

**EXPRESS TERMS
FOR THE
OFFICE OF THE STATE FIRE MARSHAL (SFM)
REGARDING PROPOSED REGULATIONS TO THE CALIFORNIA CODE OF
REGULATIONS, TITLE 24, PART 2
CALIFORNIA BUILDING CODE (CBC)
REGARDING GROUP R, DIVISION 2 - BEDRIDDEN RESIDENTIAL OCCUPANCIES**

Legend for Express Terms:

1. The proposed SFM amendments are shown as *Italic font and underlined*.
 2. Text to be repealed by the SFM is shown as ~~single strikeout~~.
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CHAPTER 1 – ADMINISTRATIVE

SECTION 101-TITLE, PURPOSE AND SCOPE

101.17.14 SFM-Office of the State Fire Marshal.

Any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, ~~sanitarium~~, home for the aged, elderly, children's nursery, children's home or institution, school or any similar occupancy of any capacity.

Any theater, dance hall, skating rink, auditorium, assembly hall, meeting hall, nightclub, fair building, or similar place of assemblage where 50 or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Authority Cited-Health and Safety Code Section 13143

Reference-Health and Safety Code Section 13143, 1566.45, 1531.3 and 1568.0832

Small Family Day-care Homes

Authority Cited-Health and Safety Code Sections 1597.45, 1597.54, 13143 and 17921.

Reference-Health and Safety Code Section 13143.

Large Family Day-care Homes

Authority Cited-Health and Safety Code Sections 1597.46, 1597.54 and 17921.
Reference-Health and Safety Code Section 13143.

Residential Facilities and Residential Facilities for the Elderly

Authority Cited-Health and Safety Code Sections 13113, 13131.5 and 13133
13133
Reference-Health and Safety Code Section 13143 and 1569.72

CHAPTER 2-DEFINITIONS AND ABBREVIATIONS

Section 203 - B

[For SFM] ~~BEDRIDDEN PERSON means a person confined to a bed, requiring assistance in turning and repositioning in bed, or being unable to independently transfer to and from bed, and unable to leave a building unassisted under emergency conditions. except in facilities with appropriate and sufficient care staff, mechanical devices if necessary, and safety precautions as determined in Title 22 regulations, by the Director of Social Services or his or her designated representative.~~

The Director of Social Services or his or her designated representative shall make the determination of the bedridden status of persons with developmental disabilities, in consultation with the Director of Developmental Services or his or her designated representative.

The Director of Social Services or his or her designated representative shall make the determination of the bedridden status of all other persons with disabilities who are not developmentally disabled.

Specific statutes being implemented for this adoption and or amendment:

Authority Cited-Health and Safety Code Section 13143, 1531.3, 1566.45, 1568.01, 1568.0832 and 1569.72

Reference-Health and Safety Code Section 13133 & 18949.2(b), (c)

CHAPTER 3-USE OR OCCUPANCY

Section 310 - Requirements for Group R Occupancies

310.1 Group R Occupancies Defined. Group R Occupancies shall be:

Division 1. Hotels and apartment houses.

Division 2. Not used. **[For SFM]**

~~**[For SFM] Division 2.1.**~~

~~**[For SFM] Division 2.1.1.** Residentially-based, licensed facilities accommodating six or less non-ambulatory clients. This division may include ambulatory and bedridden clients. Licensing categories that may use this classification include, but are not limited to: Adult Residential Facilities, Congregate Living Health Facilities, Foster Family Homes, Group Homes, Intermediate Care Facilities for the Developmentally Disabled Habilitative, Intermediate Care Facilities for the Developmentally Disabled Nursing, nurseries for the full-time care of children under the age of six, but not including "infants" as defined in Section 210; Residential Care Facilities for the Elderly, Small Family Homes and Residential Care Facilities for the Chronically ill.~~

