

Minnesota Department of Public Safety State Fire Marshal Division

Family Day Care, Child and Adult Foster Care in Homes (1 and 2 Family Dwellings)

Purpose:

Provide guidance on general code requirements for 1 and 2 family dwellings used for Day Care, Child and Adult Foster Care (Community Residential Setting) and Family Adult Day Services – Home Based. The standard for construction of these buildings is the 2020 Minnesota Residential Code (MRC). The maintenance and operational provisions of the 2020 Minnesota State Fire Code (MSFC) also apply.

Family Child Care Home is a residence, licensed by Department of Human Services under MN Rules 9502.0315 to 9502.0445, in which no more than 10 children receive care, maintenance and supervision by other than their relatives or legal guardians for less than 24 hours per day.

Group Child Care Home is a residence, licensed by Department of Human Services under MN Rules 9502.0315 to 9502.0445 in which at least 11 but no more than 14 children receive care, maintenance and supervision by other than their relatives or legal guardians for less than 24 hours per day.

Foster Care:

1. Provides care 24 hours per day.
2. Provides care in a home.

Family Adult Day Services – Home Based:

1. Services are only allowed in the license holder's primary residence and the license holder is the primary provider of care.
2. Is a residence with ≤ 8 adults.
3. Operates fewer than 24 hours a day.
4. Serves adults who have functional impairments.
5. None of the clients are under age 55, have serious or persistent mental illness or people with developmental disabilities.

Number and Type of Exits:

Every room used for sleeping and any basement used for day care shall have at least one approved emergency escape (second means of egress) that is separate from the main exit from the space. [MSFC 1104.25] <https://dps.mn.gov/divisions/sfm/fire-code/Documents/Fire-Code-Information-Sheets/Emergency-escapes.pdf>



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Guardrails:

Unguarded floor openings, open sides of stairways, landings, ramps, balconies or porches that are more than 30 inches above grade or the floor below shall be protected by guardrails in accordance with the MRC. The top of the guard shall not less than 36 inches in height. The guards shall have balusters or ornamental patterns such that a 4-inch diameter sphere cannot pass through any opening up to a height of 34 inches. From 34-36 inches, a sphere 8-inch in diameter shall not pass. The inspector may approve existing guards complying with previous codes.

Stairways:

Stairways shall have a handrail on at least one side and the rise and run shall be in accordance with the MRC. Stairways shall not be less than 36 inches in clear width at all points above the permitted handrail height and below the required headroom height. The minimum clear width of the stairway at and below the handrail height, including treads and landings, shall not be less than 31.5 inches where a handrail is installed on one side and 27 inches where handrails are provided on both sides. The maximum riser height shall be 7 $\frac{3}{4}$ inches and the minimum tread depth shall be 10 inches. The riser heights shall be measured vertically between leading edges of the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. For additional information on spiral stairs or circular stairways, please review MRC R311.7.9.

Existing stairs in buildings shall be permitted to remain if the rise does not exceed 8 $\frac{1}{4}$ inches and the run is not less than 9 inches. Other existing stairs may be acceptable if approved by the code official [MSFC 1104.10].

Handrails – New

Handrails shall not project more than 4.5 inches on either side of the stairway. Handrails should have a minimum and maximum height of 34 inches and 38 inches, respectively, measured vertically from the nosing of the treads, shall be provided on at least one side of the stairways. All required handrails shall be continuous running the full length of the stairs with more than 3 risers from a point directly above the top riser of a flight to a point directly above the lowest riser of the flight. Handrails shall not have sharp points at each end and those located adjacent to a wall shall have a space of not less than 1.5 inches between the wall and the handrail [MRC R311.7.7.1].

Existing handrails may be mounted between 30 inches and 42 inches above the stairs tread nosing [MSFC 1104.13].

Premises Identification:

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. The premises identification numbers shall contrast with their background. In rural areas, the use of fire numbers is acceptable [MSFC 505.1].



