

OFFICE OF THE STATE FIRE MARSHAL
STATE OF ILLINOIS

Statute, Rule or Standard Policy Interpretation: **Business Occupancies Located in Residential Board and Care Occupancies**

Title:	Fire Prevention and Safety
Part:	41 Ill. Adm. Code 100
Section Number:	100.7(b)
Section Title:	Modifications to the Life Safety Code
Policy Number:	11-FP-004

Purpose: This document provides for current policy and guidance to ensure uniform enforcement of the 2000 edition of the National Fire Protection Association’s Life Safety Code (“LSC”) with respect to a business occupancy located in a residential board and care occupancy.

Scope: Statewide

Current Code/Issue: Various State agencies locate certification offices (business occupancies by classification) within residential board and care occupancies. The OSFM has historically inspected these offices separately under the Life Safety Code’s “Business Occupancy” chapter while inspecting the remainder of the residence under the LSC’s “Residential Board and Care Occupancy” chapter. This has become problematic for a number of reasons: two separate chapters of the Life Safety Code needing to be applied to the facility; the issuance of two separate violation orders to the same owner; and often the need for an OSFM inspector to make two separate trips to the same facility because the licensing renewal schedules of the business office area and the residential board and care area of the building are not on the same schedule with the requesting licensing agency.

Enforcement Policy: After the effective date of this policy any business office that is located in a residential board and care occupancy will be inspected simply as an incidental use space in the residential board and care occupancy.

Reason: The business offices being addressed are located in a residential occupancy where the access and the number of visitors are controlled by the State agency operating the office. These office areas are typically small and do not constitute the predominant space in the building. Although acknowledging that application of the business occupancy chapter of the LSC could impose additional requirements on the occupancy, the OSFM believes that such small business office spaces can be viewed as incidental to the residential board and care occupancy. Examination of the fire history and potential for life-threatening events in residential board and care occupancies versus business occupancies and consideration of the fact that these business-use spaces represent a small portion of the overall residential board and care occupancy results in the OSFM believing that the protection level that should be maintained in these occupancies should be based upon the residential board and care occupancy requirements. The RB&C occupancy requirements are based upon occupants who, by definition, sleep in the facility and also need personal care services. Protection of these residents in accordance with the RB&C requirements of the LSC should be the predominant consideration.

Effective Date: September 2011.