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ADVISORY COMMITTEE COMMENT FORM
FOR PROPOSED CODE CHANGES
(This form must be submitted electronically)

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Proposed Code Change - Language

IBC Sec. 302.2 Care Facilities. Care facilities shall be classified in accordance with the following Quick Referenced Guide to Care Facilities in Minnesota:



MINNESOTA DEPARTMENT OF
LABOR & INDUSTRY



Quick Reference Guide
To
Care Facilities
in Minnesota

**2013 Minnesota State Building Code &
2013 Minnesota State Fire Code**

2013 MSBC & MSFC

Table 1.1

Quick Reference Guide to Day Care Facilities in Minnesota

See the Minnesota State Building Code and the Minnesota State Fire Code for verification of applicable construction requirements.

Type of Licensed Facility	MN Rule (MR) Or Statute (Ms)	Number of Occupants	2013 MSBC Occupancy Classification	State Regulatory Agency	Fire Sprinkler Requirements (5)	Accessibility MN Rule 1341	
Child Care (Day Care) < 24 hours per day	Family Child Care Home(6)	MS 245A & MR 9502.0300-9502.0445	10 occupants maximum with ≤ 6 below school age	R-3	DHS	> 9250 sq. ft. (3) (7)	Not Required
	Group Child Care Home(6)	MS 245A & MR 9502.0300-9502.0445	11-14 occupants maximum	R-3	DHS	> 9250 sq. ft. (3) (7)	Not Required
	Child Care Center	MS 245A & MR 9503.0005-9503.0170	>5 but ≤ 100 children ≤ 2.5 yrs. of age & each room at, and with, an exit at the level of exit discharge	E	DHS	Fire Area > 12,000 sq. ft. or Care areas below level of exit discharge (1) (8)	Required
	Child Care Center	MS 245A & MR 9503.0005-9503.0170	More than 5 children > 2.5 yrs of age	E	DHS	Fire Area > 12,000 sq. ft. or Care areas below level of exit discharge (1) (8)	Required
	Child Care Center	MS 245A & MR 9503.0005-9503.0170	More than 5 children ≤ 2.5 yrs. of age	I-4	DHS	Required (1)	Required
Adult Day Care < 24 hours per day	Family Adult Day Services(6)	MS 245A.143	≤ 8 impaired adults	R-3	DHS	> 9250 sq. ft. (3) (7)	Not Required
	Adult Daycare Center	MS 245A & MR 9555.9600-9555.9730	6 or more occupants, all may – or may not be capable of self-preservation	I-4	DHS	Required (1)	Required
	Adult Daycare Center(9)	MS 245A & MR 9555.9600-9555.9730	6 or more occupants – but having no more than 50% of the occupants who are not capable of self-preservation	E	DHS	Fire Area > 12,000 sq. ft. or Care areas below level of exit discharge (1) (8)	Required

Footnotes:

- (1) An NFPA 13 fire sprinkler system is required per code.
- (2) A NFPA 13 or 13-R fire sprinkler system is required per code
- (3) An NFPA 13, 13-R or 13-D fire sprinkler system is required per code.
- (4) No 'Personal Care Service' provided
- (5) Refer to license for special sprinkler installation requirements
- (6) Usually within the caregivers residence
- (7) Combined area on all floors, including mezzanines
- (8) See MN Rules, Chapter 1306 Special Fire Protection Systems for more restrictive thresholds if adopted by municipality
- (9) See MSFC 4602 for additional requirements.

Key:

- DHS = Department of Human Services – www.dhs.state.mn.us
- MDH = Department of Health – www.health.state.mn.us
- DOLI = Department of Labor & Industry – www.doli.state.mn
- SFM = State Fire Marshal – www.dps.state.mn.us/fmarshal

Additional Resources

- For MN Statute or MN Rule see: www.revisor.leg.state.mn.us/pubs/
- For information on licensing see: www.state.mn.us/license/content.do?mode=search
- For a listing of licensed health care facilities see: www.health.state.mn.us/divs/fpc/directory/providerselect.cfm
- For requirements for plans and specifications prepared and certified by a MN licensed architect or engineer see: www.aelslagid.state.mn.us

2013 MSBC & MSFC

Table 1.2

Quick Reference Guide to **Supervised Living Facilities (SLF)** in Minnesota

See the Minnesota State Building Code and the Minnesota State Fire Code for verification of applicable construction requirements.