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Storage of Combustible Materials:

Storage shall be orderly [MSFC 315.3].

Fueled equipment (motorcycles, lawnmowers, etc.) shall not be stored, operated or repaired within the residence [MSFC 313.1].

Combustible Waste Material:

Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings [MSFC 304.1].

Fire Resistive Construction and Interior Finish:

Occupancy Separation:

When a dwelling has an attached garage, a separation wall between the dwelling and garage is required to prevent the spread of smoke and fire from the garage into the home. Doors are not permitted from a sleeping room into the garage. The separation must extend from floor to ceiling or roof deck and must be constructed in accordance with MRC R309:

- A single layer of 1/2" gypsum wallboard applied on the garage side for both new and existing construction. If there is living space above the garage the ceiling must be protected with minimum 5/8" gypsum wall board.

Door openings must meet one of the following requirements:

- Solid-wood door at least 1-3/8 inches in thickness, or
- Insulated steel door at least 1-3/8 inches in thickness, or
- A labeled door having a fire-protection rating of not less than 20 minutes

Fire-Resistive Construction:

When required, fire-resistive construction shall be maintained as specified in the MSFC and MSBC and shall be properly repaired, restored or replaced when damaged, altered, breached, penetrated, removed or improperly installed [MSFC 703.1]. In general, the only fire-resistive construction in most one and two family dwellings involves the garage separation.

Interior Finish:

Interior finish on walls and ceilings shall be Class A, B, or C (Class I, II, or III) [MSFC 803].

Single and Multi-Station Smoke Alarms:

Every dwelling shall have smoke alarms installed in accordance with this information sheet.

<http://dps.mn.gov/divisions/sfm/fire-code/Documents/Fire-Code-Information-Sheets/Smoke-alarms-in-residential-occupancies.pdf>

Heating Appliances:

Because unvented fuel-fired heating appliances were permitted in residential occupancies by previous editions of the state fire and mechanical codes, existing installations (installed prior to September 20, 2004) are allowed to remain as long as they are in proper working order and are not located in, or take their combustion air from, bedrooms, closets, or bathrooms.



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Installations of non-vented fuel fired heaters after September 20, 2004 are prohibited by both the fire and mechanical codes. All fuel-fired heaters must be vented to the exterior.

Furnaces, water heaters, and other heating appliances shall be installed in accordance with their listing and the MSBC (2020) and the Mechanical Code [MSFC 603]. All heating appliances installed in garages shall be at least 18 inches above the floor in accordance with the MSFC (2020) and the Mechanical Code.

Electrical Services:

Electrical hazards shall be corrected according to [MSFC 605.1].

Multi-plug adapters, such as multi-plug extension cords, cube adapters, strip plugs and other devices shall comply with the [MSFC 605.4] and the Electrical Code.

Receptacles and outlets serviced by extension cord-type wiring are prohibited [MSFC 605.5.1]

Power taps are permitted when polarized or grounded and protected with listed overcurrent protection [MSFC 605.4.1].

Extension cords and flexible cords shall not be used as a substitute for permanent wiring [MSFC 605.5].

Fire Extinguishers:

Homes licensed for child care, foster care, adult family services or residential hospices shall be provided with fire extinguishers with a minimum 2A:10B:C rating.



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Smoke Alarms

Purpose

Provide information on smoke alarm requirements in residential occupancies based on when the building was constructed and if the building had any existing smoke alarms.

Acronyms

- Minnesota Residential Code (MRC).
- Minnesota State Fire Code (MSFC).

Residential occupancies defined

- Single family home, two-family home, townhouses (MRC buildings).
- Apartment/condominium buildings (MSFC Group R-2 buildings).
- Hotels, motels, bed and breakfast (MSFC Group R-1 buildings).
- Housing with services, assisted living, other care facilities (MSFC Group I-1 buildings).
- Board and care, family day cares (MSFC Group R-3 or R-4 buildings).

