



Texas Department of Insurance

Commissioner of Insurance, Mail Code 113-1C
333 Guadalupe • P. O. Box 149104, Austin, Texas 78714-9104
512-463-6464 telephone • 512-475-2005 fax • www.tdi.state.tx.us

November 12, 2007

COMMISSIONER'S BULLETIN NO. B-0046-07

TO: ALL FOSTER CARE PROVIDERS AND FIRE INSPECTION OFFICIALS

RE: Fire Inspection of Foster Care Facilities

In an effort to assist persons providing in home foster care and fire inspection officials across the state, the State Fire Marshal (SFM) offers the following information related to compliance with fire alarm systems, fire sprinkler systems and fire inspection requirements.

Foster care providers (providers) are required by Chapter 749.2903 of the Texas Administrative Code Title 40, Social Services & Assistance, Part 19, Department of Family and Protective Services to have fire safety inspections. For those providers living in unincorporated areas of the State, that is outside of the city limits, the SFM has adopted the National Fire Protection Association's "*Life Safety Code 101*" (*NFPA 101*, 2006 edition), as the standard for fire inspections. *NFPA 101* will be the applicable standard in the absence of the adoption of a local fire code by the applicable authority. State Law permits cities, counties and Emergency Service Districts (ESD) to adopt its own fire codes. In this case the adopted city, county or ESD fire code will be applicable. Cities in the state, for the most part, will use the "International Fire Code" as the standard for inspections. Based upon whether the cities, counties, and ESDs have adopted their own code, the entities will apply the respective fire code to foster care facilities within their particular jurisdiction. Foster care providers should be aware that local authorities having jurisdiction may vary in their respective interpretations.

The State Fire Marshal offers the following application of *NFPA 101* fire protection system requirements to Licensed Foster Group Home facilities for up to 12 children in areas without a locally adopted fire code:

Licensed Foster Homes with less than 4 clients do not require a fire sprinkler or a fire alarm system. However there are a few entities that have adopted a fire code that requires a sprinkler system for all new residential structures. In these jurisdictions, because the entity has elected to adopt these requirements, the adopted fire code would apply.

Foster Group Homes fall into the definition of a **Residential Board and Care Occupancy** if the home houses more than three foster children not related to the providers.

Fire protection system standards vary between existing and new foster group homes.

Fire Sprinkler System Requirements

Existing Foster Group Homes do not require fire sprinklers and special construction if resident groups have prompt evacuation capabilities. Existing Foster Group Homes with clients with slow or impractical evacuation capabilities must meet specific construction requirements designed to delay the spread of smoke and fire and preserve the structural integrity of the building to provide an adequate level of safety. A fire sprinkler system may satisfy many of these special construction requirements in slow evacuation capability facilities. **Fire sprinkler systems must be installed in all existing residential board and care facilities with resident groups not capable of self-evacuation, regardless of the type of building construction.**

New Foster Group Homes must be equipped with fire sprinkler systems unless there are less than nine clients and all residents (clients, and providers and family) can evacuate the home as a group within three minutes. Providers in new Foster Group Homes, regardless of number of clients, must install fire sprinklers any time group evacuation time exceeds three minutes. Any change in the evacuation capabilities of clients or providers requires a new evacuation capability assessment.

Fire Alarm Systems and Smoke Alarm Requirements

Existing Foster Group Homes must have an approved manual fire alarm system unless the home meets one of the following provisions:

Where interconnected smoke alarms are powered by the building electrical system and not less than one manual fire alarm box per floor is arranged to sound all smoke alarms simultaneously.

Other manually activated continuously sounding alarms acceptable to the authority having jurisdiction are permitted, in lieu of a fire alarm system.

New Foster Group Homes must have approved fire alarm systems installed, actuated by manual pull stations. In addition, approved single-station smoke alarms powered by the building electrical system shall be installed in all sleeping rooms and living areas and interconnected within the home so that if one smoke alarm activates, all will sound simultaneously. Smoke detection by fire alarm system devices installed in these areas will also meet this requirement.

For more information or questions on these issues, please email to the following address:
fireprevention@tdi.state.tx.us



Paul Maldonado
State Fire Marshal
Texas Department of Insurance