~~**[For SFM] Division 2.2.**~~

~~**[For SFM] Division 2.2.1.** Residentially-based, licensed facilities accommodating six or less ambulatory clients. This division may include a maximum of two nonambulatory clients, one of whom may be bedridden. Licensing categories that may use this classification include, but are not limited to: Adult Residential Facilities, Intermediate Care Facilities for the Developmentally Disabled Habilitative, Intermediate Care Facilities for the Developmentally Disabled Nursing, Nursing Homes, Residential Care Facilities for the Elderly, Foster Family Homes, Group Homes, Small Family Homes, Community Treatment Facilities and Social Rehabilitation Facilities.~~

~~**[For SFM] Division 2.3.**~~

~~**[For SFM] Division 2.3.1.**~~

~~**310.1.12 [For SFM]** In Group R, Division 2 Occupancies classified as Residential Facilities, bedridden clients shall not be located above or below the first story.~~

~~**310.1.1 [For SFM] Special Provisions for Group R, Division 2 Occupancies.** Clients who become temporarily bedridden as defined in Health and Safety Code Section 1569.72. as enforced by the Department of Social Services may continue to be~~

~~housed on any story in a Group R, Division 2 Occupancies classified as Residential-care Facilities for the Elderly (RCFE). Every as Residential-care Facilities for the Elderly (RCFE) licensee admitting or retaining a bedridden resident shall, within 48 hours of the resident's admission or retention in the facility, notify the local fire authority with jurisdiction of the estimated length of time the resident will retain his or her bedridden status in the facility.~~

EXCEPTION: Clients who become bedridden as a result of a temporary illness as defined in Health and Safety Code Sections 1566.45, 1568.0832, and 1569.72. A temporary illness is an illness, which persists for 14 days or less. A bedridden client may be retained in excess of the 14 days upon approval by the Department of Social Services and may continue to be housed on any story in a Group R, Division 2 Occupancy classified as a licensed residential facility.

Every licensee admitting or retaining a bedridden resident shall, within 48 hours of the resident's admission or retention in the facility, notify the local fire authority with jurisdiction of the estimated length of time the resident will retain his or her bedridden status in the facility.

*The existing regulatory text of the sections listed below is not being amended. The section number is being amended since existing sections **310.1.1 [For SFM]** and **310.1.2 [For SFM]** are being combined to create section 310.1.1 with one exception.*

310.1.3 2 [For SFM]

310.1.4.3 [For SFM]

310.1.5.4 [For SFM]

310.1.6.5 [For SFM]

Specific statutes being implemented for this adoption and or amendment:

Authority Cited-Health and Safety Code Section 13143, 1531.3, 1566.45, 1568.01, 1568.0832 and 1569.72

Reference-Health and Safety Code Section 13133 & 18949.2(b), (c)

CHAPTER 4A – SPECIAL USE AND OCCUPANCY
Division II – OFFICE OF THE STATE FIRE MARSHAL

Section 415A [FOR SFM] – RESIDENTIALLY-BASED, LICENSED FACILITIES IN A NON-SPRINKLERED GROUP R, DIVISION 2.1.1 AND 2.2.1 OCCUPANCY HOUSING A BEDRIDDEN CLIENT

415A.1 Scope. *In addition to other provisions of this code, the provisions of this section shall apply to residentially-based, licensed facilities classified as Group R, Division 2.1.1 and 2.2.1 Occupancies as defined in Section 310.*

415A.1.1 Purpose. *The purpose of this chapter is to provide a minimum level of fire and life safety protection for a bedridden client, as defined in Section 203, housed in a non-sprinklered, Group R, Division 2.1.1. or 2.2.1 Occupancy.*

415A.2 Location. *In Group R, Divisions 2.1.1 and 2.2.1 Occupancies housing a bedridden client, the client sleeping room shall not be located above or below the first story.*

EXCEPTION: Clients *who become bedridden as a result of a temporary illness as defined in Health and Safety Code Sections 1566.45, 1568.0832, and 1569.72. A temporary illness is an illness, which persists for 14 days or less. A bedridden client may be retained in excess of the 14 days upon approval by the Department of Social Services and may continue to be housed on any story in a Group R, Division 2 Occupancy classified as a licensed residential facility.*

Every licensee admitting or retaining a bedridden resident shall, within 48 hours of the resident's admission or retention in the facility, notify the local fire authority with jurisdiction of the estimated length of time the resident will retain his or her bedridden status in the facility.

