

## STATE BUILDING CODE OPINION (Log # Oct-01)

**CODE:** 2018 International Building Code  
2018 International Fire Code

**SECTION:** 104.11

**QUESTION:** Can an authority having jurisdiction use Section 104.11 Alternative materials, design and methods of construction and equipment, as an evaluation tool for considering the use of the R-4 occupancy designation (ref. Section 310.5)

This occupancy designation is a nationally recognized for facilities that serve more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. Risk factors for condition 1 and condition 2 would be considered based on the services provided and the ability for residents and staff to safely evacuate the building.

**BACKGROUND:** In 2006 DOH/CRS was a proponent for amending out the R-4 occupancy designation. The SBCC agreed with DOH and adopted the non-adoption of R-4 occupancy group in Washington State. At that time, the smaller residential treatment facilities were classified as "licensed care (LC) occupancies." Since then, the ICC model codes have evolved to include an enhanced building science model for the R-4 designation that includes mitigations for both active and passive fire and life safety systems. The DOH/CRS no longer has a reason to support amending out the ICC model codes for the R-4 occupancy designation.

**ANSWER:** **Yes; this approval shall be considered equivalent of that prescribed in the code in quality, strength, effectiveness, fire resistance, durability and safety.**

IBC Section 104.11 allows building officials to permit the use of alternative materials, design, and method of construction where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code. In addition, the material, method or work offered is not less than the equivalent of that prescribed in the code in quality, strength, effectiveness, fire resistance, durability and safety.

Currently, since Group R-4 occupancy is not adopted, small residential treatment facilities in Washington State are considered I-1 occupancy as the closest fit. This occupancy classification is intended for larger facilities and needs to comply with more restrictive requirements related to health, safety, and welfare of the occupants. In general, if an authority having jurisdiction use Section 104.11 and approves the use of Group R-4 occupancy for small residential treatment facilities, this will allow the application of less restrictive standards, and may be considered less than the equivalent of that prescribed in the code. Nevertheless, it must be noted that Section 310.5 – Residential Group R-4, reads in part: "Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code." Group R-3 is currently adopted in Washington State, and pursuant to Section 310.5, effectively Group R-3 and Group R-4 occupancies are essentially equivalent from a building science and fire life safety perspective. Therefore, if a building official approves the use of Group R-4 occupancy for small residential treatment facilities, this shall be considered equivalent of that prescribed in the code in quality, strength, effectiveness, fire resistance, durability and safety.

**SUPERSEDES:** None

**REQUESTED BY:** Department of Health, Construction Review Services