

City of Fayetteville

Licensed Residential Care Facilities

(Development Services Procedures / 2018 NC Building Code Section 428.2, 428.3, 428.4, 428.5)

The following information applies to applicants proposing to convert an existing single-family residence into a licensed residential care facility.

Note: This is a high-level overview of the process for the City of Fayetteville (COF). Additional information and documentation may be required during the review process. The North Carolina Division of Health Service Regulation (DHSR), can provide further guidance regarding state licensing requirements and procedures.

PHASE 1

1. The applicant submits an online request for a Zoning Verification Letter through the City of Fayetteville Planning and Zoning via the application titled **"Zoning Verification Letter/Separation Check."**
2. Zoning issues the zoning verification letter to the applicant. The applicant then submits the letter, along with the required DHSR application, to DHSR for review.
3. DHSR will provide a **"NC Department of Health and Human Services Letter" (DHHS Letter)** (see Example A) that will indicate the classification of the proposed residential licensed care facility.

******Don't proceed to PHASE 2 until PHASE 1 has been completed and an approved DHHS letter received. No construction work shall be performed unless DHSR indicates that you are approved for construction. Also, no work shall be performed without a permit.***

PHASE 2

4. Based on the facility type identified by DHSR, the applicant submits the required COF application and supporting documents to the portal as outlined below.
 - a. **428.2 Residential Care Home (R3)**
 - i. Submit COF "Change of Tenant/Change of Use (No Construction)" application to create a project for inspections
 - ii. Load DHHS Letter to the project (See Example A)
 - iii. Load a Life Safety Plan to the project (See Example B)
 - iv. Load a hard copy signed COF application (See the COF portal for form)
- Note:
1. See section 428.2 of the 2018 NC Building Code Book and amendment for home requirements (see below).

2. If any work has already been completed, or if DHSR determines that construction is required, a permit or permits must be obtained. A completed residential permit application, together with all applicable documentation on the Residential Application Checklist, must be submitted.
3. The status of the project may be followed via the portal. Please contact Permitting at 910-433-1707 if training is needed.

b. 428.3 Licensed Small Residential Care Facilities (R3)

- i. Submit COF "Change of Tenant/Change of Use (No Construction)" application to create a project for inspections
- ii. Load DHHS Letter to the project (See Example A)
- i. Load a Life Safety Plan that includes the following (certified by NC licensed architect recommended)
 - a) Dimensions of each area/space and the building.
 - b) Occupancy Use for each area as it relates to occupant load calculation (Table 1004.1.2)
 - c) Occupant loads for each area (1004)
 - d) Exit access travel distances (1017)
 - e) Common path of travel distances (Tables 1006.2.1 & 1006.3.2(1))
 - f) Clear exit widths for each exit door Maximum calculated occupant load capacity each exit door can accommodate based on egress width (1005.3)
 - g) Exit sign locations (1013)
 - h) Fire extinguisher location(s)
- ii. Load a hard copy signed COF application (See the COF portal for form)
- iii. Show compliance with section 428.3 of the 2018 NC Building Code Book and amendment (see below).
- iv. An evaluation for existing construction type will need to be performed by a NC licensed architect or engineer and a certified report provided or plans for a NFPA 13D sprinkler system with a wet pipe will need to be provided.
- v. Provide fire alarm system plans in accordance with NFPA 72.
Note:
 1. If any work has already been completed, or if DHSR determines that construction is required, a permit or permits must be obtained. A completed residential permit application, together with all applicable documentation on the Residential Application Checklist, must be submitted.
 2. The status of the project may be followed via the portal. Please contact Permitting at 910-433-1707 if training is needed.

c. 428.4 Small Non-Ambulatory Care Facilities (R3)

- i. Submit COF "Change of Tenant/Change of Use (No Construction)" application to create a project for inspections
- ii. Load DHHS Letter to the project (See Example A)

