

481—60.3(135C) General requirements.

60.3(1) Residential care facilities shall contain the elements described herein and shall be built in accordance with construction requirements outlined. (III)

60.3(2) This chapter covers both new and existing construction. In various sections of the rules specific provisions for existing structures, differing from those for new construction, are provided by a notation at the end of the rule as follows:

a. Exception 1: Rule does not pertain to facilities licensed for less than 16 beds; or units housing fewer than 16 beds which are in distinctly separate buildings, located on a contiguous parcel of land, separated only by a public or private street. (Refer to Iowa Code chapter 414, municipal zoning, section 22, zoning for family homes, for additional information.)

b. Exception 2: Rule does not pertain to facilities licensed before May 1, 1972.

c. Exception 3: Rule does not pertain to facilities with construction plans approved by the department before May 1, 1977.

d. Exception 4: Rule does not pertain to facilities licensed before March 30, 1988.

e. Exception 5: Rule does not pertain to facilities licensed as residential care facilities for eight or fewer beds.

f. Exception 6: Rule does not pertain to facilities built according to plans approved by the department prior to May 6, 1992.

60.3(3) The rules and regulations apply to all residential care facilities and the renovations, additions, functional alterations, or change of space utilization to existing residential care facilities construction after the effective date of these rules. Conversion of a building or any of the parts not currently licensed as a residential care facility must meet the rules governing construction of new residential care facilities. (III)

60.3(4) Building site is subject to departmental approval as based upon the following criteria:

a. Submit a vicinity map indicating the site location and address on an 8½- by 11-inch sheet. If possible, include a city map. (III)

b. Neighborhood environment shall be free from excessive noise, dirt, polluted or odorous air. (III)

c. There shall be an area available for outdoor activities calculated at 40 square feet per licensed bed. (III) (Exception 4) Open air porches may be included in meeting requirements.

d. Each facility shall have on-site parking space to satisfy the needs of residents, employees, staff, and visitors. (III)

The following shall be provided:

(1) In facilities of 16 beds or greater, provide one space for each five beds, plus one space for each shift staff member and employee. (Exception 4)

(2) In facilities of 15 beds or fewer, provide one space for each three beds, plus one space for each shift staff member and employee. (Exception 4)

(3) Handicapped parking as appropriate, or a minimum of one space. (Exception 4)

e. Accessibility shall be provided for emergency and delivery vehicles. (III)

60.3(5) When construction is contemplated, whether for a new building, an addition to an existing building, functional alteration to an existing building, or conversion of an existing building, the licensee or applicant for license shall:

a. File a detailed and comprehensive program of care as set forth in rules 481—57.3(135C) or 481—63.3(135C), for departmental review and approval, including a description of the specific needs of the residents to be served and any other information the department may require. (III)

b. Submit a preliminary site plan and floor plan for departmental review. The design must meet the requirements of all applicable state statutes, state fire codes, federal standards, and local ordinances. The most stringent rules of the above regulations apply in resolving conflicts. (III)

c. Submit legible working drawings and specifications showing all elements of construction, fixed equipment, and mechanical and electrical systems to the department and to the state fire marshal for review. Such construction documents shall be prepared by or under the direct supervision of a registered architect or engineer, working within the appropriate field of registration, licensed to practice in Iowa.

All construction documents shall be certified by and bear the seal of the architect or engineer responsible for the project. Each project shall be evaluated for its impact on the facility. Projects not affecting primary structural elements may, at the discretion of the department, be excluded from this rule. (III)

d. Receive written approval from the department and the state fire marshal's office before start of construction. If on-site construction above the foundation is not started within 12 months of the date of final approval of the working drawings and specifications, this approval shall be void and the plans and specifications shall be resubmitted for reconsideration of approval. (III)

e. All changes to the approved plans and specifications shall be approved in writing by the department and the state fire marshal's office prior to making the change. Applicant is responsible for ensuring that construction proceeds as per approved plans and specifications. (III)

f. For new construction, an addition, functional alteration or conversion of an existing building, it shall be the responsibility of the owner or agent to notify the department at all of the following intervals and wait for inspection by the department before proceeding:

- (1) At least 30 days before commencement of construction on the premises; (III)
- (2) At least 30 days before the pouring of the concrete floor slab; (III)
- (3) After completion of the mechanical or electrical rough-in and 30 days before enclosing walls; (III)
- (4) Thirty days before the completion of the project. (III)

g. Certain occupancies, conditions in the area, or the site may make compliance with the rules impractical or impossible. Certain conditions may justify minor modifications of the rules. In specific cases, variations to the rules may be permitted by the reviewing authority after the following conditions are considered:

- (1) The design and planning for the specific property offer improved or compensating features providing equivalent desirability and utility;
- (2) Alternate or special construction methods, techniques, and mechanical equipment, if proposed, offer equivalent durability, utility, safety, structural strength and rigidity, sanitation, odor control, protection from corrosion, decay and insect attack, and quality of workmanship;
- (3) Variations permitted by the department do not individually or in combination with other variations endanger the health, safety, or welfare of any resident;
- (4) Variations are limited to the specific project under consideration and are not construed as establishing a precedent for similar acceptance in other cases;
- (5) Occupancy and function of the building shall be considered;
- (6) Type of licensing shall be considered.

60.3(6) Except as provided in subrule 60.3(8), the facility shall be made accessible to and usable by the physically handicapped in accordance with the requirements of division 7 of the state building code, 661—16.704(103A) and 661—16.705(103A). (III) (Exception 3)

60.3(7) Facilities licensed as residential care facilities for eight or fewer beds shall be accessible to and functional for the physically handicapped. An appropriate number (at least one) of the bathrooms and bedrooms shall be accessible to and usable by the physically handicapped. (III)

60.3(8) No room in a basement shall be occupied for living purposes unless the room meets all the requirements of the department and receives approval of the department as fit for human habitation. (III)

60.3(9) Foundation drainage.

a. A foundation drainage system shall be installed around any portion of a building containing a basement. (III) (Exception 4)

b. The foundation drainage system should be installed at a slope so the water will run to a low point and then run into a sump pit in the basement, to a storm sewer system, or out to surface drainage. (III) (Exception 4)

c. The foundation drainage system shall not be connected to the sanitary sewer system. (III) (Exception 4)

d. The highpoint of the flow line shall be 4 inches below the elevation of the basement floor slab. (III) (Exception 4)

60.3(10) Projects involving alterations of and additions to existing buildings shall be programmed and phased so that on-site construction will minimize disruptions of existing functions. Access, exitways, and fire protection shall be maintained so the safety of the occupants will not be jeopardized during construction. (III)

60.3(11) Record drawings. Upon completion of the contract, the department shall be provided a complete set of approved legible plans and specifications showing all construction, fixed equipment, mechanical, and electrical systems and addendums as installed or built. (III)

60.3(12) The installation of any equipment found to be hazardous, or which fails to meet the purposes for which it is intended, shall be removed or replaced, or a substitute of suitable equipment shall be required. (III) (Exception 4)