



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

State of Wisconsin / Department of Health Services / Division of Quality Assurance
P-03669 (10/2024)

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 (DSPS), adopted and modified the 2015 edition of the International Building Code (IBC) which took effect in 2018.

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.