



King County

**Department of
Community and Human Services**

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October 20, 2022

Stoyan Bumbalov
Managing Director
State Building Code Council
Washington State Department of Enterprise Services
Stoyan.bumbalov@des.wa.gov

Dear Director Bumbalov:

Re: Support for R-4 Classification Emergency Rule

I am writing urging the State Building Code Council to approve the emergency rule change for the deletion of the Washington State amendment to Section 310.5 of the Washington State Building Code in Chapter 51-50 and immediately adopt the R-4 Occupancy Group.

The R-4 Occupancy Group classification is the nationally recognized appropriate level of building codes for smaller facilities. Oddly, Washington State is the only State in the nation that currently does not adopt the R-4 Occupancy Group designation. As you know, the lack of the R-4 classification necessitates that smaller facilities of 16 beds or less meet the standards for larger institutions of 17 beds or more. The institutional standards are understandably more stringent and complex. Unfortunately, for smaller facilities these requirements become excessive and expensive, ultimately creating a barrier to opening these facilities.

There is an inadequate supply of behavioral health facilities, including Residential Treatment Facilities, available for those who need them. The consequences of the lack of available beds include overuse of emergency rooms and boarding in hospitals. The 16-Bed facility is the model for providing these needed services, specifically because it maximizes Medicaid reimbursement. This change will significantly reduce the cost for development of these facilities, by roughly 30% in construction costs, while still maintaining a safe environment for both the residents and staff.

Because of the normal timeframe required for code modifications, this change needs to be adopted as an emergency rule. It is imperative that the R-4 classification be approved as soon as possible to simplify the process to the appropriate level of building requirements and ease the way for agencies to open the facilities desperately needed to preserve life and safety across the state. There are numerous projects in the development pipeline that will be able to take advantage of this change immediately and improve

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access to these critical facilities. Given the acute behavioral health needs across our communities, it would be detrimental to the public interest for these changes not to be immediately adopted.

King County strongly urges your swift action to adopt this emergency rule and increase access to residential behavioral health services. Thank you for your attention to this important issue.

Sincerely,



Kelli Nomura, MBA, MHP
Director
King County Behavioral Health and Recovery Division