

## Family Home Childcare 13+ Capacity Waiver – 2023 Off-Cycle Rule – DRAFT Proposal

- Existing Washington Amendments are marked by a [W] and/or underlined.
- Proposed changes by the DCYF Family Home Childcare Workgroup to the 2021 Construction Codes are identified in **red and underlined**. **These changes have been reviewed and voted to move forward by the combined IRC and IFC Tags.**
- Public Comment proposals to the BFP Committee for further edits to the provisions as approved by the Combined IRC and IFC Tags are **highlighted in yellow and are red and underlined**.

**Formatted:** No underline, Font color: Auto

**Formatted:** Font color: Auto

**Formatted:** Underline, Font color: Red, Highlight

**Formatted:** Font color: Red

## 2021 Washington State Residential Code

### SECTION R202 – DEFINITIONS

**[W] 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 **twelve sixteen** or fewer children, including children who reside at the home.

**Commented [JA1]:** 2021 R202 existing definition. Workgroup proposal is to increase definition from 12 children to 16 children and still permit the family home childcare to remain in the scoping of the Residential Code.

### [W] SECTION R331 - FAMILY HOME CHILD CARE

**R331.1 Family home childcare.** For *family home childcare* with more than six children, each floor level used for family child care purposes shall be served by two remote means of egress. Exterior exit doors shall be operable from the inside without the use of keys or any special knowledge or effort **and comply with the requirements of R311.2.**

**Commented [JA2]:** 2021 R331 Family Home Child Care. <https://app.leg.wa.gov/WAC/default.aspx?cite=51-51>

Basements located more than 4 feet (1219 mm) below grade level shall not be used for family home child care unless one of the following conditions exist:

Renumber change from 331 to 331.1 to include a new section 331.2

1. Stairways from the basement open directly to the exterior of the building without entering the first floor; or
2. One of the two required means of egress discharges directly to the exterior from the basement level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor above; or
3. One of the two required means of egress is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court; or
4. **A residential sprinkler system is provided throughout the entire building in accordance with NFPA 13D. An automatic residential sprinkler system shall be designed and installed in accordance with Section P2904 or NFPA 13D.**

**Commented [JA3]:** 10/13/23: Text in red was proposed by TAG to replace existing language. Request to BFP to revert back to existing code language for operation of doors. DCYF RCW permits use of sliding doors.

**Formatted:** Font color: Red, Strikethrough, Highlight

**Formatted:** Strikethrough, Highlight

**Formatted:** Highlight

**Formatted:** Highlight

**Formatted:** Font color: Red

**Formatted:** Font color: Red, Strikethrough

**Formatted:** Not Highlight

**Formatted:** Font color: Red

Floors located more than 4 feet above grade level shall not be occupied by children in *family home child care*.

#### Exceptions:

1. Use of toilet facilities while under supervision of an adult staff person.
2. *Family home child care* may be allowed on the second story if one of the following conditions exists:

- 2.1. Stairways from the second story open directly to the exterior of the building without entering the first floor; or
- 2.2. One of the two required means of egress discharges directly to the exterior from the second story level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor below; or
- 2.3. **A residential sprinkler system is provided throughout the entire building in accordance with NFPA 13D. An automatic residential sprinkler system shall be designed and installed in accordance with Section P2904 or NFPA 13D.**

**Formatted:** Font color: Red

**Formatted:** Font color: Red, Strikethrough

**Formatted:** Font color: Red

**Formatted:** Not Highlight

**Formatted:** Font color: Red

Every sleeping or napping room in a *family home child care* shall have at least one operable window for emergency rescue.

Exception: Sleeping or napping rooms having doors leading to two separate means of egress, or a door leading directly to the exterior of the building.

Rooms or spaces containing a commercial-type cooking kitchen, boiler, maintenance shop, janitor, closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the family home child care area by at least one-hour fire-resistance-rated construction.

Exception: A fire-resistance-rated separation is not required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease-laden vapors.

Smoke alarms and heat detectors shall be installed in accordance with the requirements of new construction per IRC 314. Provide an additional heat detector in each the kitchen. of a family home childcare.

