**Section 260.2400 Physical Plant**

a) New facilities shall meet the requirements established in the NFPA 101, Life Safety Code, Chapter 32, "New Residential Board and Care Occupancies", and appropriate references under Chapter 2, Referred Publications. Existing facilities shall meet the requirements established in the NFPA 101, Life Safety Code, Chapter 33, Existing Residential Board and Care Occupancies, and appropriate references under Chapter 2, Referred Publications.

b) For the purposes of this Section, a "new facility" is any facility licensed by the Department on or after the effective date of this rulemaking, and an "existing facility" is any facility licensed by the Department prior to the effective date of this rulemaking.

c) When possible, the facility shall be located at grade level. If not at grade level, the facility shall be equipped with ramps or elevators to allow easy access for residents to the street level.

d) The facility may be located within a mixed-use-occupancy building, subject to the requirements of Section 35(3) of the Act and Section 260.1300(e) of this Part. All occupancies within the building shall fully meet the life safety requirements in NFPA 101 for the occupancy for which they are designated.

e) Children more than six years of age occupying the same bedroom shall be of the same gender unless the children are siblings.

f) A child's bedroom shall not serve as access to any other area of the building.

g) The facility shall be kept in a clean, safe and orderly condition and in good repair.

1) Electrical, mechanical, heating/air conditioning, fire protection and sewage disposal systems shall be maintained.

2) Furnishings and furniture shall be maintained in a clean, safe condition.

3) Attics, basements, stairways, and similar areas shall be kept free of refuse, newspapers, boxes and other items.

4) Bathtubs, shower stalls and lavatories shall not be used for janitorial, laundry or storage purposes.

5) All cleaning compounds, insecticides and other potentially hazardous compounds or agents shall be stored in locked cabinets or rooms.

h) Every facility shall supply clean linen.

1) Clean linen shall be protected from contamination during handling, transport and storage.

2) Soiled linen shall be handled, transported and stored in a manner that protects individuals and the environment from contamination. Soiled diapers shall be placed in identified diaper receptacles immediately after removal from the client.

i) Each child shall be provided with a bed that meets the child's developmental needs and size.

j) The water supply shall comply with all applicable Department rules and local ordinances. Each facility shall be served by:

1) Water from a community water supply; or

2) A water supply that complies with the Drinking Water Systems Code; or

3) A water supply that complies Public Area Sanitary Practice Code.

k) If the facility provides respite care (Section 260.1800(a) and (b)), transitional care (Section 260.1800(c) and (d)), weekend camps (Section 260.1800(k)), or diagnostic studies (Section 260.1800(l)), then bathing facilities, such as an assisted bathing facility, shall be provided. Bathing facilities are not required in facilities that provide only medical day care (Section 260.1800(j)).

l) Hot water temperatures in shower, bathing and hand-washing facilities shall not exceed 110 degrees Fahrenheit (43 degrees Celsius).

m) All sewage and liquid wastes shall be discharged into a public sewage disposal system or shall be collected, treated, and disposed of in a private sewage disposal system that is designed, constructed, maintained and operated in accordance with the Private Sewage Disposal Code.

n) Emergency call stations shall be provided in any toilet room used by a client.

o) A request for a waiver from the requirements of this Section shall be submitted, in writing, to the Department's Division of Life Safety and Construction. The waiver request shall document that strict enforcement of the life safety requirement in question will result in unreasonable hardship on the facility and a waiver will not adversely affect the health and safety of the clients. The Department will review waiver requests and will grant or deny a waiver based on whether the documentation submitted demonstrates that the hardship imposed on the facility is unreasonable and that a waiver would not adversely affect the health and safety of the clients.

(Source: Amended at 45 Ill. Reg. 13925, effective October 25, 2021)