

STATE BUILDING CODE INTERPRETATION NO. I-42-99

September 9, 1999

The following is offered in response to your communication in which you seek to determine the appropriate Use Group, I-2 or E, for an adult day care facility with an occupant load of 30 to 35 plus staff. In addition, you state that some of the occupants are incapable of exiting the building without assistance.

The BOCA National Building Code/1996 portion of the 1999 State Building Code does not assign a specific Use Group to the occupancy you describe. In researching this matter, I referred to both the BOCA National Building Code/1999 and the Final Draft of the 2000 International Building Code for guidance.

The 1999 BOCA code, at section 308.3.1, states that a care facility which accommodates more than 16 occupants who are not capable of responding to an emergency situation (regardless of age) shall be classified as Use Group I-2. A facility such as described above with more than 5 but not more than 16 such occupants shall be classified as residential care, condition 2.

The 2000 ICC, at section 308.5.1, states that a facility that provides accommodations for less than 24 hours for more than 5 unrelated adults shall be classified as Use Group I-4. The final draft of this code does not discuss the ability of the occupants to respond to an emergency.

Since neither of these codes has been adopted by the State of Connecticut, the information contained therein could only be utilized upon approval of a modification request submitted by the permit applicant to use those code sections.

Section 302.1 of the BOCA National Building Code portion of the 1999 State Building Code states in part that where a structure is proposed for a purpose which is not specifically provided for in the code, such structure shall be classified in the use group which the occupancy most nearly resembles. After careful consideration it is my interpretation that the most appropriate Use Group would be determined by the total number of occupants incapable of self-preservation. If the total number of such occupants is six or fewer, the most appropriate use group would be A-3, due to the recreational aspect of the adult day care facility. If the total number of occupants incapable of self-preservation exceeds six, the most appropriate use group would be I-2, in keeping with the intent of section 308.3.1. In no case would Use Group E be

appropriate due to the limitation set forth in section 305.1 of educational purposes through the 12th grade.

A building permit issued for a Use Group A-3 adult day care facility would have to stipulate the maximum number of occupants who are incapable of self-preservation. In any case, I suggest that you discuss this issue with your local Fire Marshal to determine the appropriate occupancy under the State Fire Safety Code.