**R331.2 Additional Requirements for Family home child care with thirteen to sixteen children.** In addition to the requirements of Section R331.1, the provisions of this section shall apply to family home child care with thirteen to sixteen children.

**R331.2.1 Illumination in the event of a power supply failure.** In addition to illumination requirements of R311.7.9, provide an artificial light source that activates upon termination of building power supply at all interior stairs serving child care areas.

**R331.2.2 Sprinklers** An automatic residential sprinkler system shall be designed and installed in accordance with Section P2904 or NFPA 13D.

**Exception:** Subject to approval of the code official, a sprinkler system is not required where all of the following conditions are met:

- 1.** Childcare areas are located on a floor within 4 feet of grade level, and
- 2.** Each childcare area shall have a door leading directly to the exterior of the building.

**Commented [JA4]:** Smoke alarms per IRC 314 as for new construction. See R314, some exceptions for existing construction.

LOCATION:

R314.2.1: Smoke alarm in dwelling units. Heat detector in new attached garages

R314.3: each sleeping room; outside each sleeping area; each story; bathroom; napping areas of family home childcare

R314.4. Interconnection required.

R314.7 Power source from the building wiring where such wiring is a commercial source and provide a battery backup

**Formatted:** Font: (Default) Times New Roman, 10 pt, Underline

**Formatted:** Space After: 8 pt, Pattern: Clear

**Formatted:** Normal

**Formatted:** Not Highlight

**Formatted:** Highlight

**Commented [JA5]:** 10/13/23: The cost of sprinklers can be prohibitive. DCYF preference is to maintain a sprinkler exception. The TAG was able to provide feedback on this option to result in this code language, however, the TAG ultimately voted to not permit the exception.

The request to BFP is to include a sprinkler exception, subject to approval of the code official. This would only be permitted where the child care areas are located at or close to grade AND where each childcare area has a door leading direction to the building exterior. Note that this is subject to code official interpretation and approval. Also the DCYF licensing requirements have a 2 min evacuation time.

**Formatted:** Font color: Red, Highlight

**Formatted:** Font color: Red, Not Highlight

**OPTION 1: Sprinklers required (NFPA 13D), no exceptions. Fire alarm required.**

**R331.2 Additional Requirements for Family home child care with thirteen to sixteen children.** In addition to the requirements of Section R331.1, the provisions of this section shall apply to *family home child care with thirteen to sixteen children*.

**R331.2.1 Illumination in the event of a power supply failure.** In addition to illumination requirements of R311.7.9, provide an artificial light source that activates upon termination of building power supply at all interior stairs serving child care areas.

**R331.2.2 Manual Fire Alarm System.** An approved fire alarm system shall be installed in accordance with Section 907.2.6.4 of the *International Building Code*.

**R331.2.3 Sprinklers** A residential sprinkler system shall be provided throughout the entire building in accordance with NFPA 13D.

**OPTION 2: Sprinklers required (NFPA 13D), no exceptions. No fire alarm requirement.**

**R331.2 Additional Requirements for Family home child care with thirteen to sixteen children.** In addition to the requirements of Section R331.1, the provisions of this section shall apply to *family home child care with thirteen to sixteen children*.

**R331.2.1 Illumination in the event of a power supply failure.** In addition to illumination requirements of R311.7.9, provide an artificial light source that activates upon termination of building power supply at all interior stairs serving child care areas.

**R331.2.3 Sprinklers** A residential sprinkler system shall be provided throughout the entire building in accordance with NFPA 13D.

**OPTION 3: Sprinklers required (NFPA 13D), except if at grade, limited travel distance to an exit and a fire alarm.**

**R331.2 Additional Requirements for Family home child care with thirteen to sixteen children.** In addition to the requirements of Section R331.1, the provisions of this section shall apply to *family home child care with thirteen to sixteen children*.

**R331.2.1 Illumination in the event of a power supply failure.** In addition to illumination requirements of R311.7.9, provide an artificial light source that activates upon termination of building power supply at all interior stairs serving child care areas.

