

**March 29, 2022**

**Policy for care homes, lodging houses and similar occupancies when located in a single-family occupancy**

As you all know, for years now we have had an amendment in the Chapter 2 of the IBC which adds an additional definition to the word “Family” (see amendment excerpt below).

**Family.** In addition to customary domestic servants, either:

1. An individual or 2 or more persons related by blood, marriage, or adoption, maintaining a common household in a dwelling unit; or
2. A group of not more than four (4) persons who are not related by blood, marriage, or adoption, living together as a common household in a dwelling unit; or
3. A group of eight (8) or fewer unrelated mentally retarded, mentally handicapped, or physically handicapped persons which may include three (3) additional persons acting as house parents, who need not be related to each other or to any of the mentally retarded, mentally handicapped, or physically handicapped persons residing in the house, living together as a common household in a dwelling unit and licensed by either the state departments of Health or Mental Health and Developmental Disabilities.

**“Mentally handicapped”** does not include persons who are mentally ill and because of such illness, pose a likelihood of serious harm as defined in Tenn. Code Ann. Sec. 33-6-104, or who have been convicted of serious criminal conduct related to such mental illness; and

**“Physically handicapped”** shall include persons who, due to age or infirmity, are physically in need of residential home care.

Because this amendment was in place, we have allowed care homes and the like with up to eight (8) persons to be considered as a single-family home. The reason the definition of family was amended was to keep small care homes from having to sprinkler the building and allow these homes to operate without a certificate of occupancy. This did not pose a problem when we were in the Standard Code. However, this amendment directly conflicts with sections 308.2.3, 308.2.4, 310.4.1, 310.4.2 and 310.5 in the IBC. Therefore, beginning immediately, our policy for small care homes and other congregate living facilities in single family homes will be as follows:

310.4.1 Care homes and any facility where the occupants require custodial care with up to five (5) occupants:

- Will be considered as R3 occupancies under the IRC
- Must provide a sprinkler system in accordance with NFPA 13D
- Must provide smoke detectors installed in accordance with the IBC

310.4.2 Lodging houses and other congregate living facilities with up to five (5) rooms and not more than 10 occupants:

- Will be considered as R3 occupancies under the IRC
- Must provide a sprinkler system in accordance with NFPA 13D
- Must provide smoke detectors installed in accordance with the IBC

310.5 Care homes and any facility where the occupants require custodial care with at least six (6) occupants up to 16 occupants:

Condition 1 – Occupants are capable of responding to emergency evacuation without assistance.

- Can be built as R3 occupancies under the IRC
- Must provide a sprinkler system in accordance with NFPA 13D
- Must provide smoke detectors installed in accordance with the IBC

Condition 2 – Occupants need verbal or physical assistance to evacuate.

- Can be built as R3 occupancies under the IRC
- Must provide a sprinkler system in accordance with NFPA 13R
- Must provide smoke detectors installed in accordance with the IBC

The homes may also require State licensure and inspection from the Fire Marshal's Office. This policy will aid us in answering questions concerning our requirements for a home to be occupied in any of the above situations.

**Thank You,**

**Bobby Decker, Building Official  
Office of Construction Code Enforcement**