

Minnesota Department of Public Safety State Fire Marshal Division

Family Day Care, Child and Adult Foster Care in Homes (1 and 2 Family Dwellings)

Purpose:

Provide guidance on general code requirements for 1 and 2 family dwellings used for Day Care, Child and Adult Foster Care (Community Residential Setting) and Family Adult Day Services – Home Based. The standard for construction of these buildings is the 2020 Minnesota Residential Code (MRC). The maintenance and operational provisions of the 2020 Minnesota State Fire Code (MSFC) also apply.

Family Child Care Home is a residence, licensed by Department of Human Services under MN Rules 9502.0315 to 9502.0445, in which no more than 10 children receive care, maintenance and supervision by other than their relatives or legal guardians for less than 24 hours per day.

Group Child Care Home is a residence, licensed by Department of Human Services under MN Rules 9502.0315 to 9502.0445 in which at least 11 but no more than 14 children receive care, maintenance and supervision by other than their relatives or legal guardians for less than 24 hours per day.

Foster Care:

1. Provides care 24 hours per day.
2. Provides care in a home.

Family Adult Day Services – Home Based:

1. Services are only allowed in the license holder's primary residence and the license holder is the primary provider of care.
2. Is a residence with ≤ 8 adults.
3. Operates fewer than 24 hours a day.
4. Serves adults who have functional impairments.
5. None of the clients are under age 55, have serious or persistent mental illness or people with developmental disabilities.

Number and Type of Exits:

Every room used for sleeping and any basement used for day care shall have at least one approved emergency escape (second means of egress) that is separate from the main exit from the space. [MSFC 1104.25] <https://dps.mn.gov/divisions/sfm/fire-code/Documents/Fire-Code-Information-Sheets/Emergency-escapes.pdf>



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Guardrails:

Unguarded floor openings, open sides of stairways, landings, ramps, balconies or porches that are more than 30 inches above grade or the floor below shall be protected by guardrails in accordance with the MRC. The top of the guard shall not less than 36 inches in height. The guards shall have balusters or ornamental patterns such that a 4-inch diameter sphere cannot pass through any opening up to a height of 34 inches. From 34-36 inches, a sphere 8-inch in diameter shall not pass. The inspector may approve existing guards complying with previous codes.

Stairways:

Stairways shall have a handrail on at least one side and the rise and run shall be in accordance with the MRC. Stairways shall not be less than 36 inches in clear width at all points above the permitted handrail height and below the required headroom height. The minimum clear width of the stairway at and below the handrail height, including treads and landings, shall not be less than 31.5 inches where a handrail is installed on one side and 27 inches where handrails are provided on both sides. The maximum riser height shall be 7 $\frac{3}{4}$ inches and the minimum tread depth shall be 10 inches. The riser heights shall be measured vertically between leading edges of the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. For additional information on spiral stairs or circular stairways, please review MRC R311.7.9.

Existing stairs in buildings shall be permitted to remain if the rise does not exceed 8 $\frac{1}{4}$ inches and the run is not less than 9 inches. Other existing stairs may be acceptable if approved by the code official [MSFC 1104.10].

Handrails – New

Handrails shall not project more than 4.5 inches on either side of the stairway. Handrails should have a minimum and maximum height of 34 inches and 38 inches, respectively, measured vertically from the nosing of the treads, shall be provided on at least one side of the stairways. All required handrails shall be continuous running the full length of the stairs with more than 3 risers from a point directly above the top riser of a flight to a point directly above the lowest riser of the flight. Handrails shall not have sharp points at each end and those located adjacent to a wall shall have a space of not less than 1.5 inches between the wall and the handrail [MRC R311.7.7.1].

Existing handrails may be mounted between 30 inches and 42 inches above the stairs tread nosing [MSFC 1104.13].

Premises Identification:

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. The premises identification numbers shall contrast with their background. In rural areas, the use of fire numbers is acceptable [MSFC 505.1].



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Storage of Combustible Materials:

Storage shall be orderly [MSFC 315.3].

Fueled equipment (motorcycles, lawnmowers, etc.) shall not be stored, operated or repaired within the residence [MSFC 313.1].

Combustible Waste Material:

Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings [MSFC 304.1].

Fire Resistive Construction and Interior Finish:

Occupancy Separation:

When a dwelling has an attached garage, a separation wall between the dwelling and garage is required to prevent the spread of smoke and fire from the garage into the home. Doors are not permitted from a sleeping room into the garage. The separation must extend from floor to ceiling or roof deck and must be constructed in accordance with MRC R309:

- A single layer of 1/2" gypsum wallboard applied on the garage side for both new and existing construction. If there is living space above the garage the ceiling must be protected with minimum 5/8" gypsum wall board.

Door openings must meet one of the following requirements:

- Solid-wood door at least 1-3/8 inches in thickness, or
- Insulated steel door at least 1-3/8 inches in thickness, or
- A labeled door having a fire-protection rating of not less than 20 minutes

Fire-Resistive Construction:

When required, fire-resistive construction shall be maintained as specified in the MSFC and MSBC and shall be properly repaired, restored or replaced when damaged, altered, breached, penetrated, removed or improperly installed [MSFC 703.1]. In general, the only fire-resistive construction in most one and two family dwellings involves the garage separation.

Interior Finish:

Interior finish on walls and ceilings shall be Class A, B, or C (Class I, II, or III) [MSFC 803].

Single and Multi-Station Smoke Alarms:

Every dwelling shall have smoke alarms installed in accordance with this information sheet.

<http://dps.mn.gov/divisions/sfm/fire-code/Documents/Fire-Code-Information-Sheets/Smoke-alarms-in-residential-occupancies.pdf>

Heating Appliances:

Because unvented fuel-fired heating appliances were permitted in residential occupancies by previous editions of the state fire and mechanical codes, existing installations (installed prior to September 20, 2004) are allowed to remain as long as they are in proper working order and are not located in, or take their combustion air from, bedrooms, closets, or bathrooms.



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Installations of non-vented fuel fired heaters after September 20, 2004 are prohibited by both the fire and mechanical codes. All fuel-fired heaters must be vented to the exterior.

Furnaces, water heaters, and other heating appliances shall be installed in accordance with their listing and the MSBC (2020) and the Mechanical Code [MSFC 603]. All heating appliances installed in garages shall be at least 18 inches above the floor in accordance with the MSFC (2020) and the Mechanical Code.

Electrical Services:

Electrical hazards shall be corrected according to [MSFC 605.1].

Multi-plug adapters, such as multi-plug extension cords, cube adapters, strip plugs and other devices shall comply with the [MSFC 605.4] and the Electrical Code.

Receptacles and outlets serviced by extension cord-type wiring are prohibited [MSFC 605.5.1]

Power taps are permitted when polarized or grounded and protected with listed overcurrent protection [MSFC 605.4.1].

Extension cords and flexible cords shall not be used as a substitute for permanent wiring [MSFC 605.5].

Fire Extinguishers:

Homes licensed for child care, foster care, adult family services or residential hospices shall be provided with fire extinguishers with a minimum 2A:10B:C rating.



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