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DQA Memo 23-001  
Replaces DQA Memo 14-007

To: Community Based Residential Facilities

From: David Soens, Life Safety Fire Authority

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

## **CBRF: Requirements for Newly-Licensed Existing Structures**

This memorandum replaced DQA Memo 14-007 with updated direction and contacts. The purpose of this memo is to provide the regulatory requirements 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 plans to be submitted for review to the Department of Health Services (DHS), substantiating compliance with all the applicable requirements of Wis. Admin. Code chapter DHS 83. Review and conditional approval are required prior to construction and licensure per Wis. Admin. Code § DHS 83.63(2)(b). Plan review applications, code, contacts, and resources are available on the DHS webpage for [Construction/Remodeling Plan Review for Health Care Facilities](#).

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 to be documented for all major systems to effectively demonstrate compliance with the applicable state and municipal codes. These systems include:

- Architectural
- Structural
- Heating, ventilation, and air conditioning
- Detection and sprinkler protection
- Plumbing
- Electrical

DHS staff do 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 document and substantiate regulatory compliance to the Department and local building officials. Documentation substantiated to the current codes is the most effective means to achieve licensure.

## **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 account for the following factors to facilitate an efficient and timely plan review, inspection, occupancy, and licensing sequence of operations.

*New Evaluation:* Any existing building seeking licensure as a new CBRF after April 1, 2009, shall meet the requirements of DHS 83 subchapter XI new physical environment requirements per DHS § 83.63(5)(c).

Based on the DHS 83 new physical environment requirements, 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 newly licensed CBRF would provide a consistent level of safety to the residents, regardless of the construction means or methods.

*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 newly licensed CBRF must meet the applicable DHS and Department of Safety and Professional Services (DSPS) administrative codes.

Based on the DHS 83 license client groups with a license capacity of 9 or more residents, determine if this resident population matches the Wisconsin Commercial Building Code (WCBC) Wis. Admin. Code chapters SPS 361-366 use groups. For example, a Class-C CBRF defined under DHS 83 would parallel the WCBC Group I-2 Condition 1 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. Groups R-4 and I-1 are intended for residents or occupants who are capable of self-preservation and would be licensed as a Class-A CBRF.

*Commercial Code Evaluation:* DHS 83, subchapter XI identifies the current WCBC. 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 newly licensed 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. DHS 83 requirements are never reduced by WCBC provisions.

*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 and sprinkler requirements of the CBRF extend throughout the entire

attached nursing home or hospital. Similarly, if a CBRF is attached to a Residential Care Apartment Complex (RCAC), the detection and sprinkler requirements of DHS 83 extend throughout the RCAC. Reference: DHS § 83.57(1)(a) and SPS 362 § IBC 508.

*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. 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). Common space is internally accessible to all residents per DHS § 83.52(2)(c). Remember to deduct egress paths from common dining and living space calculations per DHS § 83.52(1)(b), DHS § 83.52(1)(c), DHS § 83.02(7), and DHS § 83.02(49).

*Ventilation:* Newly licensed CBRF's with a license capacity of 9 or more residents must meet the ventilation requirements of the SPS 364. Corridor plenums are not permitted since the International Codes (IBC/IMC) codes were adopted in Wisconsin starting in year 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).

*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) and DHS § 83.02(24).

*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 within the licensed CBRF. 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 SPS 362 § IBC 709.4, for example, through an attic roof truss. If the smoke barrier is designed to be a horizontal assembly, verify all applicable openings are in compliance with SPS 362 §§ IBC 711.2.4.4 and IBC 717.

*Corridor Width:* New Group I-2 occupancies require defend-in-place designs that provide bi-directional occupant flow within egress corridors. Two-way occupant flow within a New Class-C Group I-2 occupancy has residents leaving a smoke compartment, and emergency responders entering a smoke compartment, which is accomplished with corridors sized at or greater than 6 feet in width.

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

*Sprinkler protection:* Sprinkler protection per the applicable requirements in DHS § 83.64(4).

*Accessibility:* Facilities seeking new licensure shall meet accessibility requirements.

*Plumbing:* CBRFs shall meet the requirements of DHS § 83.55.

*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.

*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. This memo is not intended to be a comprehensive list of requirements.

## **Questions**

If you have questions about CBRF plan review and construction, please contact the Office of Plan Review and Inspection (OPRI) (608) 266-8016 or (715) 557-1496.

If you have questions about CBRF licensing, please contact the Bureau of Assisted Living. You can find regional contact information on the DHS webpage for [Division of Quality Assurance: Bureau of Assisted Living Regional Offices and Behavioral Health Certification Section](#).