

**441—106.15 (237C) Buildings and physical premises.** A children's residential facility shall ensure that the facility and grounds, playground surfaces and other areas, and all related equipment are safe and free from hazards.

**106.15(1)** A children's residential facility shall comply with requirements established by the fire marshal for the applicable type of occupancy and shall comply with any applicable additional fire safety requirements established by local ordinance, including fire inspections.

**106.15(2)** A children's residential facility shall be structurally sound. Any new facility or existing facility that is extensively renovated shall be constructed in compliance with applicable requirements of the state of Iowa building code established pursuant to Iowa Code chapter 103A and with any local building code in force at the time of construction.

**106.15(3)** A children's residential facility located in a building built before 1960 shall conduct a visual assessment for lead hazards that exist in the form of peeling or chipping paint.

*a.* If the presence of peeling or chipping paint is found, the paint shall be presumed to be lead-based paint unless a certified inspector as defined in department of public health rules at 641—Chapter 70 determines that the paint is not lead-based.

*b.* In the absence of the determination that peeling or chipping paint is not lead-based, a children's residential facility shall use safe work methods as defined by the state department of public health to eliminate human exposure or likely exposure to lead-based paint hazards.

**106.15(4)** Living areas.

*a.* All living areas shall:

- (1) Have screens on windows used for ventilation.
- (2) Be maintained in clean, sanitary conditions, free from vermin, rodents, dampness, noxious gases and objectionable odors.
- (3) Be in safe repair.
- (4) Provide for adequate lighting when natural sunlight is inadequate.
- (5) Have heating and storage areas separated from sleeping or play areas.
- (6) Have walls and ceiling surfaced with materials that are asbestos-free.

*b.* All sleeping rooms shall:

- (1) Provide a minimum of 60 square feet per child for multiple occupancy.
- (2) Provide a minimum of 80 square feet per child for single occupancy.
- (3) Not sleep more than four children per room.
- (4) Be of finished construction.

*c.* Rooms aboveground shall:

- (1) Have a ceiling height of at least 7 feet, 6 inches.
- (2) Have a window area of at least 8 percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.

*d.* Rooms belowground shall:

- (1) Have a ceiling height of at least 6 feet, 8 inches.
- (2) Have a window area of at least 2 percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.
- (3) Have floor and walls constructed of concrete or other materials with an impervious finish and free from groundwater leakage.

**106.15(5)** Bedrooms.

*a.* Each child in care shall have a solidly constructed bed.

- b.* Sheets, pillowcases, and blankets shall be provided for each child and shall be kept clean and in good repair.
- c.* Each child in care shall have adequate storage space for private use and a designated space for hanging clothing in proximity to the bedroom occupied by the child.
- d.* No child over the age of five years shall occupy a bedroom with a member of the opposite sex.

**106.15(6) Heating.**

- a.* The heating unit shall be located and operated to maintain the temperature in the living quarters at a minimum of 65 degrees Fahrenheit during the day and 55 degrees Fahrenheit during the night. Variances may be made in case of health problems. Temperature is measured at 24 inches above the floor in the middle of the room.
- b.* All space heaters and water heaters involving the combustion of fuel, such as gas, oil or similar fuel, shall be vented to the outside atmosphere.
- c.* Neither rubber nor plastic tubing shall be used as supply lines for gas heaters.
- d.* The heating or cooling plant shall be checked at least annually and kept in safe working condition at all times.

These rules are intended to implement Iowa Code section 237C.3.