



**North Carolina Department of Health and Human Services
Division of Health Service Regulation
Construction Section**

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MEMORANDUM

To: Potential Providers of Mental Health Licensed Facilities, DHSR Construction Section
From: DHSR – Construction Section
Date: **June 15, 2009**
Re: NC Building Code Requirements for Mental Health Licensed facilities with 6 or fewer clients

Following is a summary of the requirements in the North Carolina State Building Code for facilities licensed pursuant to North Carolina General Statute 122C (Mental Health, Developmental Disability and Substance Abuse Laws) for 6 or fewer clients. These facilities are required to meet the following rules and code:

- The North Carolina Administrative Rules for Mental Health, Developmental Disabilities and Substance Abuse Facilities and Services. This includes 10A NCAC 26C, 27C, 27D, 27E, 27F, and 27G)
- The North Carolina State Residential Building Code (there are restrictions on licensing in manufactured homes).

The North Carolina Administrative Rule 10A NCAC 27G .0301(a) states: "Each new facility shall be in compliance with all applicable portions of the North Carolina State Building Code in effect at the time of licensing." The items below that are underlined are the "applicable portions" of the NC State Building Code. In addition, each facility should be in compliance with the non-underlined Building Code items when they were built or last renovated.

1. **Dwelling Exit:** At least one exit from each dwelling unit. The exit must be a side-hinged door not less than 3'-0" in width and 6'-8" in height. The minimum width of a hallway or exit access shall be not less than 3' and all doors from habitable spaces shall be a nominal 2'-6" wide and 6'-8" high. If licensed under Section 421.2 you are required to have 2 remotely located exits
2. **Dwelling Exit Locking Mechanism:** Any Deadbolt lock that is operable only with the use of a key can be construed as an obstruction to the exit (10A NCAC 27G .0304(b)(1). **You may have a thumb latch deadbolt lock.** *(There is no requirement for single action locks from the interior of these types of facilities.)*
3. **Exit Lighting:** Must provide a means to illuminate all interior and exterior stairs and have a switchable light fixture on the exterior of any required exits. *(Required since 1975 in Volume IV NEC).*
4. **Stair Landings:** A minimum of a 3' x 3' landing shall be required on each side of an egress door and be no lower than 1 ½ - 2" below the threshold. **EXCEPT** – landings are not required if the door does not swing out over the stairs and, if there is one provided, the landing at an exterior door can be 8 ¼ -



8 ½ " below the threshold. Exterior storm and screen doors are exempt from the requirements for landings. *(Prior to 1993 there was no requirement).*

5. **Railings:** Porches, balconies or raised floor surfaces located more than 30" above grade shall have guardrails not less than 36" in height. Handrails shall be provided continuous for the length of any open stair with a height between 30" – 38". *(Prior to 1993, guardrails were required for any porch or entrance platform 36" or more above grade. The railings could be 30" high as well as the handrails down the stairs.)*
6. **Emergency Egress:** Every sleeping room shall have at least one operable window or exterior door approved for emergency egress. The units must be operable without the use of key or tool to a full clear opening. If a window is provided, the sill height may not be more than 44" above the floor. These must provide a clear opening of 4 square feet. The minimum height shall be 22 inches and minimum width is 20 inches (1996 Building Code). *(For buildings built under the previous Residential Building Code the requirements allowed for a sill height of 48" and an opening of 432 square inches in area with a minimum dimension of 16").*
7. **Smoke Detectors:** Per the National Electrical Code – Section 210-71 (effective July 1, 1999) in One and Two Family Dwelling units there must be a minimum of one 120-volt smoke detector permanently connected to house current with battery back-up, installed in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the dwelling including basements and cellars (not to include uninhabitable attics or crawlspaces). If the dwelling unit is a split level, a smoke detector needs to be installed only on the upper level, provided the lower level is less than one full story below the upper level and there is no door between levels. All detectors shall be interconnected so that the actuation of one alarm will actuate all alarms. Other Dwelling Units (apartments/condominiums) shall have a minimum of 120-volt permanently connected automatic smoke detector outside each separate sleeping area, in each room used for sleeping purposes and in each story including basements and cellars. *(Between 1975 and 1999 there was no requirement for a smoke detector to be located in each sleeping room but you were required to have an electrically operated smoke detector outside the bedroom areas.)*
8. **Ground-fault Interrupter Protection:** Per NEC – Section 210-8 requires GFI outlets in bathrooms, Garages, Outdoors, Crawlspaces, Unfinished basements, Kitchen countertops and at wet bar sinks. *(We are applying this only to existing outlets, not requiring the addition of outlets if not provided). Also, Jan. 1, 1973 required on all outside electrical outlets, Jan. 1, 1975 required in bathrooms including integral ones on light fixtures, 1987 required in kitchens within 6' of sinks and 1996 all kitchen counter receptacles.*
9. **Bathroom Ventilation:** Bathrooms shall be provided with windows of not less than 3 square feet of which one-half must be operable. The glazed areas are not required if an approved mechanical ventilation system is provided capable of producing a change of air every 12 minutes vented directly to the outside. *(Prior to 1996 the window area requirement is the same but in lieu of the window they could provide metal ducts with at least 72 square inches in open area extending to the outside.) (Apartments were only required to have windows and/or vents in more than two water closets up to 1994?)*
10. **Heating and air-conditioning:** Prior to 1988, air conditioning was not a requirement.
11. **Kitchen Range Hood:** If there is a range hood installed it must be vented to the outdoors or the range hood must be an approved-labeled unvented hood installed in accordance with the manufacturers' instructions.
12. **Clothes Dryers:** Must have non-combustible flex duct (metallic) from the dryer to the wall vent.