Type of Facility	MN Rule (MR) Or Statute (Ms)	Number of Residents	2013 MSBC Occupancy Classification	State Regulatory Agency	Fire Sprinkler Requirements (5)	Accessibility MN Rule 1341	
Supervised Living Facilities	Class A-1	MS 144.50 & MR 4665	6 or fewer residents – all of whom are capable of self-preservation	R-3	MDH	> 9250 sq. ft. (3) (7)	Required > 3 resident sleeping units
	Class A-2	MS 144.50 & MR 4665	7 - 16 residents – all of whom are capable of self-preservation	R-4	MDH	> 9250 sq. ft. (3) (7)	Required
	Class A-2	MS 144.50 & MR 4665	More than 16 residents – all of whom are capable of self-preservation	I-1	MDH	Required (2)	Required
	Class B-1	MS 144.50 & MR 4665	6 or fewer residents – all of whom may not be capable of self-preservation	R-3	MDH	Required (3)	Required > 3 resident sleeping units
	Class B-2	MS 144.50 & MR 4665	7 - 16 residents – all of whom may not be capable of self-preservation	R-4	MDH	Required (3)	Required
	Class B-3	MS 144.50 & MR 4665	More than 16 residents – all of whom may not be capable of self-preservation	I-2	MDH	Required (1)	Required

Footnotes:

- (1) An NFPA 13 fire sprinkler system is required per code.
- (2) A NFPA 13 or 13-R fire sprinkler system is required per code
- (3) An NFPA 13, 13-R or 13-D fire sprinkler system is required per code.
- (4) No 'Personal Care Service' provided
- (5) Refer to license for special sprinkler installation requirements
- (6) Usually within the caregivers residence
- (7) Combined area on all floors, including mezzanines

Key:

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Additional Resources

- For MN Statute or MN Rule see: www.revisor.leg.state.mn.us/pubs/
- For information on licensing see: www.state.mn.us/license/content.do?mode=search
- For a listing of licensed health care facilities see: www.health.state.mn.us/divs/fpc/directory/providerselect.cfm
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2013 MSBC & MSFC

Table 1.3

Quick Reference Guide to **Hospice & Foster Care Facilities** in Minnesota

See the Minnesota State Building Code and the Minnesota State Fire Code for verification of applicable construction requirements.

Type of Facility	MN Rule (MR) Or Statute (Ms)	Number of Residents	2013 MSBC Occupancy Classification	State Regulatory Agency	Fire Sprinkler Requirements (5)	Accessibility MN Rule 1341	
Hospice	Residential Hospice Facility(8)	MS 144A.75 & MR 4664	1 - 5 terminally ill persons	R-3	MDH	Required (3)	Required > 3 sleeping units, exception for resident bathrooms
	Residential Hospice Facility(8)	MS 144A.75 & MR 4664	6 - 12 terminally ill persons	R-4	MDH	Required (3)	Required, exception for resident bathrooms
Adult Foster Care	Family Adult Foster Care Home(6)	MS 245A & MR 9555.5105-9555.6265	1 – 5 Impaired Adults	R-3	DHS	>9250 sq. ft. (3) (7)	Required > 3 resident sleeping units
Child Foster Care	Foster Care(6)	MS 245A & MR 2960.3000 – 2960.3340	1-6 Foster children w/o severe disability or assisted medical technology	R-3	DHS	Not Required	Not Required
	Foster Care(6)	MS 245A & MR 2960.3000-2960.3340	1 - 4 Foster children w/medical or special care services	R-3	DHS	>9250 sq. ft. (3) (7)	Not Required

Footnotes:

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- (2) A NFPA 13 or 13-R fire sprinkler system is required per code
- (3) An NFPA 13, 13-R or 13-D fire sprinkler system is required per code.
- (4) No 'Personal Care Service' provided
- (5) Refer to license for special sprinkler installation requirements
- (6) Usually within the caregivers residence
- (7) Combined area on all floors, including mezzanines
- (8) If federally-certified shall also meet NFPA 101 chapters 18 & 19 as applicable.

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Additional Resources

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2013 MSBC & MSFC

Table 1.4

Quick Reference Guide to **Housing with Services Facilities** including those that provide **Assisted Living Services** in Minnesota
See the Minnesota State Building Code and the Minnesota State Fire Code for verification of applicable construction requirements.

Type of Facility	MN Rule (MR) Or Statute (Ms)	Number of Residents	2013 MSBC Occupancy Classification	State Regulatory Agency	Fire Sprinkler Requirements (5)	Accessibility MN Rule 1341	
Housing with Services Facility	Housing with Services Establishment	MS 144D	1 - 5 Adults residents ≥ 80% 55 yrs of age unless registered under 144D.025	R-3	MDH	>9250 sq. ft. (3) (7)	Required > 3 resident sleeping units
	May also provide: Assisted Living Services	MS144G			Personal Care Services Provided by MDH Licensed Class A or F Home Care Provider		
	Housing with Services Establishment	MS 144D	6-16 Adults residents ≥ 80% 55 yrs of age unless registered under 144D.025	R-4	MDH	>9250 sq. ft. (3) (7)	Required
	May also provide: Assisted Living Services	MS 144G			Personal Care Services Provided by MDH Licensed Class A or F Home Care Provider		
	Housing with Services Establishment	MS 144D	> 16 Adults residents ≥ 80% 55 yrs of age unless registered under 144D.025	I-1	MDH	Required (2)	Required
	May also provide: Assisted Living Services	MS 144G			Personal Care Services Provided by MDH Licensed Class A or F Home Care Provider		

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- (3) An NFPA 13, 13-R or 13-D fire sprinkler system is required per code.
- (4) No 'Personal Care Service' provided
- (5) Refer to license for special sprinkler installation requirements
- (6) Usually within the caregivers residence
- (7) Combined area on all floors, including mezzanines

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Additional Resources

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For information on licensing see: www.state.mn.us/license/content.do?mode=search

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2013 MSBC & MSFC

Table 1.5

Quick Reference Guide to Boarding Care & Boarding and Lodging Facilities in Minnesota

See the Minnesota State Building Code and the Minnesota State Fire Code for verification of applicable construction requirements.

