



Division of Health Service Regulation



Construction Section



PLEASE READ YOUR RULES

The overall Physical Plant Rules for Mental Health are outlined under 10A NCAC 27G Section .0300. Certain programs have additional physical plant rules. If you are operating under one of those programs those rules as well as the overall physical plant rules will apply or in some cases may supersede certain aspects. These rules in conjunction with the current NC Building Codes establish how surveys are conducted. Construction will not make any site visits until the initial survey. We urge you to contact us at 919-855-3893 and ask for a MHL surveyor with any questions concerning construction requirements.





The Construction Process: How Your Survey is Set Up

- ❖ Completely fill out Page 10 of 29, then sign and date the application.
- ❖ Page 14 & 15 of 29 lists the Service Categories. Check your category and the number of beds desired.
- ❖ Be sure you know the difference between Ambulatory and Non-Ambulatory and check the appropriate space.
- ❖ After your application is submitted to Licensure, it is reviewed then forwarded from Licensure to Construction.
- ❖ The application and its contents will be verified by Construction.
- ❖ Once Construction verifies your application you will be assigned a project number and sent an acknowledgment letter along with a construction invoice.
- ❖ If possible, please provide Construction an email address where correspondence can be forwarded. We will continue to send hard copies as necessary.



The Construction Process: How Your Survey is Set Up

- ❖ The construction invoice outlining the appropriate fee must be returned and paid in advance of the initial survey.
- ❖ The individual listed as the contact will be notified when the survey will be conducted.
- ❖ Accurate contact information must be provided to facilitate setting up your survey.
- ❖ Include in your application a floor plan with locations of smoke detectors.
- ❖ Upon completion of the survey you will be informed of any deficiencies. You must make corrections. If another visit is necessary, you will be informed. Upon completion of all deficiencies or if there are none, a letter will be sent informing you that your facility has been recommended for licensure.



Applicable Building Code Items: What We Look for During the Survey

❖ Smoke Detectors

- One 120 –volt smoke detector permanently connected to the house current
- Interconnected; installed in each bedroom; installed outside of any bedroom or cluster of bedrooms

❖ Ground Fault Interrupter Protection

- Along countertops, in Garages and outdoor outlets
- Bathrooms

❖ Kitchen Range Hood

- Vented to the outdoors or if its an unvented hood with an approved charcoal filter

❖ Bathroom Ventilation

- Not required unless there is no window

❖ Clothes Dryer

- Non-combustible metallic flex duct vented to the **OUTSIDE** of the home

❖ Water Temperature

- Between 100 degrees and 116 degrees





Applicable Building Code Items: What We Look for During the Survey

❖ Interior Finish

- Must meet a minimum Class ‘C’ or greater flame spread
- Any wood paneling must be treated with an approved fire retardant paint

❖ Railings

- Porches, balconies or raised floor surfaces more than 30” above grade must have guardrails not less than 36” in height.

❖ Emergency Egress

- Sleeping rooms must have one operable window or exterior door
- Sill heights may not be more than 44” above the floor

❖ Minimum Ceiling Height

- Ceiling height must be no less than 7 feet for virtually every room in the house

❖ Pan Drain Termination

- The discharge relief valve should terminate no less than 6” above the floor
- Piped to the outside of the home (must not terminate under the home)





Applicable Building Code Items: What We Look for During the Survey

❖ Bedrooms

Single occupancy bedrooms a **minimum of 100 square feet**

Double occupancy bedrooms a **minimum of 160 square feet**

Waivers may be requested **if within 5 square feet of the required square footage**

❖ 3 residents verses 4 to 6 residents

3 residents you must meet the residential building code.

4 to 6 residents you must meet Section 421.2 of the NCSBC





Approved Fire Retardants:
We Accept No Substitutes

- *Flame Control* - Fire Retardant Paint
- *FR-1* - Fire Retardant Paint Additive for Water Based Latex Paints
- *Flame Guard* - Fire Retardant Treatment for Water Based Latex Paints

The listed paints or additives may be purchased from your local paint dealer, hardware store, or you may search online to locate a dealer who sells the product. After your purchase maintain copies of your receipts as verification of your purchase.



Manufactured and Modular Home Use Within the MHL Program

- ❖ Manufactured homes may serve **three or fewer residents** including occupants of the facility that require care by the foster parent or caregivers.
- ❖ Manufactured homes may be licensed under .5600 Supervised Living or .5100 Community Respite Services programs **only**.
- ❖ Modular homes may serve any program as they are classed as Single Family Residential.
- ❖ Manufactured homes and Modular homes still require the approvals from the local jurisdictions.



How Manufactured Homes are Identified



HUD Certification Label for Manufactured Homes

This label is the manufacturer's certification that the home was manufactured in accordance with HUD's Construction and Safety Standards that were in effect at the time the home was manufactured.



How Modular Homes are Identified



North Carolina Validation Stamp for Modular Homes

This label and the Building Manufacturer's Data Plate certifies the structure has been manufactured and inspected in accordance with the North Carolina's inspection requirements. The Validation Stamp usually is located in the cabinet above the range hood.



