

rwaa

October 18, 2022

Stoyan Bumbalov, Managing Director
State Building Code Council
Washington State Department of Enterprise Services
1500 Jefferson St SE
Olympia, WA 98501

**RE: Request for Emergency Rule
Adoption of the R-4 Occupancy Group in 2018 IBC and 2018 IFC**

Dear Stoyan,

Please accept this letter of support for the proposal submitted by the Washington State Department of Health to immediately revise the State Building Code to delete the Washington State Amendment to IBC Section 310.5, which stipulates the R-4 Occupancy Group is not adopted.

Our office specializes in the design and development of 16-bed behavioral health Residential Treatment Facilities, licensed under 246-337 WAC. In past twenty years we have completed numerous facilities in more than a dozen separate jurisdictions across the entire State of Washington. We have experienced firsthand the limited resources available to construct behavioral health treatment facilities.

The International Building Code establishes three separate types of occupancy classifications for facilities that provide residential care and treatment services: R-3, R-4, and I-1. The size of the facility is the determining factor for establishing the occupancy. The R-3 is for 5 or fewer individuals receiving care, the R-4 is for 6 to 16 individuals receiving care, and the I-1 is for the care of more than 16 individuals. Each provides an appropriate environment for the supervised care and treatment of the individuals being served, based upon the total number of individuals being served.

In not adopting the R-4 Occupancy, Washington State is missing the critical middle range category. The current default occupancy for facilities with more than six individuals receiving care is I-1, Condition 2, per IBC Section 308.2. Not having the ability to use the R-4 Occupancy has a dramatic affect upon the expense necessary to construct appropriately sized facilities.

The most common size for behavioral health Residential Treatment Facilities licensed under 246-337 WAC is 16-beds. For operation of these facilities, the 16-bed number separately reflects the maximum number of beds allowed in a facility to qualify for an exemption to the federal Institutions for Mental Disease (IMD) rule. Known as the IMD exception, Medicaid reimbursement is allowed only for individuals receiving treatment or care in a facility that is

Ron Wright & Associates / Architects, P.S.

2003 Western Avenue, Suite 610 Seattle, Washington 98121 phone 206.728.4248 fax 206.728.4272 www.rwaa.com

16-beds or smaller. With approximately 24% of the Washington State population enrolled in Medicaid services, these 16-bed facilities are a critical component of the healthcare system in the state.

The I-1 institutional occupancy is simply not appropriate for 16-bed facilities. Building these smaller-sized facilities using the institutional code provisions creates a large amount of additional expense that is not justified for the number of individuals being served. These additional costly measures include added fire and smoke partitions, added life safety systems appropriate for larger institutional buildings, and enhanced mechanical and energy code requirements applicable to larger commercial buildings. The R-4 Occupancy is a residential occupancy that provides an appropriately safe environment for the number of individuals being served.

The change to adopt the R-4 Occupancy Group would reduce the construction costs required for 16-bed behavioral health facilities by at least 30%. When combined with the various other development costs that are established as a percentage of construction costs (taxes, permits, engineering fees, etc.) it will be possible to fund four new facilities for the current cost of three.

Based upon the specific need for more 16-bed treatment facilities in the State of Washington and the limited funding available to develop these facilities, it is imperative the R-4 Occupancy Group be adopted to align the State of Washington with the national model code and allow more facilities to be constructed with the limited resources available.

Because of the normal timeframe required for code modifications, this change needs to be adopted as an emergency rule. It would be detrimental to the public interest for these changes not to be immediately adopted. There are numerous projects in the development pipeline that will be able to take advantage of this change immediately.

Please feel free to contact me for further information or clarification of the information provided.

Sincerely,

A handwritten signature in blue ink, appearing to be 'RW', with a long horizontal stroke extending to the right.

Ron Wright, AIA
Principal

CC: Allen Spaulding, Construction Review Services, Washington State Department of Health