



NEW CLASS-C CBRF: CONSTRUCTION TYPE VA REQUIREMENTS

Wisconsin Department of Health Services / Division of Quality Assurance

P-03538 (01/2024)

Community-Based Residential Facilities (CBRF) are licensed according to Wis. Admin. Code ch. DHS 83 and to the Wisconsin Commercial Building Code (WCBC) Wis. Admin. Code chs. SPS 361-366. The WCBC, through the Department of Safety and Professional Services (DSPS), adopted and modified the 2015 edition of the International Building Code (IBC) which took effect in 2018.

Question: Is a Class-C CBRF (new construction and newly licensed existing structures) permitted in a multi-story, multi-occupancy, construction Type VA building, if the overall building complies with IBC § 504.2? Please note, IBC § 504.2 Mixed occupancy states: In a building containing mixed occupancies in accordance with Section 508, no individual occupancy shall exceed the height and number of story limits specified in this section for the applicable occupancies.

Wisconsin Administrative Code References:

- **DHS § 83.62 Codes. (1)** The following codes and standards are adopted as part of these rules and incorporated by reference: (a) Wisconsin Commercial Building Code, chs. SPS 361 to 366, current edition.
- **DHS § 83.63 (5) New and Existing Buildings (a) *New construction and additions.*** New construction and any additions to CBRFs after April 1, 2009, shall meet the requirements of this subchapter.
- **DHS § 83.63 (5) New and Existing Buildings (c) *Newly licensed existing structures.*** Any existing building, or any portion thereof, seeking licensure as a CBRF after April 1, 2009, shall meet the requirements of this subchapter.
- **DHS DQA Memo 23-001 CBRF Requirements for Newly Licensed Existing Structures**
 - *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).
 - *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.
- **DHS DQA Memo 23-003 Construction Requirements for New ‘Class-C’ CBRF Structures**
 - Class-C CBRFs of nine or more beds (e.g., commercial size, seeking new licensure in a new structure) must be designed and approved as an **IBC Group I-2 Condition 1**.
- **SPS § 361.03(3) Conflicts. (b)** Where rules of the department specify conflicting requirements, types of materials or methods of construction, the most restrictive rule shall govern, except as provided in pars. (a) and (c).
- **IBC § 504.4 Number of stories.** The maximum number of stories of a building shall not exceed the limits specified in Table 504.4.

TABLE 504.4^{a, b}
ALLOWABLE NUMBER OF STORIES ABOVE GRADE PLANE

OCCUPANCY CLASSIFICATION	TYPE OF CONSTRUCTION									
	SEE FOOTNOTES	TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
		A	B	A	B	A	B	HT	A	B
I-2	NS ^{d, f}	UL	4	2	1	1	NP	1	1	NP
	S	UL	5	3						

- **IBC § 706.1 Fire Walls.** Buildings separated by fire walls in compliance with this section shall be considered separate buildings.
- **IBC Commentary Preface:** Commentary is advisory only; the code official alone possesses the authority and responsibility for interpreting the code.

Answer:

Plain Language: A Class-C CBRF (new construction and newly licensed existing structures) is not allowed in a wood framed building that is more than one story tall.

Regulatory Language: A Class-C CBRF (new construction and newly licensed existing structures) shall not be permitted in buildings more than one story in height and of Type VA Construction. Mixed Occupancy provisions for height and number of stories in buildings that contain an I-2 Occupancy shall meet the most restrictive provisions of IBC 504.4. Buildings containing Group I-2 Occupancies of any construction type shall comply with the provisions in IBC 504.4 without exception.

Questions: If you have questions regarding this information, contact the Division of Quality Assurance (DQA) Life Safety Fire Authority at David.Soens@wisconsin.gov or the OPRI Construction Supervisor at Holly.Kitchell@wisconsin.gov.