



California State Fire Marshal **CODE INTERPRETATION**

Date Issued	10-21-03	Interpretation #	03-034
Topic	Group R, Division 2 Occupancies Located Above the First Floor		
Code Section(s)	§3.23, Title 19, California Code of Regulations		
Requested by	Walt McDermott 1003 Via Mil Cumbres Solana Beach, CA 92075		

In Group R, Division 2 and Group R, Division 6 occupancies that house non-ambulatory persons above the first floor, must the buildings be of Type I- FR or Type II- FR construction as specified in §3.23?

No. The issue of non-ambulatory persons above the first story is addressed in law [§13131.5 (b), California Health and Safety Code] for facilities housing more than six elderly clients. §310.2.2 of the California Building Code addresses other Group R, Division 2 occupancies, while Exception #1 in Appendix Chapter A, Section 316A.1 addresses Group R, Division 6 facilities housing non-ambulatory clients above the first floor. (Note: §3.23 is being revised.)