living, sleeping, eating and cooking are contained in a single room.

ELECTRIC VEHICLE (EV) CAPABLE PARKING SPACE. A parking space provided with a conduit, electrical panel and load capacity to support future installation of EV charging equipment.

ELECTRIC VEHICLE (EV) CHARGER. Off-board charging equipment used to charge electric vehicles.

ELECTRIC VEHICLE (EV) CHARGING STATION. EV Ready parking space with installed EV charger.

ELECTRIC VEHICLE (EV) READY PARKING SPACE. A parking space provided with a receptacle outlet allowing charging of electric vehicles.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, personnel protection system, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

HIGH-RISE BUILDING. A building with an occupied floor, located more than 75 feet (22,860 mm) above the lowest level of fire department vehicle access. For the purposes of this definition, an occupied roof with an occupant load of 50 or more is considered to be an occupied floor.

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.

LOFT. A space on an intermediate level or levels between the floor and ceiling of a Group R occupancy dwelling or sleeping unit, open on one or more sides to the room in which the loft is located, and in accordance with Section 420.14.

NIGHTCLUB. An A-2 Occupancy 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, excluding adjacent lobby areas. "Nightclub" does not include theaters with fixed seating, banquet halls, or lodge halls.

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.

RECYCLED MATERIALS. Those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass.

RESIDENTIAL SLEEPING SUITES. A unit that provides multiple rooms or spaces for up to five residents, includes provisions for sleeping and can include provisions for living, eating, sanitation, and kitchen facilities.

SMALL BUSINESS. Any business entity (including a sole proprietorship, corporation, partnership or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has 50 or fewer employees.

STAGED EVACUATION. A method of emergency response, that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves moving or holding certain occupants at temporary locations for a brief period of time before evacuating the building. This response is used by ambulatory surgery facilities and assisted living facilities to protect the health and safety of fragile occupants and residents.

AMENDATORY SECTION (Amending WSR 13-04-067, filed 2/1/13, effective 7/1/13)

WAC 51-50-0305 Section 305—Educational Group E.

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

AMENDATORY SECTION (Amending WSR 23-22-115, filed 10/31/23, effective 3/15/24)

WAC 51-50-0308 Section 308—Institutional Group I.

308.2 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 specified in Section 308.2.1 or 308.2.2 and shall comply with Section 420. This group shall include, but not be limited to, the following:

- Alcohol and drug centers;
- Assisted living facilities as licensed by Washington state under chapter 388-78A WAC;
- Congregate care facilities;
- Group homes;
- Halfway houses;
- Residential board and care facilities;
- Residential treatment facilities as licensed by Washington state under chapter 246-337 WAC;
- Social rehabilitation facilities.

308.2.5 Adult family homes. Adult family homes licensed by Washington state shall be classified as Group R-3 or shall comply with the *International Residential Code*.

308.2.6 Assisted living facilities. Assisted living facilities as licensed by Washington state under chapter 388-78A WAC shall be classified as Group I-1, Condition 2.

308.3 Institutional Group I-2. Institutional Group I-2 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.

308.5.5 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*.