



Residential Neighborhood Care Facilities

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CITY OF NEWARK, CALIFORNIA

BUILDING INSPECTION DIVISION

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State law allows homeowners who reside in their home to provide in-house nonmedical care in their home for day treatment, adult day care, or foster family agency services for children, adults, or children and adults. This includes, but is not limited to, the physically handicapped, mentally impaired, incompetent persons, bedridden clients, and abused or neglected children. The State of California, through the Health & Safety Code (H&SC), provides significant regulatory relief for some residential neighborhood care facilities. This procedure only applies to uses in which the applicant is appropriately licensed by the State Department of Social Services (DSS).

Halfway houses, such as community correctional centers, community correction re-entry centers, community treatment programs, work furlough programs, and alcoholism or drug abuse recovery or treatment facilities are *not* included under these procedural standards and shall meet all zoning standards set forth by the City and building standards as described for R-6 occupancies in the California Building Code.

The three different categories of residential neighborhood care facilities are listed below and are all limited to six or less clients.

- Ambulatory clients under 60 years of age
- Non-ambulatory children or adults or ambulatory or non-ambulatory adults 60 years of age or older
- Bedridden clients

AMBULATORY CLIENTS UNDER 60 YEARS OF AGE

Community care facility for six (6) or less ambulatory clients: A dwelling unit that provides either day care (less than 24 hours per day) or residential care (overnight full-time care) for six or less ambulatory adults and/or children. The dwelling unit can be either a single-family home or an apartment unit. Residential care for clients who are 60 years of age or older is prohibited in this type of facility.

Operator: The person operating a community care facility for six or less ambulatory clients must be a permanent resident of the dwelling. In addition the operator must be the owner of the dwelling, or if a tenant, must have written permission from the owner to operate such facility.

State License: Operators must be licensed by the State of California Department of Social Services.

Local License: Operators are not required to obtain either a City business license or a home occupation permit.

City Planning Division Approval: Operators do not need City Planning Division review or approval to operate out of a single-family home or an apartment unit. An exception would be if there is an over-concentration of similar uses within 300 feet of a community care facility for six or less

ambulatory clients. If there is an over-concentration, the State Department of Social Services will request comments and recommendations from the City Planning Division.

Building Permits: Building permits issued by the City Building Inspection Division are not required unless construction will occur. Construction includes, but is not limited to, moving or installing walls, doors, or windows; adding or modifying the electrical, mechanical, or plumbing systems; installation of stairs, steps or ramps, replacing water heaters or air conditioners.

Occupant Load: The number of people a facility can accommodate is based upon habitable floor area available to permanent residents, staff, and clients. Determining the maximum occupant load can be accomplished by assigning square footage to the available gross floor area or the ability of the facility to adequately house all occupants, whichever results in the smaller occupant load.

By area: The maximum occupant load is based on 300 square feet for each permanent resident and 80 square feet for each client and staff member.

By layout: At a minimum, there shall be a living room, dining room, and kitchen, which can accommodate permanent occupants, clients, and staff. Living rooms, dining rooms, closets, kitchens, etc., cannot be used for sleeping purposes. There is no size standard for client bedrooms but they must have space for a bed for each client, a night stand, which may be shared with one other client, a dresser which may be shared with one other client, and one chair for each client, plus room to move around in a walker or wheelchair.

General Exiting: All areas of the dwelling shall meet the normal standards for exiting required for single-family dwellings or apartments, whichever is applicable.

Emergency Exiting from Sleeping Rooms: Each sleeping room utilized by a client shall have an emergency escape complying with Section 310.4 of the current CBC (Window opening 20” wide, 24” high, maximum sill height of 44”, 5.7 square feet in area, or an exterior door) opening onto a public way or yard which has access to a public way.

Miscellaneous Building Standards: In addition to the exiting and occupant load standards, each facility shall meet the following minimum standards:

1. The entire structure shall be in compliance with single-family dwelling or apartment unit building standards in effect at the time the original structure was built.
2. The space heater shall be in compliance with current code requirements (flue installed correctly and adequate combustion air).
3. The water heater shall be in compliance with current code requirements (flue installed correctly, adequate combustion air, seismic straps installed).
4. The fire rating of the wall between the home and garage, along with any doors in such wall, shall be maintained.
5. Smoke alarms shall be installed in each bedroom, in halls leading to bedrooms, at the top of stairs, and in rooms with cathedral ceilings. Smoke alarms may be battery powered single station units.

