



SMALL (5-8 BED) CBRF ACCESSIBILITY REQUIREMENTS

State of Wisconsin / Department of Health Services / Division of Quality Assurance
P-03670 (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 § 320.02(1)(c) and SPS § 362.0400(4) state that small (5-8 bed) CBRFs are regulated per the Wisconsin Uniform Dwelling Code (WUDC) Wis. Admin. Code chs. SPS 320-325. The WUDC does not adopt by reference the commercial building accessibility code: American National Standards Institute (ANSI/ICC) A117.1-2009 Accessible and Usable Buildings and Facilities. What accessibility provisions are required for small CBRFs that do not fall within the scope of the WCBC?

Answer: All CBRFs shall comply with DHS 83. DHS § 83.32 (1)(b) Rights of residents, states that the licensee shall protect the civil rights of residents and specifically includes the Americans with Disabilities Act (ADA) of 1990 as a requirement. As such, compliance with the 1991 edition of the ADA Accessibility Guidelines for Buildings and Facilities (ADAAG) is the minimum required accessibility standard for all CBRFs, including small facilities. The original ADA Accessibility Guidelines are freely available at the link below and include design requirements for toilet and bathing rooms, maneuvering clearances at doors, accessible routes, workspaces in kitchens, reach ranges for operable parts, etc.

Wisconsin Administrative Code References:

- **DHS § 83.04 Licensing categories.** The department shall license each CBRF as follows: (1) SIZE. (a) A CBRF for 5 to 8 residents is a small CBRF. (b) A CBRF for 9 to 20 residents is a medium CBRF. (c) A CBRF for 21 or more residents is a large CBRF.
- **DHS § 83.32 Rights of residents. (1)(b)** The licensee shall protect the civil rights of residents as these rights are defined in the U.S. Constitution, the Wisconsin Constitution, the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Section 504 of the Rehabilitation Act of 1973, the Fair Housing Amendments Act of 1988, the Americans with Disabilities Act of 1990, and all other applicable federal and state statutes.
- **Americans with Disabilities Act of 1990 § 504. Regulations by the Architectural and Transportation Barriers Compliance Board. (a) ISSUANCE OF GUIDELINES-** Not later than 9 months after the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board shall issue minimum guidelines that shall supplement the existing Minimum Guidelines and Requirements for Accessible Design for purposes of titles II and III of this Act. **(b) CONTENTS OF GUIDELINES-** The supplemental guidelines issued under subsection (a) shall establish additional requirements, consistent with this Act, to ensure that buildings, facilities, rail passenger cars, and vehicles are accessible, in terms of architecture and design, transportation, and communication, to individuals with disabilities.
- **ADA Accessibility Guidelines (ADAAG) 1991 Edition:** www.access-board.gov/adaag-1991-2002.html

Implementation: The DHS Division of Quality Assurance (DQA), Office of Plan Review and Inspection (OPRI) will enforce these requirements for newly submitted plan reviews.

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