**R331.2.2 Sprinklers** A residential sprinkler system shall be provided throughout the entire building in accordance with NFPA 13D.

**Exception:** A sprinkler system is not required where all of the following provisions conditions are met:

1. Child care areas are located on a floor within 4 feet of grade level; and
2. The travel distance from any point within a child care area to an exterior egress door that meets the requirements of R311.2 is less than 50 feet; and
3. An approved fire alarm system shall be installed in accordance with Section 907.2.6.4 of the *International Building Code*.

**Commented [JA6]:** Residential Code requirements for illumination in stairways is per R311.7.9 which then points to R303.7 and R303.8. Those are requirements for lighting at interior and exterior stairs operating under normal building power.

In addition, the workgroup proposes requiring emergency lighting at interior stairs to facilitate exiting during an event.

**Formatted:** Strikethrough

**Formatted:** Indent: Left: 0"

**Commented [JA7]:** TAG to review: Section 907.2.6.4 is for I-4 occupancy and provides an exception for occupant loads under 50. Per prior tag discussion, intent is that this exception does not apply for this Option.

Request that TAG provide guidance for more prescriptive language on alarm requirements if appropriate.

Example language could be:

"A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2." or specifying the specific type of alarm required. (from Jen Eliuk)

**Commented [JA8]:** NFPA 13D does not require sprinklers in the garage and attic. Prior proposal stated: "A residential sprinkler system shall be provided throughout the building in accordance with NFPA 13D." This language clarifies the language of "throughout the building"

TAG: please advise which is preferred language. Typical all options.

**Formatted:** Indent: Left: 0"

**Formatted:** Normal, No bullets or numbering, Pattern: Clear

**Formatted:** Strikethrough

**Commented [AJ9]:** I'm open to TAG suggestions here. I don't have a code basis for this other than it seems reasonable. I based it on a typical 60' lot width that has a 5' setback each side. Though completely unrelated, this is the travel distance limit for a waiver on sprinklers for Special Amusement buildings. IBC 411.

**Commented [JA10]:** TAG to review: Section 907.2.6.4 is for I-4 occupancy and provides an exception for occupant loads under 50. For this option, this exception is comparable to the I-4 exception. Straight reference to 907.2.6.4 may be unclear.

... [1]

**Formatted:** Normal

## Chapter 2 – Definitions

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

## Chapter 3 – Occupancy Use and Classification

**305.2 Group E, day care facilities.** This group includes buildings and structures or portions thereof occupied by more than five children older than 2 1/2 years of age who receive educational, supervision or personal care services for fewer than 24 hours per day.

**305.2.1 Within places of religious worship.** Rooms and spaces within places of religious worship providing such day care during religious functions shall be classified as part of the primary occupancy.

**305.2.2 Five or fewer children.** A facility having five or fewer children receiving such day care shall be classified as part of the primary occupancy.

**305.2.3 Five or fewer children in a dwelling unit.** A facility such as the above within a dwelling unit and having five or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

**[W] 305.2.4 Family home child care.** Family home child care licensed by Washington State for the care of ~~12-sixteen~~ or fewer children shall be classified as Group R-3 or shall comply with the *International Residential Code*.

**308.5 Institutional Group I-4, day care facilities.** Institutional Group I-4 occupancy shall include buildings and structures occupied by more than five persons of any age who receive custodial care for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

Adult day care

Child day care

**308.5.1 Classification as Group E.** A child day care facility that provides care for more than five but not 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.

**308.5.2 Within a place of religious worship.** Rooms and spaces within places of religious worship providing such care during religious functions shall be classified as part of the primary occupancy.

**308.5.3 Five or fewer persons receiving care.** A facility having five or fewer persons receiving custodial care shall be classified as part of the primary occupancy.

**[W] 308.5.5 Family home child care.** Family home child care licensed by Washington state for the care of ~~12-sixteen~~ or fewer children shall be classified as Group R-3 or shall comply with the *International Residential Code*.

