General:
The intent of this handout is to clarify the basic building code requirements for residential care/assisted living facilities housing 3 to 16 residents (reference AMC 23.15.426). Residential care/assisted living facilities are regulated based on the residents’ ability to respond to an emergency, the type of state license and the number of residents allowed by this license. The number of residents is the total number of residents under care within the entire building, or under care within a portion of the building separated from the rest of the building by two hour fire resistance rated construction. For example, if the building has two dwelling units, include the total number of residents in each dwelling unit, unless the dwelling units are separated by two hour fire resistance rated construction. This is true even when separate licenses are issued for each dwelling unit. Facilities located in buildings containing other uses must be separated from those uses by two hour fire resistance rated construction, and egress cannot pass through the other uses.

Permit requirements for new facilities:
A new facility can be either a new building or an existing building with a new residential care/assisted living use as outlined below. Facilities in new buildings are regulated by the 2012 International Building Code (IBC). New facilities in existing buildings are regulated by the 2012 IBC and the 2012 International Existing Building Code (IEBC). General requirements for new facilities in existing buildings are outlined below.

1. New facility, 3 to 5 residents, mental health license or physically disabled/elderly care license - permit or change of use permit required, NFPA 13D fire sprinkler system required, fire alarm system is not required.
2. New facility, 6 to 16 residents, mental health license – permit or change of use permit required, Group R-4 occupancy classification required, accessibility required, NFPA 13D fire sprinkler system required, fire alarm system required.
3. New facility, 6 or more residents, physically disabled/elderly care license – permit or change of use permit required, Group I-2 institutional occupancy classification required, accessibility required, NFPA 13 fire sprinkler system required, fire alarm system required.

Permit requirements for existing facilities:
Existing facilities are facilities having a current or expired license. Facilities with licenses expired by more than 180 days shall not be considered existing facilities. Existing facilities are regulated by the 2012 International Fire Code (IFC), section 23.45.408. Existing facilities undergoing a change of use are regulated by the 2012 IEBC and IBC as outlined below.

1. Existing facility, new license of same type and having same number or fewer residents as previous license - no change of use permit required.
2. Existing facility, license change from physically disabled/elderly care license for 5 or fewer residents to mental health license for 5 or fewer residents - no change of use permit required.
3. Existing facility, change from mental health license to physically disabled/elderly care license for 3 to 5 residents – change of use permit required, NFPA 13D fire sprinkler system required, fire alarm system is not required.

4. Existing facility, change from mental health license to physically disabled/elderly care license for 6 or more residents – change of use permit required, Group I-2 institutional occupancy classification required, accessibility required, NFPA 13 fire sprinkler system required, fire alarm system required.

5. Existing facility, mental health license for 5 or fewer residents, increase to 6 to 16 residents – change of use permit required, Group R-4 occupancy classification required, accessibility required, NFPA 13D fire sprinkler system required, fire alarm system required.

6. Existing facility, physically disabled/elderly care license for 5 or fewer residents, increase to more than 5 residents - change of use permit required, Group I-2 institutional occupancy classification required, accessibility required, NFPA 13 fire sprinkler system required, fire alarm system required.

Information required to make a determination includes: The current use of the building (verify on tax records); state of Alaska license for existing facilities; state of Alaska license application for new facilities. Floor plans and plot plans may also be required.

Zoning Requirements:
A small assisted living facility serving five or fewer residents is considered a single housekeeping unit. In residential zoning districts, a small assisted living facility serving five or fewer residents is permitted by right. An administrative variance is required to serve six to eight residents; 9 or more residents may require a conditional use permit depending on the district. Rules do not change for land-use areas. See land use reviewer for details.

Definitions:
Mental health license refers to a license issued by the state of Alaska to care for individuals 18 years of age or older who have a mental health or developmental disability.

Physically disabled/elderly care license refers to a license issued by the state of Alaska to care for individuals 18 years of age or older who have a physical disability, are elderly, or suffering from dementia, but who are not chronically mentally ill.

Kent Kohlhase, P.E., Building Official
Date: May 13, 2016
(Ref: 15-03)