6. The address shall be posted and plainly visible from the street 24 hours per day (illuminated).
7. A 2A, 10B:C fire extinguisher shall be installed in a central location.

Illegal Construction: Building permits shall be obtained for any construction performed without appropriate building permits.

Fire Department Inspections: The City Fire Department will conduct safety inspections of the facility when requested to do so by the State Department of Social Services.

NONAMBULATORY CHILDREN OR ADULTS OR AMBULATORY OR NONAMBULATORY ADULTS 60 YEARS OF AGE OR OLDER

Residential neighborhood care facility for six (6) or less clients who are either nonambulatory (children or adults) or 60 years of age or older (ambulatory or nonambulatory): A dwelling unit that provides either day care (less than 24 hours per day) or residential care (overnight full-time care) for six or less nonambulatory adults or children or persons 60 years of age or older. The dwelling unit can be either a single-family home or an apartment unit.

Operator: The person operating this type of facility must be a permanent resident of the dwelling. In addition the operator must be the owner of the dwelling, or if a tenant, must have written permission from the owner to operate such facility.

State License: Operators must be licensed by the State of California Department of Social Services.

Local License: Operators are not required to obtain either a City business license or a home occupation permit.

City Planning Division Approval: Operators do not need City Planning Division review or approval to operate out of a single-family home or an apartment unit. An exception would be if there is an over-concentration of similar uses within 300 feet of the proposed facility. If there is an over-concentration, the State Department of Social Services will request comments and recommendations from the City Planning Division.

Building Permits: Building permits issued by the City Building Inspection Division are not required unless construction will occur. Construction includes, but is not limited to, moving or installing walls, doors, or windows; adding or modifying the electrical, mechanical, or plumbing systems; installation of stairs, steps, or ramps; replacing water heaters or air conditioners.

Multi-Story Building: Only the ground floor can be used to house clients unless the entire building is equipped with an automatic fire sprinkler system.

Occupant Load: The number of people a facility can accommodate is based upon habitable floor area available to permanent residents, staff, and clients. Determining the maximum occupant load can be accomplished by assigning square footage to the available gross floor area or the ability of the facility to adequately house all occupants, whichever results in the smaller occupant load. Because only the

ground floor can be used to house clients (except in fire sprinklered buildings) second stories cannot be calculated in the usable area for clients, only permanent residents and staff.

By area: The maximum occupant load is based on 300 square feet for each permanent resident and 80 square feet for each client and staff member.

By layout: At a minimum there shall be a living room, dining area, and kitchen, which can accommodate permanent occupants, clients, and staff. Living rooms, dining rooms, closets, kitchens, etc., cannot be used for sleeping purposes. There is no size standard for client bedrooms but they must have space for a bed for each client, a night stand which can be shared with one other client, a dresser which can be shared with one other client, and one chair for each client plus room to move around in a walker or wheelchair.

General Exiting: All areas utilized by clients shall meet minimum standards for exiting as described below:

1. There shall be at least two exterior exits. The path between each exit door to a public way shall have a minimum 36-inch wide permanent surface (normally concrete) usable by a nonambulatory person. Any gates in the paths shall meet the same standards as the doors to the two exterior exits. All changes in elevation along the access path from at least one of the exit doors to a public way shall be by means of a ramp with a slope no greater than 1:8.
2. All exterior exit doors utilized by clients shall be 36 inches wide, openable from the inside without the use of a key or any special knowledge or effort, and require no more than one motion to unlatch the door.
3. Both exit doors to the exterior shall have a level landing on each side no lower than one (1) inch below the top of the threshold. At the exit without the ramp, the exterior landing may be a maximum eight (8) inches below the threshold provided the door does not swing over the lowered landing.
4. All interior doors that would normally be used by clients shall be at least 32 inches wide.
5. Hallways normally used by clients shall be at least 36 inches wide.
6. Interior doors leading from client's sleeping rooms to any corridor, hallway or general use areas shall not be equipped with night latches, dead bolts, security chains or similar locking devices.