- iii. Load a Life Safety Plan that includes the following (certified by NC licensed architect recommended)
 - a) Dimensions of each area/space and the building
 - b) Occupancy Use for each area as it relates to occupant load calculation (Table 1004.1.2)
 - c) Occupant loads for each area (1004)
 - d) Exit access travel distances (1017)
 - e) Common path of travel distances (Tables 1006.2.1 & 1006.3.2(1))
 - f) Clear exit widths for each exit door Maximum calculated occupant load capacity each exit door can accommodate based on egress width (1005.3)
 - g) Exit sign locations (1013)
 - h) Fire extinguisher location(s)
- iv. Load a hard copy signed COF application (See the COF portal for form)
- v. Show compliance with section 428.4 of the 2018 NC Building Code Book and amendment (see below).
- vi. Provide plans for a NFPA 13D automatic sprinkler system with a wet pipe system and a 30-minute water supply. Provide monitoring details also.
- vii. Provide fire alarm system plans in accordance with NFPA 72.
 Note:
 - 1. If any work has already been completed, or if DHSR determines that construction is required, a permit or permits must be obtained. A completed residential permit application, together with all applicable documentation on the Residential Application Checklist, must be submitted.
 - 2. The status of the project may be followed via the portal. Please contact Permitting at 910-433-1707 if training is needed.

d. 428.5 Large Residential Care Facilities (R4)

- i. Submit COF "Change of Occupancy Classification (No Construction)" to create a project for inspections
- ii. Load DHHS Letter to the project (See Example A)
- iii. Load a Life Safety Plan that includes the following (certified by NC licensed architect recommended)
 - a) Dimensions of each area/space and the building.
 - b) Occupancy Use for each area as it relates to occupant load calculation (Table 1004.1.2)
 - c) Occupant loads for each area (1004)
 - d) Exit access travel distances (1017)
 - e) Common path of travel distances (Tables 1006.2.1 & 1006.3.2(1))
 - f) Clear exit widths for each exit door Maximum calculated occupant load capacity each exit door can accommodate based on egress width (1005.3)
 - g) Exit sign locations (1013)
 - h) Fire extinguisher location(s)
- iv. Load a hard copy signed COF application (See the COF portal for form)

- v. Load a Building Code Summary form and plans (sealed by NC licensed architect recommended) that shows compliance with section 428.5 of the 2018 NC Building Code Book.
- vi. An evaluation for existing construction type of 1-hour fire-resistant construction and corridor protection will need to be performed by a NC licensed architect or engineer and a certified report provided.
- vii. Provide plans for a NFPA 13R automatic sprinkler wet pipe system. Provide monitoring details also.
- viii. Provide fire alarm and detection system plans in accordance with NFPA 72.

Note:

- 1. If any work has already been completed, or if DHSR determines that construction is required, a permit or permits must be obtained. A commercial permit application, together with all applicable documentation on the Commercial Application Checklist, must be submitted.
- 2. The status of the project may be followed via the portal. Please contact Permitting at 910-433-1707 if training is needed.

- 5. Fire, Building, and Zoning will review application, plans, and documents submitted.
- 6. Once project is approved and permit is issued, applicant may request inspections via the portal for Building, Fire, and Zoning.
Note: Please print the attached Building Inspection form, fill out the top section, and have on site for the inspection. The fire inspector will provide a report after the fire inspection.
- 7. Applicant submits completed Building Inspection form and Fire Inspection report to DHSR for further instructions.
Note:
 - 1. The approval by the COF inspectors does not permit the applicant to admit residents to the facility.
 - 2. Please consult with DHSR if any construction is needed for compliance. If DHSR determines that construction is required, a permit or permits must be obtained.

RESOURCES:

- 1. NC DHSR - 919-855-3795 or 919-855-3797 <https://info.ncdhhs.gov/dhsr/mhics/mhforms.html>
- 2. City of Fayetteville Permitting 910-433-1707 <https://fayetteville.idtplans.com/secure/>
- 3. 2018 NC Fire Code Section 104.7.2 Technical Assistance
- 4. 2018 NC Building Code and Amendments

FOUR TYPES OF LICENSED RESIDENTIAL CARE FACILITIES (2018 NCBC 428)

428.1 General. Buildings in which more than three people are harbored for medical, charitable or other care or treatment shall be classified as residential care facilities. The state agency having jurisdiction shall classify the facility as a residential care home, small residential care facility, small non-ambulatory care facility or large residential care facility.

428.1.1 Fire extinguishers. Fire extinguishers shall be installed in licensed residential care facilities in accordance with the *North Carolina Fire Code*.

