

Chapter Ind 61

**COMMUNITY-BASED RESIDENTIAL FACILITIES  
(CBRF) AND SHELTERED FACILITIES FOR  
BATTERED WOMEN**

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**Ind 61.001 Scope.** (1) CBRF SERVING 9-20. (a) The requirements of this chapter shall apply to all community-based residential facilities, herein afterwards referred to as CBRF, providing care, treatment and services to 9 through 20 unrelated adults, to be located in existing buildings.

**Note:** Refer to Ch. HSS 3, Wis. Adm. Code, rules of the department of health and social services for requirements pertaining to CBRF to be located in existing buildings providing care, treatment and services to 3 through 8 unrelated adults.

(b) Except for s. Ind 51.01, the requirements of chs. Ind 51 to 53 and 64 do not apply to existing conditions unless specifically referred to in this chapter. Additions, alterations and remodelings shall conform to the current applicable portions of these chapters.

(2) NEWLY CONSTRUCTED CBRF. (a) All newly constructed CBRF providing care, treatment and services for 3 to 8 unrelated adults shall be within the scope of chs. Ind 20-25.

(b) All newly constructed CBRF providing care, treatment and services for 9 or more unrelated adults shall be within the scope of ch. Ind 57.

**Note #1:** This code is not intended to limit the power of cities, villages and towns to make, or enforce, additional or more stringent regulations, provided the regulations do not conflict with this code, or with any other rule of the department or law.

**Note #2:** CBRF intending to utilize federal funds may have to comply with other requirements in addition to those outlined herein, such as NFPA 101—Life Safety Code, ANSI standards for barrier-free design, and miscellaneous federal regulations.

(3) SHELTERED FACILITIES FOR BATTERED WOMEN. (a) The requirements of this chapter shall apply to all sheltered facilities for battered women, as specified in s. 46.95, Stats., serving 20 or less occupants.

(b) Except for s. Ind 51.01, the requirements of chs. Ind 51 to 53 and 64 do not apply to existing conditions unless specifically referred to in

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this chapter. Additions, alterations and remodelings shall conform to the current applicable portions of these chapters.

**Note:** Refer to ch. Ind 57 for sheltered facilities serving more than 20 occupants.

**History:** Cr. Register, May, 1978, No. 269, eff. 7-1-78; am. Register, October, 1982, No. 322, eff. 11-1-82.

**Ind 61.01 Definitions.** (1) **AMBULATORY.** Ambulatory means able to walk without assistance or difficulty.

(2) **CAPACITY.** The capacity for CBRF is that maximum number of residents as allowed by rules of the department of health and social services.

(3) **CLASSES OF CBRF.** (a) **Class A.** Class A CBRF serve residents all of whom are ambulatory, capable of following directions and taking independent action for self-preservation under emergency conditions.

(b) **Class B.** Class B CBRF serve residents one or more of whom are semiambulatory or nonambulatory, but all of whom are mentally and physically capable of taking independent action for self-preservation under emergency conditions.

(c) **Class C.** Class C CBRF serve residents one or more of whom are not physically or mentally capable of taking independent action for self-preservation under emergency conditions.

(4) **COMMUNITY-BASED RESIDENTIAL FACILITY.** A community-based residential facility is any place where 3 or more unrelated adults reside in which care, treatment or services above the level of room and board but not including nursing care are provided to persons residing in the facility as a primary function of the facility. "Community-based residential facility" does not include a nursing home, except that the department of health and social services may designate a category or categories of intermediate care facilities which serve fewer than 20 residents and which otherwise meet the definition of this subsection to be licensed and regulated as community-based residential facilities. The reception and care or treatment of a person in a convent or facility owned or operated exclusively by and for members of a religious order shall not constitute the premises to be a "community-based residential facility."

(5) **DEPARTMENT.** Department means the department of industry, labor and human relations, unless otherwise designated.

(6) **ELECTRICAL SERVICE.** Electrical service means the conductors and equipment for delivering electrical energy from the supply system to and including the wiring system of the CBRF.

(7) **EXISTING BUILDING.** An existing building, for the purposes of this code (ch. Ind 61), is one which was constructed and occupied, or ready for occupancy, at least 24 months prior to the date of first application for licensure as a CBRF. Existing buildings which do not satisfy these requirements shall be considered new construction as specified in s. Ind 61.001 (2).

(7a) **EXISTING BUILDING, CURRENTLY LICENSED.** A facility licensed or certified within 24 months prior to the effective date of these rules (ch.

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Ind 61) is considered an existing building for the purposes of this code (ch. Ind 61).

(8) FLOORS AND STORIES. (a) *Attic floor.* Attic floor containing habitable rooms and that are occupied shall be counted as a story.

(b) *Basement floor.* A basement is a floor level partially or totally below grade and not having any required exit for any floor level above it.

(c) *First floor.* The first floor is the lowest floor having one or more required exits for that floor and for any floor above or below it.