Smoke alarms defined

- Single-station: One smoke alarm powered by a home electrical system and/or battery that sounds an alarm from the device when smoke is detected.
- Multiple-station: Two or more single station smoke alarms powered by a home electrical system and batteries that are interconnected and sound an alarm from all devices when smoke is detected in anyone of the devices
- Multiple-station wireless: Two or more single station smoke alarms powered by a home electrical system or batteries that are interconnected wirelessly and when a device detects smoke all devices sound an alarm via a wireless network created by the devices.

Required maintenance for smoke alarms

- Smoke alarms shall be tested once a month using the testing method recommended by the manufacturer. Typically this is accomplished by pushing the test button on the alarm.
- Replace batteries annually (or when alarm chirps, warning batteries are nearing the end of their life) unless the smoke alarm uses long-life batteries. Long-life smoke alarms with batteries sealed inside shall be replaced immediately when alarm chirps warning batteries are nearing end of life.



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Replacement of smoke alarms

- Smoke alarms are required by the fire code to be replaced when they exceed 10 years from the date of manufacture. The date is located on the back of the alarm. If there is no date the smoke alarm is over 10 years old.
- Replace when the smoke alarm fails an operability test.
- Smoke alarms shall be replaced with the same type of power supply. This does not prevent replacing battery powered alarms with electrically powered alarms with battery backup.

Local municipality's rules

Local municipalities are allowed to adopt ordinances having more restrictive smoke alarm requirements for single family homes. This must be done through a formal ordinance; not through a policy or interpretation. Check with the city code officials to see if more restrictive smoke alarm ordinances are in effect in the community.

Requirements for new construction

- New construction shall comply with MSFC Section 907.2.10.
- New homes constructed to the MRC shall comply with Section R314.

| CONDITION | LOCATION | POWER SUPPLY | INTERCONNECTION REQUIRED |
|--|--|---|--|
| New buildings (constructed on or after 3/31/2020). | In hallways outside sleeping rooms. In sleeping rooms. On each level of the building and in basements. Ceiling or wall (not more than 12 inches below ceiling). On center of ceiling above stairways | Hard-wired (120 volt). Battery back-up also required. | Yes; must sound in all areas when activated. |

Requirements for existing buildings

- Existing hotel guest rooms or lodging houses shall comply with Minnesota Statute 299F.362 Subd. 4. This requires a single-station smoke alarm in the guest room used for sleeping purposes.
- Existing residential buildings shall comply with MSFC Section 1103.8 and Table 1103.8.



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**TABLE 1103.8
SMOKE ALARM REQUIREMENTS**

| CONDITION | LOCATION | POWER SUPPLY | INTERCONNECTION REQUIRED |
|---|--|--|--|
| Existing buildings that do not have any smoke alarms (same as new). | In hallways outside sleeping rooms. In sleeping rooms. On each level of the building and in basements. On ceiling or wall (less than 12 inches below ceiling). On center of ceiling above stairways. | If constructed on or after 8/1/1989, smoke alarms are required to be hard-wired (120 volt). If constructed before 8/1/1989, smoke alarms can be battery-powered. | No interconnection is required for battery-powered alarms. |
| Existing buildings (constructed on or after 8/1/1989). | In hallways outside sleeping rooms. On each level and in basements. On ceiling or wall (less than 12 inches below ceiling). | Smoke alarms are required to be hard-wired (120 volt). | No interconnection is required. |
| Existing buildings (constructed before 8/1/1989). | In hallways outside sleeping rooms. On each level and in basements. On ceiling or wall (less than 12 inches below ceiling). | Smoke alarms can be battery-powered. | No interconnection is required. |
| Replacement of smoke alarms in existing buildings. | Smoke alarms must be installed in same locations as originally installed. | Power supply must be the same as the smoke alarms being replaced. | Interconnection must be provided if the smoke alarms being replaced were interconnected. |

Questions

Contact the Minnesota State Fire Marshal Division at 651-201-7221 or email the fire code team at fire.code@state.mn.us.



