

## Informational Memo

### Uniform Construction Code Clarification for Licensed Providers

ODP Communication Number: Memo 180-11

**Audience:** Providers with sites licensed or may be licensed under 55 Pa Code § 2380, 2390, 6400, and 6500 regulations

**Background:** To clarify the application of the Fire and Panic Regulation (F&P) and Uniform Construction Code (UCC) for sites that require licensure by ODP in order to comply with regulation 55 Pa Code §2380.14, 55 Pa Code §2390.14, 55 Pa Code §6400.14(a), 55 Pa Code §6500.16 and 55 Pa Code §20.35(a).

**Purpose:** Effective immediately, the Department of Public Welfare (DPW) is requiring that all providers include a copy of their Certificate of Occupancy, as applicable, along with their initial application packet, addendum for all new sites, and renewal applications if the certificate of occupancy has changed.

#### Discussion:

The applicable Certificate of Occupancy is dependent on:

- The building construction date
- The date the provider leased, rented or obtained ownership of the building or space.
- The number of individuals who reside or receive services at the site
- The number of individuals that are incapable of self-preservation
- The type of modifications or alterations<sup>1</sup> that have been recently completed at the site

Please reference the chart below to determine the code classification that is needed.

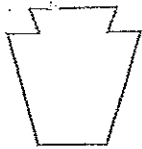
#### How to obtain the Certificate of Occupancy from the appropriate issuing agency?

The provider may reference the link below or contact their local municipality to determine if their municipality has decided to take on the responsibility ("opted in") to enforce the Pennsylvania Uniform Construction Code. If so, the provider is responsible to contact the municipality where the home is located in order to obtain the certificate of occupancy. If the municipality decided not to apply the Uniform Construction Code ("opted out"), the Department of Labor and Industry is responsible for all commercial code enforcement in that municipality.

For a complete list of Pennsylvania's municipalities and their decisions regarding local enforcement of the UCC can be accessed at the following link:

[http://www.portal.state.pa.us/portal/server.pt/community/uniform\\_construction\\_code/10524/local\\_enforcement/596334](http://www.portal.state.pa.us/portal/server.pt/community/uniform_construction_code/10524/local_enforcement/596334)

<sup>1</sup> For more information regarding these modifications or alterations contact the issuing agency.



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PA Department of Labor and Industry Residential Care Facility Occupancy Permits/Certificate of Occupancy Issued Under Fire and Panic Regulations and the Uniform Construction Code (UCC)				
Building Code	Building Code Effective Date	Code Classification	No. of Residents	No. of Residents who are incapable of self-preservation*
F&P Regulation	Prior to 4/25/81	Special Occupancy Boarding Home	1 or more	None (all are able to self-preserve)
F&P Regulation	Prior to 4/9/04	C-1	4 or more	1 or more
F&P Regulation	4/25/81-4/9/04	C-2 LP	9 or more	None (all are able to self-preserve)
F&P Regulation	4/25/81-4/9/04	C-3 SP	4 through 8	None (all are able to self-preserve)
UCC (2003 International Building Code (IBC))	4/9/04 to 12/30-06	R-3	1 through 5	5 or fewer
UCC (2003 IBC)	4/9/04 to 12/30-06	R-4	6 through 16	5 or fewer
UCC (2003 IBC)	4/9/04 to 12/30-06	I-2	6 or more	6 or more
UCC (2006 IBC)	12/31/06 to 12/30/09	R-3	1 through 5	5 or fewer
UCC (2006 IBC)	12/31/06 to 12/30/09	R-4	6 through 16	None (all are able to self-preserve)
UCC (2006 IBC)	12/31/06 to 12/30/09	I-2	6 or more	1 or more
UCC (2009 IBC)	12/31/09 to present	R-3	1 through 5	None (all are able to self-preserve)
UCC (2009 IBC)	12/31/09 to present	R-4	6 through 16	None
UCC (2009 IBC)	12/31/09 to present	I-2	1 or more	1 or more

\* Incapable of self preservation is defined as incapable of responding to an emergency situation without physical assistance from staff.

#### What if the Residents are not known at the time the application or addendum is submitted?

If the ability of the residents to self preserve is unknown by the provider at the time they would like to submit an initial application or addendum to ODP, the provider has 2 options:

1. Obtain a certificate of occupancy with a code classification for individuals that are incapable of self-preservation

or

2. Obtain a certificate of occupancy with a code classification for individuals that are capable of self-preservation. However, once a provider obtains knowledge that at least one individual is not

capable of self preservation, they are responsible to obtain the appropriate certificate of occupancy.

**What if I am told by the issuing agency that a certificate of occupancy is not needed?**

In this situation, the provider is responsible to obtain a letter stating that a certificate is not needed. The letter must be on the issuing agency's letterhead, have the address of the location, and signed by a representative of the issuing agency. This letter must be sent to the appropriate regional licensing administrator in lieu of a certificate of occupancy.

**Who do I contact for additional clarification?**

For inquiries, please contact your regional licensing administrator or [ra-odplicensing@pa.gov](mailto:ra-odplicensing@pa.gov) for more information.