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DQA Memo 14-007

To: [Community Based Residential Facilities](#)

From: David Soens, Director
Office of Plan Review and Inspections

Via: Otis L. Woods, Administrator
Division of Quality Assurance

Existing Building Conversions for New CBRF Licensure

The purpose of this memo is to provide information regarding the conversion of an existing building or structure to a newly licensed Community Based Residential Facility (CBRF).

Existing buildings or structures intended for use as a newly licensed CBRF require a plan review to be submitted to the Department of Health Services (DHS), substantiating compliance with all of the applicable requirements of DHS 83. Review and conditional approval are required prior to construction and occupancy per DHS 83.63(2)(b). Plan review applications, DHS 83 code, contacts, and resources are available at: http://www.dhs.wisconsin.gov/rl_dsl/PlanReview/index.htm

CBRF size, licensure class, and building construction type have a significant influence on what is permitted by the applicable codes. Existing building assessments, on behalf of the owner or the owner's designated design professionals, are required for all major systems to demonstrate compliance with the applicable state and municipal codes. These systems include:

- Architectural
- Structural
- Mechanical
- Plumbing
- Electrical

DHS staff does not provide design and regulatory evaluations due to the inherent conflict of interest. Private sector design professionals are best suited to represent the owner's intent to demonstrate regulatory compliance to the Department and local building officials.

Building Assessment

Commercial structures (9 or more residents) require a design professional to attest to the accuracy and compliance of the given proposed building project with signed and sealed documents. The overall building assessments should take into account the following factors to facilitate an efficient and timely plan review, inspection, occupancy, and licensing sequence of operations.

Occupancy: The environment of care must address the most vulnerable residents. CBRFs identify these most vulnerable resident populations through a Class-C license as defined by DHS 83. Class-C residents, by definition, are not capable of self-preservation and require physical and/or verbal prompting to seek safety in the event of an emergency. The proposed CBRF must meet the applicable DHS and Department of Safety and Professional Services (DSPS) administrative codes.

Based on the DHS 83 license client groups, determine if this resident population matches the Wisconsin Commercial Building Code (WCBC) use groups. For example, a Class-C CBRF defined under DHS 83, of a commercial size, would parallel the WCBC Group I-2 occupancy. Class-C residents are incapable of self-preservation, reside within a facility on a 24-hour basis, receive health services, and are supervised by staff per DHS 83. Groups R-2, R-4, and I-1 are intended for Class-A CBRF residents or occupants, who are fully capable of self-preservation, but not Class-C CBRF's.

New Evaluation: Conversion of an existing building into a new CBRF shall meet the applicable Subchapter XI new physical environment requirements per DHS 83.63(5)(c).

Based on the DHS 83 new physical environment requirement, determine if the existing building construction type, sprinkler system, fire alarm system, etc., require an upgrade to achieve the new CBRF license. This section was written such that any new CBRF would provide a consistent level of safety to the residents, regardless of the construction means or methods.

Commercial Code Evaluation: Subchapter XI identifies the current WCBC, International Building Code (IBC), and International Existing Building Code (IEBC). CBRFs that are licensed as a medium CBRF (9-20 beds) or a larger CBRF (21 or more beds) require compliance with the WCBC.

Based on the existing building construction type, number of stories, square footage, and type of sprinkler system, determine if the existing building is permitted to be converted to a CBRF. For example, does the existing building have the correct fire alarm system, sprinkler system, accessibility, ventilation, and energy conservation components?

Most Restrictive Requirement Prevails: When two differing requirements apply to the same project, both remain in effect, but the most restrictive requirement prevails.

Multiple Occupancies: A CBRF located in the same building as a nursing home or hospital shall be a distinct living area and shall be separated by a minimum of a 2-hour fire rated construction or all parts of each distinct living area shall meet the higher fire protection standards. If a 2-hour building separation is not provided, the detection requirements of a CBRF extend throughout the entire nursing home or hospital. Similarly, if a CBRF is attached to a Residential Care Apartment Complex (RCAC), additional detection requirements may apply within the RCAC depending on the building separation. Reference: DHS 83.57 (1) (a) Multiple Occupancies and IBC (2009 ed.) section 706 for fire walls requirements.