Permits and Approvals

All required building permits and final approvals must be obtained from the local authorities having jurisdiction. The required approval forms must come from the local authorities, but they may require you to have forms provided by Construction. DHSR-Construction must have the following inspection forms before a recommendation for licensure is made:

- **Small Home Building Approval Form***
- **Fire and Building Safety Inspection Report***
- **NC Division of Environmental Health form “Inspection of Residential Care Facility”.**



The NCDEH form must be obtained from your local health department.

*Emailed upon Providers request.



SECTION 421

LICENSED RESIDENTIAL CARE FACILITIES

421.1 Classification. Buildings in which more than three people are harbored for medical, charitable or other care or treatment shall be classified as Residential Care Facilities. The State Agency having jurisdiction shall classify the facility as a Residential Care Home, Small Residential Care Facility, Small Non-Ambulatory Care Facility or Large Residential Care Facility.

421.1.1 Fire extinguishers shall be installed in Licensed Residential Care Facilities in accordance with the North Carolina Fire Prevention Code.

421.1.2 Where two exits are required, the exits or exit access doors shall be so located and constructed to minimize the possibility that both may be blocked by any one fire or other emergency condition.

421.2 Residential Care Homes. Homes keeping no more than six adults or six unrestrained children who are able to respond and evacuate the facility without assistance, determined by the State Agency having jurisdiction to be licensable, shall be classified as Single Family Residential (North Carolina Residential).

421.2.1 Each normally occupied story of the facility shall have two remotely located exits.

421.2.2 Smoke detectors shall be provided on all levels per the North Carolina *Residential*.

421.2.3 Interior wall and ceiling finish shall be Class A, B or C.

421.2.4 Unvented fuel-fired heaters and portable electric heaters shall not be used.

421.3 Small Residential Care Facilities. Facilities when determined by the State Agency having jurisdiction to be licensable, shall be classified as Single-Family Residential.

1. Residential Care Facilities keeping no more than six adults or six unrestrained children with no more than three who are unable to respond and evacuate without assistance.

2. Residential Care Facilities keeping no more than five adults or five children who are unable to respond and evacuate without assistance, when certifiable for Medicaid reimbursement, and when staffed 24-hours per day with at least two staff awake at all times.

3. Residential Care Facilities keeping no more than nine adults or nine children who are able to respond and evacuate without assistance.

421.3.1 Either the building shall be of one-hour fire resistant construction including all walls, partitions, floors and ceilings and bedroom doors shall be 1.75 inches solid wood core or the building shall be sprinklered with a wet pipe system in accordance with NFPA 13D with a 30-minute water supply including bathrooms, toilets, closets, pantries, storage and utility spaces.



FREQUENTLY ASKED QUESTIONS

Below are a number of questions routinely asked regarding construction followed by a response in italics.

- ❖ **1) What are my options if my bedrooms don't have the required square footage?**
You may request a waiver in writing addressed to the Chief of Construction based on the recommendation of the surveyor. Reference the Applicable Building Code Items in this handout for guidelines.
- ❖ **2) If I have a second story will I be required to install an exterior exit at that location?**
Yes. If you have four or more residents or if the upstairs will be used as office space.
- ❖ **3) Will a handicap ramp be required?**
If you provide services for a non-ambulatory resident or if you provide services in a manufactured home, yes. Also, some local jurisdictions require ramps regardless of program or number of residents that will live in the facility.
- ❖ **4) Can Construction survey my facility before I submit my application?**
No. You will be invoiced by Construction. Once that fee has been paid Construction will make an onsite survey visit to your facility.
- ❖ **5) What is a Non- Ambulatory resident?**
Any resident who is NOT able to evacuate the facility without verbal or physical assistance.



FREQUENTLY ASKED QUESTIONS

❖ **6) What is an Ambulatory resident?**

Any resident who IS able to evacuate the facility without verbal or physical assistance.

❖ **7) Are my residents allowed to smoke in my facility?**

In the 2007 Session of the General Assembly of North Carolina, House Bill 1294 Section 3, Article 1 of Chapter 122C of the General Statutes was amended to read “Smoking prohibited; penalty”. In essence, smoking is not allowed inside the facility by any person living or employed at such location.

❖ **8) Can a resident access a bedroom through another resident’s bedroom?**

No. Access to residents’ bedrooms cannot be through another room being occupied by a resident as a bedroom.

❖ **9) If I don’t have built-in closets can it still be used as a bedroom?**

Yes, but wardrobes must be added. The square footage of the wardrobe must be deducted from the original room square footage and that square footage must not be less than the required for one or two residents. Reference the Applicable Building Code Items in this handout for guidelines.

❖ **10) Am I required to have a fire retardant on my interior walls?**

If the walls have wood paneling they must be treated with an approved fire retardant paint unless documentation is provided that verifies the finish is a Class C or higher. Knotty Pine, mill lumber with no varnish finish is acceptable.*