

## STATE BUILDING CODE INTERPRETATION NO. I-3-04

March 4, 2004

The following is offered in response to your letter to me dated February 27, 2004 in which you seek a formal interpretation of the provisions of Sections 308.1 and 308.2 of the BOCA National Building Code/1996 portion of the 1999 State Building Code. The scenario you describe depicts young men, ages 16 to 21, involved in an independent living program who occupy separate apartments in buildings of six to ten dwelling units. There is non-live-in staff in an office in the building 24 hours per day who supervise the men's curfew, daily counseling, transportation, group meetings and social time. The men are free to leave the program at any time, do not suffer from physical disabilities, are not detained for penal or correctional purposes and live in an environment where their liberty is not restricted. The support that staff gives them is likened to that which a parent might provide.

**Question:** Given the above description, is the facility most appropriately designated as Use Group I-1, or R-2?

**Answer:** The most appropriate Use Group designation for the facility you describe is R-2. Although staff is available on-site for support and life-skills education, they do not restrict the men's activities. The three key tests to determine a need for the Institutional Use Group, according to Section 308.1, are physical limitations, detainment for penal or correctional purposes, or restriction of the liberty of inmates. Your description is clear to point out that this is not the case. Section 308.2 is more specific to indicate that Use Group I-1 is appropriate for buildings which house individuals who *must* live in a supervised environment. Since your description indicates that the men are free to leave the program at any time, this is also not the case. Since none of the Institutional Use Group triggers apply and the men are not transient in nature, Use Group R-2 is the most appropriate one for the facility you describe.