



California State Fire Marshal CODE INTERPRETATION

Date Issued	02-05-04	Interpretation	04-004
Topic	Construction Limits for Group R, Division 2.1 Occupancies		
Code Section(s)	§13131.5, California Health and Safety Code		
Requested by	Kerwin Lee Rolf Jensen and Associates 2125 Oak Grove Rd #300 Walnut Creek, CA 94598		

Can a residential care occupancy (Group R, Division 2.1) having six or fewer non-ambulatory residents/clients be housed on the third floor of a Type V-1 hour building? The first two floors of the building house more than six non-ambulatory residents/clients.

No. Health and Safety Code Section 13131.5(b) limits the housing of non-ambulatory persons in a Type V-1 hour building only to the first and second floor. Further, you will find that Table 5-B of the California Building Code (2001 ed) limits a Group R, Division 2.1 occupancy housed in a Type V-1 hour building to two stories as well.

When housing non-ambulatory persons on the third, fourth or fifth floor, Section 13131.5(c)(3) of the California Health and Safety Code requires that the **entire building** be of Type II Fire Resistive construction. It is not the intent of the code to divide or separate the occupants in a Group R, Division 2.1 occupancy to circumvent minimum requirements.