~~**310.4 Residential Group R-3.** Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I-1, 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)~~

~~Convents~~

~~Dormitories~~

~~Fraternities and sororities~~

Last updated: ~~October 12~~September 19, 2023 (includes changes as discussed and approved by the IRC/IFC TAGs AND proposed further edits for discussion at BFP Committee 10/13/2023)

**Commented [JA11]:** Model code occupancy designation is I-4 for Child daycare with 6 or more children. Existing Washington amendment in Section 308.5.5 is what allows the increase to 12 children to be designated as either R-3 (in the Building Code) or comply with Residential Code.

**Commented [JA12]:** No technical change proposed. Provided for reference only.

## Monasteries

~~[W] 310.4.3 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.~~

## Chapter 9 – Fire Protection and Life Safety Systems

### Section 903 Automatic Sprinkler Systems

~~[W] 903.2.6.1 Group I-4. An automatic sprinkler system shall be provided in fire areas containing Group I-4 occupancies where the fire area has an occupant load of 51 or more, calculated in accordance with Table 1004.5.~~

#### Exceptions:

- ~~1. An automatic sprinkler system is not required for Group I-4 day care facilities with a total occupant load of 100 or less, and located at the level of exit discharge and where every room where care is provided has not fewer than one exterior exit door.~~
- ~~2. In buildings where Group I-4 day care is provided on levels other than the level of exit discharge, an automatic sprinkler system in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, including the level of exit discharge, and all floors between the level of care and the level of exit discharge and all floors below the level of exit discharge other than areas classified as an open parking garage.~~

~~[W][F] 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.~~

~~[W][F] 903.2.8.1 Group R-3. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies.~~

~~[F] 903.2.8.2 Group R-4, Condition 1. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-4, Condition 1 occupancies.~~

~~[F] 903.2.8.3 Group R-4, Condition 2. An automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be permitted in Group R-4, Condition 2 occupancies.~~

~~[F] 903.2.8.4 Care facilities. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in care facilities with five or fewer individuals in a single-family dwelling.~~

~~[W] 907.2.6.4 Group I-4 occupancies. A manual fire alarm system that initiates the occupant notification signal using an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group I-4 occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.~~

#### Exceptions:

- ~~1. A manual fire alarm system is not required in Group I-4 occupancies with an occupant load of 50 or less.~~
- ~~2. Emergency voice alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group I-4 occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.~~

**Commented [JA13]:** No technical change required here, however note the existing WA amendment only permits use of IRC in "single-family home".

The workgroup requests TAG confirmation of what structures are permitted to contain family home childcare facilities. IRC scoping for family home childcare does not currently limit to single-family home.

**Commented [JA14]:** No technical change proposed. Provided for reference only.

**Commented [JA15]:** No technical change proposed. Provided for reference only.

**Commented [JA16]:** No technical change proposed. Provided for reference only.

## 2021 Washington State Fire Code

### Chapter 2 – Definitions

Last updated: ~~October 12~~September 19, 2023 (includes changes as discussed and approved by the IRC/IFC TAGs AND proposed further edits for discussion at BFP Committee 10/13/2023)

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

Under the definition of [W] Institutional Group I-2 Occupancy conditions:

**Family home child care.** Family home child care licensed by Washington state for the care of ~~twelve-sixteen~~ 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 five 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 five 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-sixteen~~ or fewer children shall be classified as Group R-3.

Under the definition of [W] Residential Group R-3:

~~**[W] 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~~

**Commented [JA17]:** No technical change proposed.  
Provided for reference only.

TAG to review:

Section 907.2.6.4 is for I-4 occupancy and provides an exception for occupant loads under 50. For this option, this exception is comparable to the I-4 exception. Straight reference to 907.2.6.4 may be unclear.

Request that TAG provide guidance for more prescriptive language on alarm requirements in this option.

Items to consider in providing prescriptive guidance:

- Confirm fire alarm tied to sprinklers
- Is there a desired location of Manual Pull station? Assume awake and alert staff
- Requirements of Occupant Notification system? Emergency Voice/Alarm Communication per 907.5.2.2?