Privacy Rights & Separate Entrances: CBRF residents must be able to enter the facility without walking through a wing where nursing home, RCAC, or other separately licensed residents reside. If there is a common vestibule used for the entry into a multi-licensed facility, the CBRF residents must proceed to the CBRF resident areas without infringing or walking through nursing home or RCAC resident areas. Separate entrances may be required to ensure privacy rights for all occupants of a multi-licensed facility.

Common Space: Common space calculations on the plan review submittal will substantiate proper conversion of the existing building to a new CBRF. Note that areas used for required egress corridors cannot be counted as common dining and living spaces per DHS 83.52 (1)(c). Common space requirements are 60 sq. ft. per ambulatory or semi-ambulatory residents, and 90 sq. ft. per non-ambulatory residents per DHS 83.52 (1).

Ventilation: Newly licensed CBRF's must meet the ventilation requirements of the corresponding WCBC occupancy, in some cases a Group I-2 occupancy. Corridor plenums are not permitted since the International Codes (IBC/IMC) codes were adopted in Wisconsin starting in 2002. The ventilation system in the corridors and resident rooms need to meet the minimum standard for air exchanges. Reference: DHS 83.62(1)(a) and WCBC, Ch. SPS 364.

Exterior Windows: Every habitable room shall have at least one outside window with a total window area of at least 8% of the floor area in the room. Habitable areas include, but are not limited to, dining, living, and resident rooms. This requirement is more than just a lighting issue. Exterior windows provide residents with a direct connection to the environment and their surroundings per DHS 83.60(1).

Smoke Compartments: All new CBRFs with a license capacity of 9 or more residents shall have smoke compartments formed by smoke barriers. A minimum of two (2) smoke compartments are required to utilize smoke compartmentalization. The opposite side of these smoke barriers is used as an area of safe refuge per DHS 83.64 (5). Verify the smoke barrier continuity requirement through concealed spaces per IBC 710.4, for example, through an attic roof truss. If the smoke barrier is designed to be a horizontal assembly per IBC 716.6, verify that combination radiation and smoke damper requirements are met for all applicable ventilation openings per IBC 713.

Corridor Width: New Group I-2 occupancies require defend-in-place designs that provide bi-directional occupant flow within egress corridors. Two-way occupant traffic; residents leaving a smoke compartment, and additional emergency responders entering a smoke compartment, accomplish this with corridors sized at or greater than 6 feet in width. The Department's written position is posted at: http://www.dhs.wisconsin.gov/rl_dsl/PlanReview/cbrf-83-interp.htm

Detection: System smoke and/or heat detection is required in almost every habitable room or space in a CBRF per DHS 83.48.

Plumbing: CBRFs with 9 or more residents have plumbing requirements for scald protection and bacteria control which are detailed in the Wisconsin Plumbing Code in section SPS 382.50.

Documentation: Final project approval depends on complete documentation of all primary fire and life safety systems as identified on the Department's documentation summary form F-62494.

Accessibility: Facilities over time are expected to improve accommodations for better accessibility. Existing facilities typically fall short in the level of accessibility within CBRFs for the residents who are semi-ambulatory or non-ambulatory.

Licensing: Coordinate all licensing activities through the Bureau of Assisted Living (BAL) regional office staff.

Additional safety requirements may pertain to certain projects depending on the anticipated resident occupancy. Review all applicable codes subject to the project prior to Department physical environment submittal and review.

Questions

If you have questions about CBRF plan review and construction, please contact the Office of Plan Review and Inspection (OPRI) at (608) 266-9675.

If you have questions about CBRF licensing, please contact the appropriate BAL regional office. For a list of representatives in your area see the following Wisconsin regional office map and contacts located at: http://www.dhs.wisconsin.gov/rl_dsl/Contacts/ALSreglmap.htm