



Residentially Based Care Facilities

Revised May 9, 2011

CITY OF NEWARK, CALIFORNIA

BUILDING INSPECTION DIVISION

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4261 • Fax 510-578-4307 • e-mail: building.inspection@newark.org

Residentially Based Care Facilities: State law allows structures with one or two dwelling units (single family dwellings and duplexes) to be used for residentially based 24 hour care facility providing accommodation for six or fewer clients of any age. Clients can be ambulatory, non- ambulatory or bedridden. These facilities are referred to as Residentially Based Care Facilities and must be licensed by the California State Department of Social Services (DDS). The facilities must meet the construction standards for one and two family dwellings as described in the California Residential Code plus additional standards as described herein depending upon the status of the clients housed in these facilities. [CRC 1.1.3 and H&SC 13143]

Halfway Houses: 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-4 occupancies in the California Building Code. [CBC 310]

Operator: The person operating a community care 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. [H&SC 13143]

City Planning Division Approval: Operators do not need City Planning Division review or approval to operate a residentially based care facility out of a single-family home. An exception would be if there is an over-concentration of similar uses within 300 feet of a community care facility. If there is an over-concentration, the State Department of Social Services will request comments and recommendations from the City Planning Division. [H&SC 13143]

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 (includes interconnected smoke alarms), mechanical, or plumbing systems; installation of stairs, steps or ramps, replacing water heaters or air conditioners.

Fire Department Inspections: The Alameda County Fire Department will conduct safety inspections of the facility when requested to do so by the State Department of Social Services. The State Department of Social Services is not authorized to grant a facility care license until dwelling has been inspected by the Alameda County Fire Department and found to be in compliance with applicable codes.

Building and Construction Standards: Residentially based care facilities shall meet all the construction standards applicable to a single family dwelling. If any construction feature or system is not functioning as originally intended then it shall be repaired. This includes, but is not limited to, operable windows, heating systems, water heaters, electrical systems, plumbing systems and fixtures, and fire walls between a dwelling and a garage. There are additional construction standards depending upon the status of the clients.

- **Addressing:** The address shall be posted and plainly visible from the street fronting the property. If there will be construction with a valuation in excess of \$1,000 the address numbers shall be internally or externally illuminated during non-daylight hours. [CFC 505, NMC 15.06.110.B]
- **Multi-Story Dwellings:** Whenever clients are housed on a floor above or below the first story and the dwelling is not equipped with an automatic fire sprinkler system a smoke barrier shall be installed to prevent smoke migration between floors. The smoke barrier, at a minimum, shall be made from wood studs covered with 1/2 inch thick gypsum board. Doors within such barriers shall be tight fitting solid wood at least 1-3/8 inch thick. Door glazing shall not exceed 1,296 square inches with no dimension greater than 54 inches. Door glazing shall be tempered, laminated, or wire glass. Doors shall be positive latching, smoke gasketed and shall be automatic closing by smoke detection. This standard does not apply to facilities housing which only provides care for non-medical board, room and care for ambulatory children. [CBC 425.8.7]
- **Existing Stairways:** Stairways in existing multi-story dwellings which do not comply with current code standards may continue to be used provided such stairs were constructed in full compliance with the code in effect at the time of the original installation and the stair tread rise does not exceed 8 inches, the run is not less than 9 inches and the width is not less than 30 inches. [CBC 425.8.6]
- **Smoke Alarms:** Smoke alarms shall be installed in all the following rooms;
 - Any room used for sleeping purposes
 - On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - At the ceiling directly above a stairway.
 - In living rooms, family rooms, and home officesSmoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the dwelling. Smoke alarms shall receive their primary power from the dwelling wiring and be equipped with a battery backup. [CBC 425.7.3 & 907.2..11.1]
- **Fire Rated Construction:** The construction of the dwelling shall be upgraded to meet the standards for one-hour fire resistance rated construction under any one of the following conditions; [CBC 425.3.2]
 - The facility will house clients above the first floor (as a practical matter, this requirement will make it difficult to house any clients above the first floor).
 - The facility has more than two stories in height
 - The facility has more than 3,000 square feet of living area above the first floor
- **Automatic Fire Sprinkler System:** If not already existing in the dwelling, a fully automatic fire sprinkler system shall be installed in the entire dwelling, including an attached garage under any one

of the following conditions; [CBC 425.7, CBC 425.3.2, CFC 903.2.8]

