**Section 295.9000 Physical Plant**

a) The establishment shall comply with *the residential board and care occupancies chapter of the National Fire Protection Association's (NFPA) Life Safety Code* (Life Safety Code) *101,* Chapter 32 for new establishments and Chapter 33 for existing establishments.

b) The establishment shall comply with *local and State building codes for the building type* and local ordinances, fire codes, and zoning requirements. In the case of a conflict between a local requirement and this Part, the more stringent requirement shall apply. The establishment may petition the Department for a determination as to which requirement is applicable. The Department shall respond within 30 days after receipt of the petition.

c) The establishment shall comply with the *accessibility standards of the Americans with Disabilities Act* (ADA Accessibility Guidelines). (Section 20(1) of the Act)

d) If the establishment is subject to the requirements of the Illinois Accessibility Code, it shall be deemed residential.

e) The water supply shall comply with all applicable State codes and local ordinances. Each establishment shall be served by:

1) Water from a municipal water system; or

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

3) A water supply that complies with the Department's Public Area Sanitary Practice Code.

f) 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 Department's Private Sewage Disposal Code.

g) The Department may grant a waiver of physical plant standards in accordance with Section 295.1090 (Waivers). Waivers will not be granted for compliance with the Life Safety Code; however, the Department will recognize equivalencies. The Department shall review waivers relating to physical plant standards issued pursuant to this Section at the time of the annual visits and shall renew waivers, unless:

1) the condition of the physical plant has deteriorated or its use substantially changes so that the basis upon which the waiver was issued is materially different; or

2) the establishment is renovated or substantially remodeled in such a way as to permit compliance with the applicable requirements without substantial increase in cost.

h) A resident unit shall not be used as access to a common room, common bathroom, or another bedroom or unit.

i) Each establishment shall provide individual mailboxes or mail delivery for residents.

j) An assisted living establishment shall have no units below ground level. A shared housing establishment may have units below ground level if the units have a window with direct access to the outside.

k) All plumbing systems shall be designed and installed in accordance with the requirements of the Illinois Plumbing Code except that the number of resident-required water closets, lavatories, bathtubs, showers, and other fixtures shall be as required by this Part.

l) Illumination

Illumination systems shall be installed and maintained to ensure sufficient general lighting, lighting for reading, night lighting for corridors and stairwells, and lighting for emergency and disaster situations. Common areas shall be lighted to assure the safety of residents. Outdoor areas shall be adequately illuminated.

m) Telephone

A telephone shall be located in an area easily accessible to residents that allows for private conversations.

n) The establishment shall maintain a means of unlocking all doors, which may be used in emergency situations or as provided in the establishment contract.

o) Kitchen

Facilities housing 10 or more residents shall comply with the requirements of NFPA 96, Ventilation Control and Fire Protection of Commercial Cooking Operation.

(Source: Amended at 47 Ill. Reg. 13264, effective August 30, 2023)