415A.3 Exits Required. *In Group R, Divisions 2.1.1 and 2.2.1 Occupancies housing a bedridden client, a direct exit to the exterior of the residence shall be provided from the client sleeping room.*

415A.4 Doors and door hardware. *Doors to a bedridden client's sleeping room shall be of a self-closing, positive latching 1-³/₈ inch solid wood door. Such doors shall be provided with a gasket so installed as to provide a seal where the door meets the jam*

on both sides and across the top. Doors shall be maintained self-closing or shall be automatic closing by actuation of a smoke alarm in accordance with Section 713.

415A.4.1 Locks on Interior Doors. Group R, Division 2.1.1 and 2.2.1 Occupancies shall not have a night latch, dead bolt, security chain or any similar locking device installed on any interior door leading from a bedridden client's sleeping room to any interior area such as a corridor, hallway and or general use areas of the residence in accordance with Chapter 10.

415A.5 Exterior exit door. The exterior exit door to a bedridden client's sleeping room shall be operable from both the interior and exterior of the residence.

415A.6 Width and Height. Every required exit doorway shall be of a size as to permit the installation of a door not less than 3 feet (914 mm) in width and not less than 6 feet 8 inches (2032 mm) in height. When installed in exit doorways, exit doors shall be capable of opening at least 90 degrees and shall be so mounted that the clear width of the exit way is not less than 32 inches (813 mm).

415A.7 Smoke Alarms. In all facilities housing a bedridden client, smoke alarms 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. Smoke alarms shall be electrically interconnected so as to cause all smoke alarms to sound a distinctive alarm signal upon actuation of any single smoke alarm. Such alarm signal shall be audible throughout the facility at a minimum level of 15 db above ambient noise level. These devices need not be interconnected to any other fire alarm device, have a control panel, or be electrically supervised or provided with emergency power.

415A.9 Interior Finish. In all facilities housing a bedridden client, the interior finishes shall be in accordance with Table 8-B.

415A.10 Request for alternate means of protection. Request for alternate means of protection shall apply to Sections 415A.1 through 415A.9. Request for approval to use an alternative material, assembly or materials, equipment, method of construction, method of installation of equipment, or means of protection shall be made in writing to the local fire authority having jurisdiction by the facility, client or the client's authorized representative. Sufficient evidence shall be submitted to substantiate the need for an alternate means of protection.

The facility, client or the client's representative or the local fire authority having jurisdiction may request a written opinion from the State Fire Marshal concerning the interpretation of the regulations promulgated by the State Fire Marshal for a particular factual dispute. The State Fire Marshal shall issue the written opinion within 45 days following the request.

Approval of a request for use of an alternative material, assembly or materials, equipment, method of construction, method of installation of equipment, or means of protection made pursuant to this section shall be limited to Group R, Divisions 2.1.1 and 2.2.1 Occupancies housing a bedridden client.

Approvals made by the local fire authority having jurisdiction and the written opinion by the State Fire Marshal shall be applicable only to the requesting facility and shall not be construed as establishing any precedent for any future request by that facility or any other facility.

Specific statutes being implemented for this adoption and or amendment:

Authority Cited-Health and Safety Code Section 13143, 1531.3 1566.45, 1568.01, 1568.0832 and 1569.72

Reference-Health and Safety Code Section 13133 & 18949.2(b), (c)

TABLE 8-B-MAXIMUM FLAME SPREAD CLASS¹

OCCUPANCY GROUP	ENCLOSED VERTICAL EXITWAYS	OTHER EXITWAYS ²	ROOMS OR AREAS
A	I	II	II ³
B	I	II	III
E	I	II	III
F	II	III	III
H	I	II	III ⁴
I-1.1, I-1.2, 1-2	I	I ⁵	II ⁶
I-3	I	I ⁵	I ⁶
R-1	I	II	III
<u>R-2</u>	<i>I</i>	<u>II</u> ⁷	<u>III</u> ⁷
R-3	III	III	III ^{7 8}
S-1, S-2	II	II	III
S-3, S-4, S-5	I	II	III
U	NO RESTRICTIONS		

¹Foam plastics shall comply with the requirements specified in Section 2602. Carpeting on ceilings and textile wall coverings shall comply with the requirements specified in Sections 804.2 and 805, respectively.