Type of Facility	MN Rule (MR) Or Statute (Ms)	Number of Residents	2013 MSBC Occupancy Classification	State Regulatory Agency	Fire Sprinkler Requirements (5)	Accessibility MN Rule 1341	
Boarding Care	Boarding Care Home(6)	MS 144.50 & MR 4655	5 Residents	R-3	MDH	>9250 sq. ft. (3) (7)	Required > 3 resident sleeping units
	Boarding Care Home	MS 144.50 & MR 4655	6-16 Residents	R-4	MDH	>9250 sq. ft. (3) (7)	Required
	Boarding Care Home	MS 144.50 & MR 4655	> 16 Residents	I-1	MDH	>9250 sq. ft. (2) (7)	Required
Boarding and Lodging	Boarding and Lodging	MS 157 & MR 4625	≤ 5	R-3	MDH	>9250 sq. ft. (3) (7)	Required > 3 resident sleeping units
	Boarding and Lodging	MS 157.15 & MR 4625	6 or more	R-2	MDH	> 9250 sq. ft. (2) (7)	Required > 3 resident sleeping units
	Boarding and Lodging	MS 157.15 & MR 4625	< 30 Days or Bed & Breakfast with 6 or more guest rooms	R-1	MDH	> 9250 sq. ft. (2) (7)	Required
	Boarding and Lodging	MS 157.15 & MR 4625	< 30 Days or Bed and Breakfast with 5 or fewer guest rooms	R-3	MDH	> 9250 sq. ft. (3) (7)	If owner's residence, then not required. Otherwise, required > 3 guest rooms.

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**2013 MSBC & MSFC
Table 1.6**

Quick Reference Guide to Senior Housing & Congregate Residence Facilities in Minnesota
See the Minnesota State Building Code and the Minnesota State Fire Code for verification of applicable construction requirements.

Type of Facility		MN Rule (MR) Or Statute (Ms)	Number of Residents	2013 MSBC Occupancy Classification	State Regulatory Agency	Fire Sprinkler Requirements (5)	Accessibility MN Rule 1341
Senior Housing	Senior Housing (See IBC 310)		Under the scope of the 2006 IBC and having more than 2 dwelling units	R-2		>9250 sq. ft. (2) (7)	Required > 3 resident sleeping units
	Senior Housing (See IBC 310)		1 or 2 family dwelling units under the scope of the 2006 IBC	R-3		>9250 sq. ft. (3) (7)	Required > 3 resident sleeping units
Congregate Residence	Congregate Residence (4)		≤ 16	R-3		>9250 sq. ft. (3) (7)	Required > 3 resident sleeping units
	Congregate Residence (4)		17 or more	R-2		> 9250 sq. ft. (2) (7)	Required > 3 resident sleeping units

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Additional Resources

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For information on licensing see: www.state.mn.us/license/content.do?mode=search

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Proposed Code Change – Need and Reason

This guide was developed by MDH, DHS DLI & DPS to assist designers, owners and building officials to properly apply the code to care facilities in MN. It was so successful that people want it placed in the actual SBC & SFC so that it is easily found by all people affected.

Proposed Code Change – Cost/Benefit Analysis

There is no cost associated with placing this in the code, the benefit is that a building is less likely to be mis-classified which could and a tremendous cost to the owner depending on when the building is properly classified.

Other Factors to Consider Related to Proposed Code Change

1. Is this proposed code change meant to:

change language contained in a published code book? If so, list section(s).

IBC Sec. 302.2

change language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).

delete language contained in a published code book? If so, list section(s).

delete language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).

neither; this language will be new language, not found in the code book or in Minnesota Rule.

2. Is this proposed code change required by a Minnesota Statute or new legislation? If so, please provide the citation to the Statute or legislation.

No.

3. Will this proposed code change impact other sections of a published code book or of an amendment in Minnesota Rule? If so, please list the affected sections or rule parts.

No.

4. Will this proposed code change impact other parts of the Minnesota State Building Code? If so, please list the affected parts of the Minnesota State Building Code.

No.

5. Who are the parties affected or segments of industry affected by this proposed code change?

Architects and building owners

6. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

No.

7. Are you aware of any federal requirement or regulation related to this proposed code change? If so, please list the regulation or requirement.

No.