- The facility will house more than one bedridden client
 - The facility will house non-ambulatory clients above the first floor
 - The facility has three stories
 - The facility has more than 3,000 square feet of living area above the first floor
- **Interior Finish:** Any facility that houses a bedridden client shall have interior wall and ceiling finishes that have a minimum Class B flame spread rating. Gypsum board meets this requirement. Most wood sidings and plywood do not meet this requirement. [CBC 425.6]
 - **General Exiting:** All facilities shall have at least two exits to the exterior. Access to such exits shall not pass through storerooms, closets, garages, bathrooms or similar spaces. Access to exits can go through kitchens provided the kitchen is not configured as a separate room. Doors can be either hinged or sliding provided access can be made from both sides and the clear opening width is no less than 32 inches. Exterior doors shall have level landings on each side of the door. The landing shall be at least 36 inches deep and as wide as the door opening. The inside landing shall be no lower than 1-1/2 inches below the top of the threshold and the outside landing shall be no lower than 7-3/4 inches below the top of the threshold for in-swinging doors and 1-1/2 inches for outward swinging doors. Exiting from facilities housing non-ambulatory or bedridden clients may be more restrictive. [CBC 425.8.2.1, NMC 15.09.020.F]
 - **Emergency Exiting From Sleeping Rooms:** Every room used for sleeping shall have an operable emergency escape opening to the exterior of the dwelling. Such openings can be windows or doors with a minimum net opening of 5.0 square feet for bedrooms at grade level and 5.7 square feet for second story bedrooms. The minimum clear height of the opening shall be 24 inches and the minimum clear width shall be 20 inches. The openings shall be openable from the inside of the bedroom without the use of keys, tools or special knowledge. No bars or grilles shall be installed over a required opening unless such bars or grilles meet all applicable state standards. Emergency exiting from bedrooms housing non-ambulatory or bedridden clients have higher standards. [CBC 310.1, CRC R310.1]
 - **Exiting From Bedrooms Housing Non-Ambulatory Clients:** Each bedroom housing a non-ambulatory client shall access to an emergency exit which conforms to one of the following standards. [CBC 425.8.3.2]
 - Egress through a hall way or area into a bedroom in the immediate area which has an exit directly to the exterior (refer to *General Exiting*). The hallway or area shall be separated from the common areas by a 1-3/8 inch thick solid wood door which shall be either maintained self closing or be automatic closing by actuation of a smoke detector. or
 - Egress through a hallway which has an exit directly to the exterior (refer to *General Exiting*). The hallway shall be separated from the common areas by a 1-3/8 inch thick solid wood door which shall be either maintained self closing or be automatic closing by actuation of a smoke detector. or
 - Direct exit from the bedroom to the exterior (refer to *General Exiting*). or
 - Egress through an adjoining bedroom which has a direct exit to the exterior (refer to *General Exiting*).

There shall be a walkway leading from each required exterior door and extending to the sidewalk or street at the front of the dwelling. The walkway shall be made from a permanent durable surface

and be at least 36 inches wide. All interior doors leading from a bedroom housing a non-ambulatory client to the front door (or main exit) shall provide a clear opening width of 32 inches when the door is opened to 90 degrees. [CBC 1007.2]

- **Exiting From Bedrooms Housing Bedridden Clients:** Unless a facility is equipped with an approved and fully automatic fire sprinkler system bedrooms housing bedridden clients shall comply with all of the following exit standards. [CBC 425.8.3.3]
 - There shall be a direct exit to the exterior of the dwelling from each bedroom housing a bedridden client meeting the standards described in *General Exiting*.
 - There shall be a walkway leading from each required exterior door and extending to the sidewalk or street at the front of the dwelling. The walkway shall be made from a permanent durable surface and be at least 36 inches wide. [CBC 1007.2]
 - The door between the sleeping room and the dwelling shall be self-closing, positive latching 1-3/8 inch thick solid wood with smoke gaskets at the jambs and head. Doors shall be maintained self-closing (no door stops) or shall be automatic closing by actuation of a smoke alarm. These doors shall not have a night latch, dead bolt, or security chain or any similar locking devise.