Emergency Escape and Rescue Openings

Minnesota State Fire Code (MSFC) requirements

MSFC requirements for emergency escape and rescue openings, otherwise known as egress windows, in sleeping rooms below the fourth story in residential occupancies (Group R and I-1) is broken down into three categories.

1. Existing occupancies when either:
 - a. Constructed after July 1, 1972.
 - b. Licensed by State of Minnesota.
 - c. Used as transient lodging.
2. New occupancies with sleeping rooms on main floor (level of exit discharge).
3. New occupancies with sleeping rooms in basements or above the main floor.

Existing occupancies

State Fire Marshal Division (SFMD) staff participated in an egress window study at a major window manufacturer in 2010 to determine the absolute minimum size that would be acceptable for occupants to safely egress and firefighters to enter for rescue in existing residential occupancies. The study led to an updated policy for licensed occupancies such as home daycares. This policy is now code language in the 2020 MSFC Section 1104.26.

The minimum required opening for existing sleeping rooms on any level of the residence up to and including third floor is 4.5 square feet or 648 square inches. This [PowerPoint](#) or [PDF](#) will show how the measurements are taken to determine if the existing window opening complies with MSFC Section 1104.26.

Window opening size not in compliance with MSFC Section 1104.26.2 shall be replaced with windows complying with the requirements for existing residential occupancies in MSFC Section 1104.26.6. In many cases a double hung or sliding window can be replaced with a casement insert and meet the requirements for egress windows.

Where not required in existing residential occupancies

- The sleeping room has a door directly to the exterior of the building.
- Dwellings or structures constructed prior to July 1, 1972 (first state building code), provided they are not licensed by Minnesota or used for transient lodging.
- Buildings protected throughout by an approved automatic fire sprinkler system.
- Sleeping rooms of existing buildings having two separate and independent means of egress that pass through only one adjacent non-lockable room or area.
- Hotels or motels constructed prior to April 11, 1983.



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Windows under decks and porches

Egress windows are allowed to be installed under decks and porches provided the location of the deck allows the egress window to be fully opened and provides a path not less than 36 inches in height to a yard or court.

New construction or change in occupancy use

New windows on the grade level main floor, known as the level of exit discharge (LED), need a window opening of 5 square feet. This [PowerPoint](#) or [PDF](#) show how to measure the opening size and maximum height above the finished floor. New windows above or below the LED need a window opening of 5.7 square feet. This [PowerPoint](#) or [PDF](#) show how to measure the opening size and maximum height above the finished floor and information on window wells for basement egress.

SFMD policy on escape window opening height

SFMD policy INS-04 allows escape windows with openings up to 52 inches off the floor. Those windows may meet the height requirement for existing buildings by:

- Securing a step, platform or bed to the wall directly underneath the window
 - This step, platform or bed shall be no more than 44 inches below the opening and must be strong enough to support the weight of the person
 - The minimum acceptable width shall be the same as the window opening
 - The minimum acceptable depth away from the wall shall be 18 inches.

SFMD policy on coverings on escape windows

SFMD policy INS-04 allows plastic coverings to cover egress windows (and exterior doors) if the plastic covering meets the following requirements.

- The plastic covering is transparent. The occupant can see rescuers outside and rescuers can see people on the inside.
- The plastic covering may only be attached on the inside and can only be attached to the window frame or structure with two-sided tape, hook and loop (Velcro) or static cling.
- The plastic shall have enough material overhanging the attachment on all sides, top and bottom to facilitate grabbing it from any direction and allow easy removal.

SFMD policy on covers over window wells

SFMD policy INS-04 allows window wells to be covered to keep them clear of debris, snow, and rain, and to help prevent people from falling in. The cover must comply with the following requirements:

- The covering does not interfere with the opening of the window in any way.
- The covering is supported so it cannot freeze to the ground, window well or structure.
The covering is removable without the use of tools or special knowledge of the window well area by the building occupants.

