

## **10A NCAC 13G .0302 DESIGN AND CONSTRUCTION**

(a) A building licensed for the first time as a family care home, or a licensed family care home relicensed after the license is terminated for more than 60 days, shall meet the requirements of the North Carolina State Building Code: Residential Code in effect at the time of licensure or relicensure. Additionally, facilities requesting licensure or relicensure for four to six residents shall meet the North Carolina State Building Code: Building Code, Licensed Residential Care Facilities Section in effect at the time of licensure or relicensure. The North Carolina State Building Codes, which are hereby incorporated by reference, including all subsequent amendments and editions, may be purchased from the International Code Council online at <https://shop.iccsafe.org/> at a cost of eight hundred fifty-eight dollars (\$858.00) or accessed electronically free of charge at <https://codes.iccsafe.org/codes/north-carolina>.

(b) New construction, additions, alterations, modifications, and renovations to buildings shall meet the requirements of the North Carolina State Building Code: Residential Code, and the North Carolina State Building Code: Building Code, Licensed Residential Care Facilities Section at the time of construction, alteration, modifications, and renovations.

(c) A family care home shall not offer services for which the facility was not planned, constructed, equipped, or maintained.

(d) An existing building converted from another use to a family care home shall meet all the requirements of Paragraph (a) of this Rule.

(e) An existing licensed facility that plans to have new construction, remodeling or physical changes done to the facility shall have drawings submitted by the owner or his appointed representative to the Division of Health Service Regulation for review and approval prior to commencement of the work to ensure compliance with the rules established in this Section.

(f) If the building is two stories in height, it shall meet the following requirements:

- (1) each floor shall be less than 2500 square feet in area if existing construction or, if new construction, shall not exceed the allowable area for Group R-4 occupancy in the North Carolina State Building Codes;
- (2) elderly or disabled persons are not to be housed on any floor above or below grade level. For the purpose of this rule, "elderly" persons mean any person who meets the term as defined in G.S. 131D-2.1. For the purpose of this rule, "disabled" persons mean any person who meets the term "person with a disability" as defined in G.S. 168A-3;
- (3) required resident facilities are not to be located on any floor above or below grade level; and
- (4) a complete fire alarm system meeting the requirements of the National Fire Protection Association 72, NFPA 72: National Fire Alarm and Signaling Code, which is hereby incorporated by reference, including all subsequent amendments and editions. Copies of this code may be obtained from the National Fire Protection Association online at <http://www.nfpa.org/catalog/> or accessed electronically free of charge at <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=72>. For the purpose of this Rule, a "complete fire alarm system" is a system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm and supervisory signal-initiating devices and to initiate the appropriate response to those signals. Pull stations shall be installed on each floor at each exit. Sounding devices that are audible throughout the building shall be provided on each floor. The fire alarm system shall be able to transmit an automatic signal to the local emergency fire department dispatch center that is legally committed to serving the area in which the facility is located. The alarm shall be transmitted either directly to a fire department or through a third-party service that shall transmit the alarm to the fire department. The method used to transmit the alarm shall be in accordance with local ordinances.

(g) The basement and the attic shall not be used for storage or sleeping.

(h) The ceiling height throughout the family care home shall be at least seven and one-half feet from the floor.

(i) In facilities licensed on or after April 1, 1984, all required resident areas shall be on the same floor level. Steps and ramps between levels are not permitted.

(j) The following shall have door widths a minimum of two feet and six inches:

- (1) the kitchen;
- (2) dining rooms;
- (3) living rooms;
- (4) bedrooms; and
- (5) bathrooms.

- (k) All windows that are designed to be operable shall be maintained operable.
- (l) The local code enforcement official shall be consulted before starting any construction or renovations for information on required permits and construction requirements.
- (m) The building shall meet sanitation requirements set forth in 15A NCAC 18A .1600, Rules Governing the Sanitation of Residential Care Facilities, which are hereby incorporated by reference, including subsequent amendments and editions. Copies of these Rules may be accessed online free of charge at <https://www.oah.nc.gov/>.
- (n) The facility shall maintain and have available for review current sanitation and fire safety inspection reports.

*History Note:* Authority G.S. 131D-2.16; 143B-165;  
Eff. January 1, 1977;  
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