²Finish classification is not applicable to interior walls and ceilings of exterior exit balconies

³In Group A, Divisions 3 and 4 Occupancies, Class III may be used.

⁴Over two stories shall be of Class II.

⁵In Group I, Divisions 2 and 3 Occupancies, Class II may be used.

⁶Class III may be used in administrative spaces.

⁷Group R, Division 2 Occupancies housing six or more nonambulatory clients or a bedridden client shall comply with the requirements specified for Group I, Division 1.1 Occupancies.

~~⁸Flame-spread provisions are not applicable to kitchens and bathrooms of Group R, Division 3 Occupancies.~~

Specific statutes being implemented for this adoption and or amendment:

Authority Cited-Health and Safety Code Section 13143, 1531.3, 1566.45, 1568.01, 1568.0832 and 1569.72

Reference-Health and Safety Code Section 13133 & 18949.2(b), (c)

CHAPTER 9-FIRE-PROTECTION SYSTEMS

Section 904 - Fire-Extinguishing Systems

904.2.10 [For SFM] Group R, Division 2 Occupancies. *An automatic sprinkler system shall be installed in Group R, Division 2 Occupancies.*

EXCEPTIONS: *1. Group R, Divisions 2.1.1 and 2.2.1 Occupancies not housing bedridden clients and not exceeding two stories in height or not housing bedridden clients and not housing non-ambulatory clients above the first story.*

2. Group R, Divisions 2.1.1 and 2.2.1 Occupancies housing only one bedridden client and complying with Section 415A.

~~*2. When Group R, Divisions 2.1.1, 2.2.1 and 2.3.1 Occupancies are required to have an automatic sprinkler system, a NFPA 13R or 13D system may be used within the scope of those standards. Section 2-6 of NFPA 13R or 13D shall not apply unless approved by the authority having jurisdiction.*~~

~~3.3. In Group R, Division 2 Occupancies, Pursuant to Health and Safety Code Section 13113, Division 2.2 Occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings- or portions thereof in which children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.~~

~~4. In Group R, Division 2 Occupancies, Pursuant to Health and Safety Code Section 13143.6, Division 2 Occupancies, which house ambulatory persons only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).~~

~~904.2.10.1 [For SFM] Group R, Divisions 2.3 and 2.3.1 Occupancies. An automatic sprinkler system shall be installed in Group R, Divisions 2.3 and 2.3.1 occupancies. Residential or quick response standard sprinklers shall be used in sleeping rooms. An automatic sprinkler system meeting the requirements of NFPA 13 shall be installed in all Group R, Division 2.3 Occupancies.~~

~~2.1.1, 2.2.1 and 2.3.1 Occupancies. In Group R, Divisions 2.1.1, 2.2.1 and 2.3.1 Occupancies, a NFPA 13R or 13D system may be used within the scope of those standards. Section 2-6 of NFPA 13R or Section 4-6 of 13D shall not apply unless approved by the authority having jurisdiction. Residential or quick response standard sprinklers shall be used in all sleeping rooms.~~

Specific statutes being implemented for this adoption and or amendment:

Authority Cited-Health and Safety Code Section 13143, 1531.3, 1566.45, 1568.01, 1568.0832 and 1569.72

Reference-Health and Safety Code Section 13133 & 18949.2(b), (c)

CHAPTER 10-MEANS OF EGRESS

~~Section 1003.3.1.8.1 [For SFM] Type of Lock or Latch in Group R, Division 2 Occupancies. Group R, Division 2.1.1 and 2.2.1 Occupancies shall not have a night latch, dead bolt, security chain or any similar locking device installed on any interior door leading from the client's sleeping room to any interior area such as a corridor, hallway and or general use areas of the residence.~~

Specific statutes being implemented for this adoption and or amendment:

Authority Cited-Health and Safety Code Section 13143, 1531.3, 1566.45, 1568.01, 1568.0832 and 1569.72

Reference-Health and Safety Code Section 13133 & 18949.2(b), (c)