Exiting from Sleeping Rooms: Additional requirements for exiting from sleeping rooms used by clients are listed below:

1. Each sleeping room utilized by a client shall have an emergency escape complying with Section 310.4 of the current CBC (Window opening 20" wide, 24" high, maximum sill height of 44", 5.7 square feet in area, or an exterior door) opening onto a public way or yard, which has access to a public way.

Miscellaneous Building Standards: In addition to the exiting and occupant load standards, each facility shall meet the following minimum standards:

1. The entire structure shall be in compliance with single-family dwelling or apartment unit building standards in effect at the time the original structure was built.
2. The space heater shall be in compliance with current code requirements (flue installed correctly and adequate combustion air).

3. The water heater shall be in compliance with current code requirements (flue installed correctly, adequate combustion air, seismic straps installed).
4. The fire rating of the wall between the home and garage, along with any doors in such wall, shall be maintained.
5. Smoke alarms shall be installed in each sleeping room, in halls and/or rooms leading to sleeping room, in cathedral ceilings, and at the top of stairways. Such smoke alarms shall receive their primary power from the building wiring and be interconnected, or may be individually battery powered. Regardless of the type of smoke alarm installed, the actuation of any single smoke alarm shall sound an alarm audible throughout the dwelling at a minimum level of 15 db above ambient noise level, but in no case lower than 60 db.
6. The address shall be posted and plainly visible from the street 24 hours per day (illuminated).
7. A 2A, 10B:C fire extinguisher shall be installed in a central location.

Fire Alarm: An approved manual fire alarm pull station shall be installed. The pull station shall be securely mounted with the center of the box mounted between 43 and 54 inches above the finished floor. Such pull station shall actuate a distinctive signal that shall be audible throughout the dwelling. This device need not be interconnected to any other fire alarm device, electrically supervised, or provided with emergency power.

Illegal Construction: Building permits shall be obtained for any construction performed in the past without appropriate building permits.

Fire Department Inspections: The City Fire Department will conduct safety inspections of the facility when requested to do so by the State Department of Social Services.

BEDRIDDEN CLIENTS

Residential neighborhood care facility for six (6) or less residential care bedridden clients: A dwelling unit that provides residential care (overnight full-time) for six or less bedridden adults and/or children. The dwelling unit can be either a single-family home or an apartment unit.

Operator: The person operating this type of facility must be a permanent resident of the dwelling. In addition the operator must be the owner of the dwelling, or if a tenant, must have written permission from the owner to operate such facility.

State License: Operators must be licensed by the State of California Department of Social Services.

Local License: Operators are not required to obtain either a City business license or a home occupation permit.

City Planning Division Approval: Operators do not need City Planning Division review or approval to operate out of a single-family home or an apartment unit. An exception would be if there is an over-concentration of similar uses within 300 feet of the proposed facility. If there is an over-concentration, the State Department of Social Services will request comments and recommendations from the City Planning Division.

Building Permits: Building permits issued by the City Building Inspection Division are not required unless construction will occur. Construction includes, but is not limited to, moving or installing walls,

doors, or windows; adding or modifying the electrical, mechanical, or plumbing systems; installation of stairs, steps, or ramps; replacing water heaters or air conditioners.

Automatic Fire Sprinkler System: A fully automatic fire sprinkler system shall be installed in any facility housing more than one bedridden client.

Multi-Story Building: Client sleeping rooms shall not be located above or below the first story.

Occupant Load: The number of people a facility can accommodate is based upon habitable floor area available to permanent residents, staff, and clients. Determining the maximum occupant load can be accomplished by assigning square footage to the available gross floor area or the ability of the facility to adequately house all occupants, whichever results in the smaller occupant load. Because only the ground floor can be used to house clients (except in fire sprinklered buildings) second stories cannot be calculated in the usable area for clients, only permanent residents and staff.

By area: The maximum occupant load is based on 300 square feet for each permanent resident and 80 square feet for each client and staff member.