428.1.2 Means of egress. Where two means of egress exits are required, the exits or exit access doors shall be so located and constructed to minimize the possibility that both may be blocked by any one fire or other emergency condition.

428.2 Residential care homes. Homes keeping no more than six adults or six unrestrained children who are able to respond and evacuate the facility without assistance, determined by the state agency having jurisdiction to be licensable, shall be classified as single-family residential (*North Carolina Residential Code*).

428.2.1 Means of egress. Each normally occupied story of the facility shall have two remotely located means of egress exits.

428.2.2 Smoke detection systems. Smoke detectors shall be provided on all levels per the *North Carolina Residential Code*.

428.2.3 Interior finishes. Interior wall and ceiling finishes shall be Class A, B or C.

428.2.4 Heating appliances. Unvented fuel-fired heaters and portable electric heaters shall be prohibited.

428.3 Licensed small residential care facilities. The following facilities when determined by the State Agency having jurisdiction to be licensable, shall be classified as single-family residential.

1. Residential care facilities keeping no more than six adults or six unrestrained children with no more than three who are unable to respond and evacuate without assistance.

2. Residential care facilities keeping no more than five adults or five children who are unable to respond and evacuate without assistance, when certifiable for Medicaid reimbursement, and when staffed 24-hours per day with at least two staff awake at all times.

3. Residential care facilities keeping no more than nine adults or nine children who are able to respond and evacuate without assistance.

428.3.1 Construction type. The building shall be of 1-hour fire-resistant construction including all walls, partitions, floors and ceilings and bedroom doors shall be 1³/₄ inches (34 mm) solid wood core.

Exception: No rating shall be required if the building is NFPA 13D sprinklered with a wet pipe system with a 30-minute water supply. Bathrooms, toilets, closets, pantries, storage and utility spaces shall be sprinklered. The sprinkler system shall be monitored in accordance with Section 903.4 (Section 903.4, Exception 1 is not applicable in this occupancy).

428.3.2 Building height and area. Buildings shall not exceed two stories in height or the area limitations for Group R-4. For purposes of this section, attics and basements used as habitable spaces shall be counted as stories.

428.3.3 Quantity of exits. Each normally occupied story of the facility shall have two remotely located exits.

428.3.4 Egress stairs. Required facility egress stairways shall be either exterior unenclosed or interior enclosed on each level with 1-hour fire barriers and self-closing 20-minute labeled doors. Other interior stairways shall be enclosed on one floor level with 1-hour fire-resistant walls and self-closing 20-minute labeled doors.

428.3.5 Smoke and heat detectors. Smoke detectors shall be provided on all levels in accordance with the *North Carolina Residential Code*. Heat detectors shall be installed in all attic spaces. The heat detectors shall be connected to the fire alarm and detection system.

428.3.6 Incidental accessory occupancies. Any incidental use area (as defined by Table 509) shall be enclosed with 1-hour fire barriers and self-closing 20-minute labeled doors or provided with an automatic sprinkler system and smoke-resistant separation from other areas.

428.3.7 Fire alarm systems. A building fire alarm system shall be provided in accordance with NFPA 72. Provisions all required exits.

428.3.8 Interior finishes. Interior wall and ceiling membranes shall be gypsum wallboard, plaster or other noncombustible material.

428.3.9 Heating appliances. Unvented fuel-fired heaters, floor furnaces, and portable electric heaters shall not be installed.

428.3.10 Occupants. Occupants younger than six-years of age shall sleep on the level of exit discharge with adult supervision.

428.4 Small non-ambulatory care facilities. Facilities keeping no more than six adults or six children who are unable to respond and evacuate without assistance, when determined by the state agency having jurisdiction to be licensable shall comply with the requirements for small residential care facilities.

428.4.1 Automatic sprinkler systems. The building shall be sprinklered with a wet pipe system in accordance with NFPA 13D with a 30-minute water supply including bathrooms, toilets, closets, pantries, storage and utility spaces. The sprinkler system shall be monitored in accordance with Section 903.4 (Section 903.4, Exception 1 is not applicable in this occupancy.)

428.5 Large residential care facilities. Facilities keeping no more than twelve residents, when determined by the state agency having jurisdiction to be licensable shall be classified as Group R-4, residential in accordance with the *North Carolina Building Code*.