(9) HABITABLE FLOOR SPACE. Habitable floor space is the area of habitable rooms with a ceiling height more than 5 feet 6 inches, used for the purposes of sleeping, living, cooking or dining.

(10) HABITABLE ROOM. A habitable room is any room used for the purposes of sleeping, living, cooking or dining, excluding such places as closets, bath or toilet rooms, pantries, stairways, corridors, service

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(4) **STAIRS: ENCLOSURE.** (a) Three-story CBRF shall have at least one stairway exit, enclosed with at least one-hour rated construction, leading to a first-story outside exit.

(b) CBRF, 4 or more stories in height, shall have all stairways enclosed with at least one-hour rated construction. All required exit stairways shall have such enclosures leading to a first-story outside exit.

**Note:** Buildings of Type 1 and 2 construction require 2-hour rated stair enclosures in accordance with Ind 51.03 (1) and (2).

(5) **ILLUMINATION.** All exit passageways and stairways shall be capable of being illuminated at all times.

**History:** Cr. Register, May, 1978, No. 269, eff. 7-1-78.

**Ind 61.13 Sizes of rooms. (1) HABITABLE FLOOR SPACE.** (a) Each sleeping room for ambulatory residents shall contain not less than 60 square feet of habitable floor space; and each sleeping room for semiambulatory or nonambulatory residents shall contain not less than 90 square feet of habitable floor space.

(b) In addition to the area required in sub. (1) (a), the CBRF shall provide habitable floor space, other than sleeping rooms, of not less than 60 square feet of area for each ambulatory resident and of not less than 90 square feet in area for each semiambulatory or nonambulatory resident.

(c) All habitable rooms shall have an average ceiling height of not less than 7 feet 0 inches.

**History:** Cr. Register, May, 1978, No. 269, eff. 7-1-78.

**Ind 61.14 Smoke detection. (1) NUMBER OF DETECTORS REQUIRED AND LOCATION.** All CBRF within the scope of this chapter shall be provided with approved smoke detectors. At least one detector shall be provided at the head of every open stair and at the door leading to every enclosed stair on each floor level, including the basement, and in each sleeping area.

**Note:** Subsection (2) is effective 1-1-83.

(2) **RETROACTIVITY.** The provisions of this section shall apply to all CBRF constructed on or after the effective date of this section and to those CBRF previously constructed.

**Note:** See s. Ind 51.245 for additional requirements pertaining to smoke detectors.

**History:** Cr. Register, May, 1978, No. 269, eff. 7-1-78; r. and rec. Register, December, 1978, No. 276, eff. 1-1-79; am., Register, December, 1981, No. 312, eff. 1-1-82, except (2) eff. 1-1-83.

**Ind 61.15 Windows. (1) MINIMUM SIZE.** Every living and sleeping room shall have outside window (s) with a total sash area of at least 10% of the floor area of the room. The openable area of such windows shall be equal to not less than 5% of the floor area of the room served.

(2) **MINIMUM OPENING FOR SLEEPING ROOMS.** At least one window in each sleeping room shall be openable from the inside without the use of tools and shall provide a clear opening of not less than 16 inches in the least dimension.

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(3) **STORM WINDOWS AND SCREENS.** All windows serving habitable rooms shall be provided with storm windows in winter and openable windows serving habitable rooms shall be provided with insect-proof screens in summer.

(a) *Exception.* Insulated windows need not be provided with storm windows.

**History:** Cr. Register, May, 1978, No. 269, eff. 7-1-78.

**Ind 61.16 Privacy.** Privacy for sleeping rooms shall be provided by full-height partitions and rigid, swing-type room doors.

**History:** Cr. Register, May, 1978, No. 269, eff. 7-1-78.

**Ind 61.17 Sanitary facilities.** (1) **BATH AND TOILET ROOMS.** (a) Every CBRF shall have at least 2 separate bath and toilet rooms, or combination bath/toilet rooms, which are accessible from public (non-sleeping) areas.

(b) Door locks shall be provided to ensure privacy.

(2) **NUMBER OF FIXTURES.** Every CBRF shall have at least 2 water closets (toilets), 2 lavatories (sinks) connected to hot and cold water and 2 bathing facilities (bathtubs or showers) connected to hot and cold water; however, the ratio of occupants to water closets and lavatories shall be not less than one water closet and one lavatory per 8 occupants.

(3) **LOCATION OF BATH AND TOILET ROOMS.** Bath and toilet rooms shall be so distributed that the maximum vertical travel distance to them from sleeping rooms is not more than one floor level.

**History:** Cr. Register, May, 1978, No. 269, eff. 7-1-78.

**Ind 61.18 Requirements for barrier-free environment.** (1) **SCOPE.** The requirements of this section are intended to ensure that all CBRF licensed for mentally retarded or physically disabled residents shall be accessible and usable by such residents.

(2) **DEFINITIONS.** (a) *Primary floor.* The primary floor is any floor level at least 50% of which is used for habitable floor space.

(3) **REQUIREMENTS FOR ACCESSIBILITY.** All CBRF shall comply with the requirements found in Table 61.18.

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