By layout: At a minimum there shall be a living room, dining area, and kitchen, which can accommodate permanent occupants, clients, and staff. Living rooms, dining rooms, closets, kitchens, etc., cannot be used for sleeping purposes. There is no size standard for client bedrooms but they must have space for a bed for each client, a night stand which can be shared with one other client, a dresser which can be shared with one other client, and one chair for each client plus room to move around in a walker or wheelchair.

General Exiting: All areas utilized by clients shall meet minimum standards for exiting as described below:

1. There shall be at least two exterior exits. The path between each exit door to a public way shall have a minimum 36-inch wide permanent surface (normally concrete) usable by a nonambulatory person. Any gates in the paths shall meet the same standards as the doors to the two exterior exits. All changes in elevation along the access path from at least one of the exit doors to a public way shall be by means of a ramp with a slope no greater than 1:8.
2. All exterior exit doors utilized by clients shall be 36 inches wide, openable from the inside without the use of a key or any special knowledge or effort and require no more than one motion to unlatch the door. Such doors shall not be equipped with night latches, dead bolts, security chains or similar locking devices.
3. Both exit doors to the exterior shall have a level landing on each side no lower than one (1) inch below the top of the threshold. At the exit without the ramp, the exterior landing may be a maximum eight (8) inches below the threshold provided the door does not swing over the lowered landing.
4. All interior doors that would normally be used by clients shall be at least 36 inches wide.
5. Hallways normally used by clients shall be at least 36 inches wide.
6. Interior doors to a bedridden client's sleeping room shall be self-closing, positive latching, and solid core. The head and jambs of such doors shall be equipped with smoke seals. Doors shall be maintained self-closing or shall be automatic closing by actuation of a smoke alarm in accordance with CBC Section 713.

Exiting from Sleeping Rooms: Each sleeping room utilized by a bedridden client shall have a direct exit doorway to the exterior of the residence. Such exit doorway shall be at least 36 inches wide and 6'-8" high and have level landings on each side of the door. These doors shall be operable from both the interior and exterior. The interior landing shall be no lower than one inch below the top of the threshold. The exterior landing may be a maximum of eight inches below the top of the threshold provided the door does not swing over this landing. Such exits shall lead to a public way utilizing a permanent surface. There shall be no obstructions between the exit and the public way other than operable gates at least 36 inches wide.

Miscellaneous Building Standards: In addition to the exiting and occupant load standards, each facility shall meet the following minimum standards:

1. The entire structure shall be in compliance with single-family dwelling or apartment unit building standards in effect at the time the original structure was built.
2. The space heater shall be in compliance with current code requirements (flue installed correctly and adequate combustion air).
3. The water heater shall be in compliance with current code requirements (flue installed correctly, adequate combustion air, seismic straps installed).
4. The fire rating of the wall between the home and garage, along with any doors in such wall, shall be maintained.
5. Smoke alarms shall be installed in each sleeping room, in halls and/or rooms leading to sleeping room, in cathedral ceilings, and at the top of stairways. Such smoke alarms shall receive their primary power from the building wiring and be equipped with battery backup. Smoke alarms shall be electrically interconnected so that the actuation of any single smoke alarm will cause all smoke alarms to ~~shall~~ sound an alarm audible throughout the dwelling at a minimum level of 15 db above ambient noise level, but in no case lower than 60 db.
6. The address shall be posted and plainly visible from the street 24 hours per day (illuminated).
7. A 2A, 10B:C fire extinguisher shall be installed in a central location.
8. All interior finishes throughout the dwelling or dwelling unit shall have a flame spread index not exceeding 75. Interior finishes in common corridors, hallways and similar exit ways shall have a flame spread index not exceeding 25.

Fire Alarm: An approved manual fire alarm pull station shall be installed. The pull station shall be securely mounted with the center of the box mounted between 43 and 54 inches above the finish floor. Such pull station shall actuate a distinctive signal that shall be audible throughout the dwelling. This device need not be interconnected to any other fire alarm device, electrically supervised, or provided with emergency power.

Illegal Construction: Building permits shall be obtained for any construction performed in the past without appropriate building permits.

Fire Department Inspections: The City Fire Department will conduct safety inspections of the facility when requested to do so by the State Department of Social Services.