

Minnesota State Department of Public Safety



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RESIDENTIAL CLASSIFICATION INFORMATION SHEET

PURPOSE:

To provide for the uniform enforcement of the 2007 Minnesota State Fire Code [Here after referred to as (MSFC) (07).] as it applies to the classification of residential occupancies.

SECTION 1 — RESIDENTIAL CLASSIFICATIONS

The following are considered **R-1 Occupancies** (residents are transient in nature, stay for less than 30 days):

- Hotels (including motels) with 6 or more guest rooms
- Lodging (Boarding) houses with 6 or more guest rooms (transient)
- Bed and breakfast homes with 6 or more guest rooms and employee rooms where rent is paid in money, goods, labor or otherwise.

The following are considered **R-2 Occupancies** – containing more than 2 dwelling units where occupants are primarily permanent in nature, including:

- Apartment houses
- Lodging (Boarding) houses (not transient)
- Convents
- Dormitories
- Fraternities and sororities
- Monasteries
- Assisted living facilities

The following are considered **R-3 Occupancies** – dwellings containing not more than 2 dwelling units:

- Dwellings (single-family or duplex)
- Apartment with 2 or less dwelling units
- Bed and breakfast homes with 5 or less guest and employee rooms
- Family day care and Group family day care
- Family adult day services home

- Child foster home and Adult foster home
- Special family day care home (as allowed)
- Class A-1 and B-1 supervised living facilities complying with the requirements set forth in Section 4604.1.3

The following are considered **R-4 Occupancies**:

- Residential Care/Assisted Living Facilities including more than 5 but not more than 16 occupants, excluding staff
- Class A-2 supervised living facilities housing not more than 16 occupants, excluding staff
- Class B-2 supervised living facilities complying with the requirements set forth in Section 4604.1.4

Additional items to consider when classifying residential occupancies include:

- An owner occupied room(s) in a lodging house will not be considered to be a guestroom for determining size and occupancy classification.
- Employee occupied rooms shall be considered a guestroom for determine size and occupancy classification.

Definitions for use in the classification of residential occupancies:

Apartment house is any building, or portion thereof, which contains three or more dwelling units including residential condominium.

Class A-1 supervised living facility. A supervised living facility for six or fewer ambulatory or mobile disabled persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Class A-2 supervised living facility. A supervised living facility for more than six ambulatory or mobile disabled persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Class B-1 supervised living facility. A supervised living facility for six or fewer ambulatory or non-ambulatory, mobile or non-mobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Class B-2 supervised living facility. A supervised living facility for seven to 16 ambulatory or non-ambulatory, mobile or non-mobile persons who are not

mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Dwelling unit is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation as required by the MSBC (07).

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

Family adult day services, is a residence, licensed by the Department of Human Services (DHS) under Minn. Rules § 9555.9600 to 9555.9730, A program providing services for up to eight (8) functionally impaired adults for less than 24 hours per day in the license holder's primary residence. This includes programs located in residences licensed by the DHS. For adult foster care provided not more than eight (8) adults, excluding staff, are present in the residence at any time.

Child foster home and adult foster home means a family home that is licensed to provide care for persons who are unrelated to the family and who are cared for 24 hours a day. The number of foster persons permitted in the home depends on how specifically the home is licensed [Minn. Rules Statute 9545.0030].

Hotels contain six or more guest rooms intended or designed to be used, or which are used, rented, hired out to be occupied, or which are occupied for sleeping purposes by guests for short periods of time, and which is required to be licensed pursuant to Minnesota § 299F.391, Subd. 1(c).

Group day care home is a residence, licensed by the Department of Human Services under Minn. Rules 9502.0315 to 9502.0445, in which at least 11 but not more than 14 children receive care, maintenance and supervision by other than their relatives or legal guardians for less than 24 hours per day.

Special family day care home Minn. Statute 245A.14 (2006) Nonresidential child care programs serving 14 or fewer children that are conducted at a location other than the license holder's own residence shall be licensed under this section and the rules governing family day care or group family day care if:

- (a) The license holder is the primary provider of care and nonresidential child care program is conducted in a dwelling that is located on a residential lot;
- (b) The license holder is an employer who may or may not be the primary provider of care, and the purpose for the child care program is to provide child care services to children of the license holder's employees;

- (c) The license holder is a church or religious organization;
- (d) The license holder is a community collaborative child care provider. For the purpose of this subdivision, a community collaborative child care provider is a provider participating in a cooperative agreement with a community action agency as defined in section 256E.31; or
- (e) The license holder is a not-for-profit agency that provides child care in a dwelling located on a residential lot and the license holder maintains two or more contracts with community employers or other community organizations to provide child care services.

The county licensing may grant a capacity variance to a license holder licensed under the paragraph to exceed the licensed capacity of 14 children by no more than five (5) children during transition periods related to work schedules of parents, if the license holder meets the following requirements:

- (1) The program does not exceed a capacity of 14 children more than a cumulative total of four (4) hours per day.
- (2) The program meets a one to seven staff-to child ratio during the variance period.
- (3) All employees receive at least an extra four (4) hours of training per year than required in the rules governing family child care each year.
- (4) The facility has square footage required per child under Minn. Rules, part 9502.0425.
- (5) The program is in compliance with local zoning regulations.
- (6) The program is in compliance with the applicable fire code as follows:
 - (i) If the program serves more than five (5) children older than 2 ½ years of age, but no more than five (5) children 2-1/2 years of age or less, the applicable fire code is educational occupancy, as provided in Group E occupancy under MCFC (07), Section 202; or
 - (ii) If the program serves more than five (5) children 2-1/2 years of age or less, the applicable fire code is Group I-4 occupancies, as provided in the MSFC (07), Section 202.
- (7) Any age and capacity limitations required by the fire code inspection and square footage determinations shall be permitted on the license.