

JAN 23 2008

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# A BILL FOR AN ACT

RELATING TO AGING IN PLACE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the State faces a  
2 crisis in long-term care for Hawaii's elderly and that the State  
3 lacks adequate long-term care infrastructure to meet elder  
4 needs. The task force convened under Senate Concurrent  
5 Resolution No. 144 S.D.1 (2006) was directed to develop a long-  
6 term care infrastructure plan for Hawaii to ensure public safety  
7 while supporting aging in place. That task force recommended  
8 amendments to the International Building Code relating to  
9 physical assistance in evacuation for residents in assisted  
10 living facilities or similar facilities.

11           The purpose of this Act is to implement the recommendation  
12 of the task force to amend the International Building Code  
13 relating to physical assistance in evacuation for residents in  
14 assisted living facilities or similar facilities and to extend  
15 the life of the task force for one year until June 30, 2009.

16           SECTION 2. (a) The state building code council shall  
17 amend the International Building Code, 2006 edition, relating to



1 physical assistance in evacuation for residents in assisted  
2 living facilities or similar facilities by inserting the  
3 following amendments:

4 (1) To be inserted facing page 35:

5 **"308.1 Group I-1.** This occupancy shall include buildings,  
6 structures or parts thereof housing more than five residents on  
7 a 24-hour basis, who because of age, mental disability, or other  
8 reasons, live in a supervised residential environment that  
9 provides personal care services. The occupants participate in  
10 fire drills and are considered capable of assisted self-  
11 preservation. Facilities with residents who require additional  
12 help beyond assisted self-preservation criteria shall reside on  
13 the first floor in all Type III, IV, and V construction, or  
14 shall be classified as Group 1-2. This group shall include, but  
15 not limited to the following:

- 16 Residential Board and Care Facility
- 17 Assisted Living Facility
- 18 Halfway Houses
- 19 Group Homes
- 20 Social Rehabilitation Facilities
- 21 Alcohol and Drug Centers
- 22 Convalescent Facilities

23  
24  
25 A facility such as above with 6-16 residents shall meet the  
26 requirements for construction as defined for Group R-3 except as  
27 otherwise provided for in this code or shall comply with the  
28 residential code in accordance with Section 101.2.

29  
30 **308.3 Group I-2.** This occupancy shall include buildings and  
31 structures used for medical, surgical psychiatric, nursing,  
32 health, or custodial care for persons who are not capable of  
33 self-preservation. This occupancy shall also include building  
34 structures used for personal care whose residents are considered  
35 not capable of assisted self-preservation. This group shall be  
36 limited to the following:

- 37
- 38 Hospitals
- 39 Nursing Homes



1 Mental Hospitals  
2 Detoxification Facilities  
3 Ambulatory Health Care Centers  
4 Specialized, Alzheimer's Facilities or areas  
5 Personal Care Residencies (with residents not capable of  
6 assisted self-preservation)  
7

8 A facility such as above with five or fewer persons shall be  
9 classified as Group R-3 or shall comply with the residential  
10 code in accordance with Section 101.2."  
11

12 (2) To be inserted facing page 36:

13 "R-4 Residential occupancies shall include buildings arranged  
14 for residential care assisted living occupancies and other  
15 personal care occupancies housing more than five residents,  
16 all of which are capable of responding to an emergency  
17 situation without any physical assistance from staff.  
18

19  
20 Group R-4 occupancies with 6-16 residents shall meet the  
21 requirements for construction as defined for Group R-3, except  
22 as otherwise provided for in this code, or shall comply with  
23 the residential code.  
24

