



COMMISSIONER
Jon Weizenbaum

August 30, 2013

To: Home and Community-based Services Providers

Subject: Information Letter No. 13-55
2012 National Fire Protection Association 101 Life Safety Code and International Fire Code

This information letter replaces IL No. 13-05 and clarifies Texas Administrative Code, Title 40, Part 1, Chapter 9, Section 9.178(e)(1) regarding initial and annual inspections for a four-person residence. The Texas Department of Aging and Disability Services (DADS) will propose rules to remove the reference to "Group I-1 Occupancy" for the International Fire Code.

In accordance with Sections Section 9.178(e)(1) Home and Community-based Services (HCS) Program providers must ensure that a four-person residence is certified to be in compliance with applicable provisions of:

- Chapter 32 or Chapter 33 of the National Fire Protection Association (NFPA) 101 Life Safety Code for small facilities as recently adopted by the Texas State Fire Marshal's Office. As of the date of this letter, the State Fire Marshall's Office is using the 2012 edition. To obtain a copy of the 2012 NFPA 101 Life Safety Code please visit: www.nfpa.org; or
- International Fire Code as required by the governmental entity having jurisdiction for the location of the residence.

The provider must obtain evidence of certification from the local fire safety authority having jurisdiction for the location of the residence unless that entity provides documentation of refusal to inspect for certification. If the local jurisdiction refuses, the provider must obtain evidence of certification under NFPA 101 Life Safety Code from the Texas Health and Human Services Commission.

If you have any questions regarding the information in this letter, please contact the DADS Waiver Survey and Certification unit by email at waiversurvey.certification@dads.state.tx.us or at 512- 438-4163 and ask to speak with a Risk Assessment Coordinator.

Sincerely,

[Signature on file]

Lynn W. Blackmore
Director
Center for Policy and Innovation