



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
OFFICE OF CHILDREN, YOUTH AND FAMILIES
P.O. BOX 2675
HARRISBURG, PENNSYLVANIA 17105-2675

Charles A. Tyrrell, Director
Bureau of County Children
and Youth Programs

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January 18, 2006

Dear Colleague:

This letter is to inform you of changes in commercial and residential building code requirements, now that Pennsylvania has a statewide building code called the Uniform Construction Code (UCC). These changes can affect foster family care homes and child residential facilities, as these facilities are now regulated by the 2003 International Residential Code and 2003 International Building Code.

In addition to a change in code requirements, local governments have an expanded role in code enforcement. The UCC allows each of the 2,565 municipalities in Pennsylvania to decide whether they want to administer and enforce the UCC. As of the date of this letter, most municipalities (2,348) have elected to enforce the UCC. In the remaining 217 municipalities, the Department of Labor and Industry (L&I) is responsible for commercial code enforcement.

You can view each municipality's decision concerning local enforcement and the effective date of its decision by visiting the Building Codes website (www.dli.state.pa.us/codes). Note that municipalities may have code provisions that differ from the requirements found in the UCC as long as they equal or exceed the UCC.

Under the UCC, use and occupancy classifications are driven by the size and type of building, the age of the residents being served, their capabilities related to self-preservation and the type services being delivered.

Previously, under the Fire and Panic Act, foster family care homes with more than three unrelated residents were required to obtain a C-3 occupancy certificate. Under the UCC, a foster family care home is treated as any other one- or two-family dwelling. Foster parent applicants are not required to obtain a certificate of occupancy for their homes, as they are not viewed by L&I as providing a special type of care.

Generally, a child residential facility with six to sixteen residents is classified as a Residential Group facility (R-4) and must comply with the International Building Code, but may comply with the International Residential Code. A facility with more than sixteen residents is classified as an Institutional Group facility (I-1) and must comply with the International Building Code of 2003. The code official with jurisdiction must evaluate the use of the facility and assign the use group.

If the Department of Labor and Industry has jurisdiction for your facility, you can review the Department's application requirements by visiting the Building Codes website (listed above). You can access these requirements by clicking on "Plan Review and Inspection Requirements" under "Labor and Industry Enforcement: Buildings and Structures."

On the same website (under "Local Enforcement") you can find information about filing a complaint about municipal codes officials or third party agencies.

The next changes to the UCC codes will occur in 2006. The Office of Children, Youth and Families will continue to work with the Department of Labor and Industry in providing notification of changes that will effect foster family care homes and child residential facilities.

Sincerely,

A handwritten signature in black ink that reads "Charles A. Tyrrell". The signature is written in a cursive style with a large, prominent initial "C".

Charles A. Tyrrell

Cc: Charles Songer
Bernadette Bianchi