



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Professional Licensure
Office of Public Safety and Inspections
1000 Washington Street, Suite 710
Boston, Massachusetts 02118

EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

LAYLA D'EMILIA
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Memo

To: Building Inspectors
From: Dan Walsh, Assistant Chief of Inspections Building- Engineering
Office of Public Safety and Inspections **D.W.**
Date: April 13, 2020
Re: Guidance for Temporary Increase in Group Home Capacity up to 8 Residents Per Group Home

On March 10, 2020, the Governor issued a "Declaration of a State of Emergency," and since that time, the Department of Developmental Services (DDS) has worked to develop strategies, consistent with the Department of Public Health's guidance, to limit the potential for spread of COVID-19 virus in its community-based system. One plan increases the maximum number of individuals receiving residential care in some single-family structures from five persons to eight persons.

Licensed DDS facilities treated as single-family homes in the building code include five or fewer persons receiving twenty-four-hour non-medical residential care in a structured environment. For reasons related to the public health pandemic, DDS has informed the Division of Professional Licensure that their ability to enforce a quarantine is challenging due to the physical space or individual characteristics and posing a risk to others in the home. To respond to this, DDS providers are seeking some temporary flexibility in group homes that would allow moving an individual from his or her current group home to another house where COVID-19 is not present to prevent the transmission of the disease. There may be instances where capacity increase includes up to eight persons receiving residential care to allow quarantining together COVID-19 positive individuals.

The state building code anticipates that during a declared state of emergency, the original design of structures might temporarily change to accommodate unique housing needs to a limited number of individuals. A temporary use during a state of emergency may be granted by the building official by way of Section 3113 Temporary Emergency Use and Section 108 Temporary Structures and Uses.

To help building officials determine whether the necessary level of fire safety exists as part of granting a *Temporary Emergency Use Certificate of Occupancy*, for up to eight persons receiving residential care in an existing single-family home, licensed by a DDS entity, the following criteria are made available. Any temporary use authorized by the building official shall include consultation with the head of the local fire department.

Guidance:



1. DDS licensed entities work with State and Municipal Building Officials in order to gain approval and issuance of a *Temporary Emergency Use Certificate of Occupancy*.
2. If approved, DDS Office of Quality Enhancement (OQE) will support, on a case by case basis, an increase in capacity of any existing group home to no more than 8.
3. Any capacity increase will require that:
 - There are adequate private bedrooms and bathrooms to accommodate the additional people (double bedrooms; adequate bathroom facilities; room for necessary equipment).
 - Interconnected fire safety and smoke detection systems are operational as evidenced by a DDS pre-placement approval to occupy. For structures with existing fire alarm and-sprinkler systems, provide the latest annual test inspection documents to the Building Official.
 - Staffing is sufficient to evacuate individuals within 2.5 minutes (fire drill) as evidenced by the approved Safety Plan, which is individualized and identifies staffing requirements (asleep/awake overnight staff).
 - The fire safety and emergency evacuation/safety plan are completed with the increase in capacity and have been approved by the Area Office and reviewed by the Building Official. The Safety Plan shall be present and accessible at the home; staff are familiar with and trained in the Safety Plan. The DDS Safety Plan shall include the requirements listed below. **
 - The modified pre-placement and Approval to occupy forms have been completed.
 - A *Temporary Emergency Use Certificate of Occupancy* is issued by the Building official having jurisdiction. The *Temporary Emergency Use Certificate of Occupancy* shall expire upon the lifting of the Governor's emergency declaration. Provider will return to the setting's original capacity after the state of emergency is over.

** Fire safety and evacuation plan. The DDS Safety Plan shall include, but not be limited to:

- a. The identification of the anticipated nightly occupant load.
- b. A diagram of the bed and personal space layout.
- c. The identification of exits and aisles leading thereto.
- d. Outline of procedures for accounting for employees and occupants after evacuation.
- e. Outline of procedures for the evacuation of occupants with special needs.
- f. At time of activation, the head of the fire department shall be provided with the identification of the preferred and any alternative person responsible for reporting fires and other emergencies to the fire department.
- g. At time of activation, the head of the fire department shall be provided with a plan for assignment of personnel responsible for oversight of evacuation.