25 **Section 310.2**

26 **ASSIGNED SELF-PRESERVATION** is a term used for personal care I-1  
27 occupancies. It is the ability of a resident to respond to an  
28 emergency situation and exit a building to a point of safety  
29 mostly on their own or with some physical assistance from staff.  
30 Residents who require guiding or directing, who are considered  
31 slow to very slow, or who may receive intermittent assistance  
32 are considered capable of assisted self-preservation. Residents  
33 who require more than intermittent nursing care are considered  
34 not capable of assisted self-preservation. Residents who are  
35 not self starting, are considered beyond very slow, or who  
36 require assistance by more than one staff in exiting are all  
37 considered not capable of assisted self-preservation.  
38

39 **POINT OF SAFETY** is a term used for I-1 occupancies. At least  
40 one point of safety is required. Each point of safety shall  
41 provide a minimum of 10 square feet (0.93 m<sup>2</sup>) of refuge area for



1 each building occupant and shall be one of the following:  
2 1. A point exterior to, and not less than 50 feet away from, the  
3 building which shall be provided with access to a public way;  
4 2. A public way; or  
5 3. A point within a building that is protected throughout by an  
6 approved automatic sprinkler system and is either:  
7 Within a vertical exit enclosure construction per Chapter 10;  
8 or  
9 Within another portion of the building that is separated by a  
10 smoke barrier or horizontal exit that is also built to smoke  
11 barrier requirements and that portion of the building has access  
12 to an exit."  
13

14 (3) To be inserted as page 72A:

15 "**419.4 Group I-1 Assisted Living.** Group I-1 Assisted Living  
16 Facilities with over 16 residents shall comply with the  
17 provisions of this section.  
18

19 **419.1 Building Height.** Buildings shall not exceed one story in  
20 Type VB construction, two stories in Types 11B, III, IV, and VA  
21 construction, and three stories in Type IIA construction. Other  
22 construction type limitations on stories shall be limited by the  
23 provisions of Chapter 5.  
24

25 **419.2 Smoke Barriers.** Smoke barriers shall be provided to  
26 subdivide every story used by residents for sleeping or  
27 treatment into at least two smoke compartments with not more  
28 than 16 residents per smoke compartment and not more than 150'  
29 of travel distance. Smoke compartments shall be in accordance  
30 with Section 709."  
31

32 (4) To be inserted facing page 175:

33 "**Section 903.2.3 Group I.** An NFPA 13 automatic sprinkler system  
34 shall be provided throughout buildings with a Group I fire area.

35 Exceptions:

36 1. An NFPA 13R automatic sprinkler system shall be installed  
37 in accordance with Section 903.1.2 in 1-I occupancies  
38 with 6-16 residences in the facility."  
39



1 (5) To be inserted facing page 567:

2 "3401.3.1 Group I-1 Existing Assisted Living Automatic  
3 Sprinkler System Requirements.

4 1. Existing facilities with over 5 residents shall be provided  
5 throughout with an NEPA 13R automatic sprinkler system, when  
6 there are residents requiring and categorized as being capable  
7 of assisted self preservation, residing above the level of exit  
8 discharge.

9 2. Existing facilities with over 16 residents shall conform to  
10 the requirements for Group I-2, except for the 8' corridor and  
11 44" door width requirements, when there are residents who are  
12 considered not capable of assisted self preservation, residing  
13 above the level of exit discharge."  
14

15 (b) No county may amend or repeal any of the amendments to  
16 the International Building Code set forth under subsection (a).  
17 Any county amendment contrary to this subsection shall be void  
18 as against public policy.

19 SECTION 3. The task force convened under Senate Concurrent  
20 Resolution No. 144 S.D.1 (2006) shall be extended until June 30,  
21 2009.

22 SECTION 4. This Act shall take effect upon its approval.  
23

INTRODUCED BY: Randy H. Baker  
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**Report Title:**

State Building Code Council; International Building Code

**Description:**

Requires state building code council to amend the international building code relating to physical assistance in evacuation for residents in assisted living facilities or similar facilities. Prohibits counties from amending or repealing these amendments. Extends the task force convened under senate concurrent resolution no. 144 S.D.1 (2006), to develop a long-term care infrastructure plan, for 1 year to 6/30/2009.

