



NEWLY LICENSED SMALL (5-8 BED) CBRF IN A COMMERCIAL BUILDING

State of Wisconsin / Department of Health Services / Division of Quality Assurance
P-03669 (10/2025)

Community-Based Residential Facilities (CBRF) are licensed according to Wis. Admin. Code ch. DHS 83 and to the Wisconsin Commercial Building Code (WCBC) Wis. Admin. Code chs. SPS 361-366. The WCBC, through the Department of Safety and Professional Services (DPS), adopted and modified the 2015 edition of the International Building Code (IBC) which took effect in 2018. This clarification remains in effect for the 2021 edition of the IBC.

Question: SPS § 362.0400(4) states that small (5-8 bed) CBRFs shall comply with the Wisconsin Uniform Dwelling Code (UDC) instead of all other requirements of the WCBC. What codes apply to a proposed new license, small CBRF, that will be located within a commercial building?

Answer: In accordance with IBC § 302.1 and § 508.1, each portion of a commercial building shall be individually identified as one of the use and occupancy classifications that are defined within the WCBC. Once all portions of a building are classified, then the remaining building elements and systems (size, construction type, separated occupancies, fire protection, egress, etc.) can be designed in full compliance with the WCBC. When a small (5-8 bed) CBRF is located within a commercial building, the interior of the small CBRF is allowed to be designed per the UDC. Overall commercial building compliance, however, necessitates that the small CBRF is classified as a WCBC occupancy group. Depending on the proposed CBRF license type per DHS § 83.04, a small CBRF in a commercial building would be minimally classified as one of the following WCBC occupancies: R-3, R-4, or I-2.

Wisconsin Administrative Code References:

- **DHS § 83.04 Licensing categories.** The department shall license each CBRF as follows: **(2) CLASSIFICATION.** (a) Class A ambulatory. (b) Class A semi-ambulatory (AS). (c) Class A non-ambulatory (ANA). (d) Class C ambulatory (CA). (e) Class C semi-ambulatory (CS). (f) Class C non-ambulatory (CNA).
- **DHS § 83.62 Codes. (1)** The following codes and standards are adopted as part of these rules and incorporated by reference: (a) Wisconsin Commercial Building Code, chs. SPS 361 to 366, current edition.
- **IBC § 302.1 General.** Structures or portions of structures shall be classified with respect to occupancy in one or more of the groups listed in this section.
- **IBC § 308.3.3 Six to 16 persons receiving custodial care.** A facility housing not fewer than six and not more than 16 persons receiving custodial care shall be classified as Group R-4.
- **IBC § 308.3.4 Five or fewer persons receiving custodial care.** A facility with five or fewer persons receiving custodial care shall be classified as Group R-3.
- **IBC § 308.4 Institutional Group I-2.** Institutional Group I-2 occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than five persons who are incapable of self-preservation.
- **SPS § 362.0308 Classification of institutions with 5 or fewer persons receiving medical care.** Substitute the following wording for IBC section 308.4.2: Five or fewer persons receiving medical care. A facility with 5 or fewer persons receiving medical care shall be classified as Group R-3.
- **IBC § 508.1 Mixed Use and Occupancy. General.** Each portion of a building shall be individually classified in accordance with Section 302.1. Where a building contains more than one occupancy group, the building or portion thereof shall comply with the applicable provisions of Section 508.2, 508.3 or 508.4, or a combination of these sections.

Questions: If you have questions regarding this information, contact the Division of Quality Assurance (DQA) Life Safety Fire Authority at David.Soens@wisconsin.gov or the OPRI Construction Supervisor at Holly.Kitchell@wisconsin.gov.