13. **Fireplaces and Woodstoves:** Must meet the Building Code in effect at the time the building was built or fireplace/woodstove added. Owner must be aware of their liability for the physical safety of clients, staff and visitors (Licensure Section .0304).
14. **Water Temperature:** The North Carolina Administrative Code requires a temperature for hot water between 100 and 116 degrees F. This will be checked especially at bath tubs. (*See the Violation Types*).
15. **Storage of Flammables:** In dwellings and apartment houses containing not more than three dwelling units and their accompanying attached or detached garages, it is prohibited to store flammables in excess of 25 gallons not including fuel oil for oil burner service.
16. **Fire Extinguishers:** No requirement per Licensure or the Building Code. Often the local Fire Marshal will require this.
17. **Garages:** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.
18. **Interior Finish:** (Per NCSBC – Vol. VII - July, 1992) Must meet Class C or greater - Flame spread classification of not greater than 200 and smoke density of no greater than 450. (Previously there is no known requirement). This means that wood paneling in a single family home, must be treated with fire retardant paint unless documentation is provided verifying the Class C rating. (Mill lumber paneling with no varnish finish is acceptable).
19. **Under stair protection:** Enclosed accessible space under stairs (exit stairs) shall have walls and soffits protected on the enclosed side with ½” gypsum board. (*Introduced in 1993 edition of Volume VII*).
20. **Number of Residents:** The DHSR Construction Section and the Department of Insurance have determined that all children under the age of six, any developmentally challenged child or adult and any elderly adults residing in the facility that may need assistance in evacuating the facility in the case of an emergency must be counted when determining the number of residents.
21. **Fire Retardant Mattresses:** At a minimum the Licensee must provide documentation that the majority of materials that make up the mattresses are Fire Retardant materials. This applies to all mattresses within the facility. **However, an equivalency can be met in lieu of meeting this Fire Retardant mattress requirement. If the facility meets Item #7 above, in facilities licensed for six or fewer all ambulatory residents, the fire retardant mattresses are not required.**
22. **Swimming Pools:** Reference North Carolina State Building Code, Volume VII Section 114 Provisions for swimming pools, spas and hot tubs are contained in Appendix D and shall be enforced only when specifically adopted by the jurisdiction.

Appendix D

Barrier Requirements - 48 inches tall; 4” sphere rule; 2” clearance from grade; gates shall be self-latching and shall accommodate a lock; where a wall of the dwelling serves as part of the barrier one of the following shall be met 1) powered safety cover 2) doors with direct access to pools shall be equipped with audible alarms (30 seconds) shall have a manual means to temporarily deactivate (15 seconds) mounted minimum 54 inches from floor. 3) other protection approved by ‘governing body’.

This is for informational purposes and may be altered with any new code changes or have additional requirements by the local authority having jurisdiction.