428.5.1 Construction type. The building shall be of 1-hour fire-resistant construction.

428.5.2 Automatic sprinkler system. A wet pipe system in accordance with NFPA 13R including bathrooms, toilets, closets, pantries, storage and utility spaces shall be required. The sprinkler system shall be monitored in accordance with Section 903.4 (Section 903.4, Exception 1 is not applicable in this occupancy.)

428.5.3 Building height. The building shall be a maximum of one-story.

428.5.4 Means of egress.

428.5.4.1 Exit quantity. The facility shall have two remotely located exits.

428.5.4.2 Door width. All door openings subject to use by residents shall have a minimum clear width of 32-inches (813 mm).

428.5.4.3 Egress width. Required corridors, ramps, and passageways shall have a minimum clear width of 6 feet (1829 mm) when serving as part of the means of egress from resident areas.

428.5.4.4 Corridors continuity. Buildings may have spaces open to the corridor provided:

1. Each area does not exceed 250 square feet (23.23 m²).
2. The spaces are not used for patient sleeping rooms, treatment rooms, or incidental use areas as defined in Table 509.
3. The area is equipped with smoke detectors.
4. Not more than one such area is permitted in any one smoke compartment or building if smoke compartments are not required.
5. The area is arranged not to obstruct access to required exits.

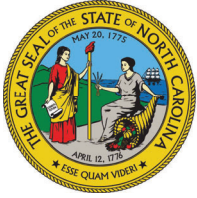
428.5.4.5 Corridor protection. Unless required otherwise by Section 428.5.6, corridor partitions and doors in corridor partitions need not have a fire-resistance rating but shall be designed to resist the passage of smoke. Doors shall be equipped with approved latches that will keep the door tightly closed. All doors except those to patient sleeping rooms shall be self-closing or automatic closing by smoke detection. Interior wall and ceiling finish shall be gypsum wallboard, plaster or other noncombustible material.

428.5.5 Fire alarm and detection systems.

428.5.5.1 Smoke and heat detectors. Corridors shall be provided with smoke detectors. Heat detectors shall be installed in all attic spaces. The heat detectors shall be connected to the fire alarm and detection system.

428.5.5.2 Fire alarm systems. A building fire alarm system shall be provided in accordance with NFPA 72. Provisions shall be made to activate the internal evacuation alarm at all required exits.

428.5.6 Incidental uses. Any incidental use area shall comply with the requirements of Table 509.



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

JOSH STEIN • Governor

DEVPUTTA SANGVAI • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

May 11 2026

Ms. Latoya Williams, CEO (via email only)

A Kind Heart, Inc.

P.O. Box 208

Raeford, NC 28376

EXAMPLE A

(Note: The state agency will classify in the letter the home as a 428.2, 428.3, 428.4, or 428.5)

Re: Project No. MHL-5941-ARB

FID No. 250992

A Kind Heart, Inc.

Initial Application

Fayetteville (Cumberland)

Dear Ms. Williams:

The referenced project located at 1836 Conover Drive, Fayetteville, NC 28304 was inspected on April 28, 2026, for conformance with the licensure rules for Mental Health, Developmental Disabilities, and Substance Abuse Facilities and Services (10A NCAC Chapter 27, Subchapter G) for Program .5600C, *Supervised Living for Adults whose primary diagnosis is Mental Retardation or other developmental disabilities*. With the understanding that the home is a one-story, non-sprinklered building under the applicable requirements of the 2018 North Carolina Residential Code (NCRC) and the 2018 North Carolina State Building Code (NCSBC) Section 428.2, *Residential Care Homes*. The capacity of the home is proposed for up to five (5) clients, all of whom are able to respond and evacuate the home without verbal or physical assistance in an emergency. This project cannot be approved until the following deficiencies have been corrected:

1. Based on the layout of the home and verified dimensions this facility can accommodate up to five (5) clients as follows:
 - a. Bedroom #1 – approximately 138 sq. ft. – 1 client
 - b. Bedroom #2 – approximately 121 sq. ft. – 1 client
 - c. Bedroom #3 – approximately 129 sq. ft. – 1 client
 - d. Bedroom #4 – approximately 281 sq. ft. – 2 client (s)

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

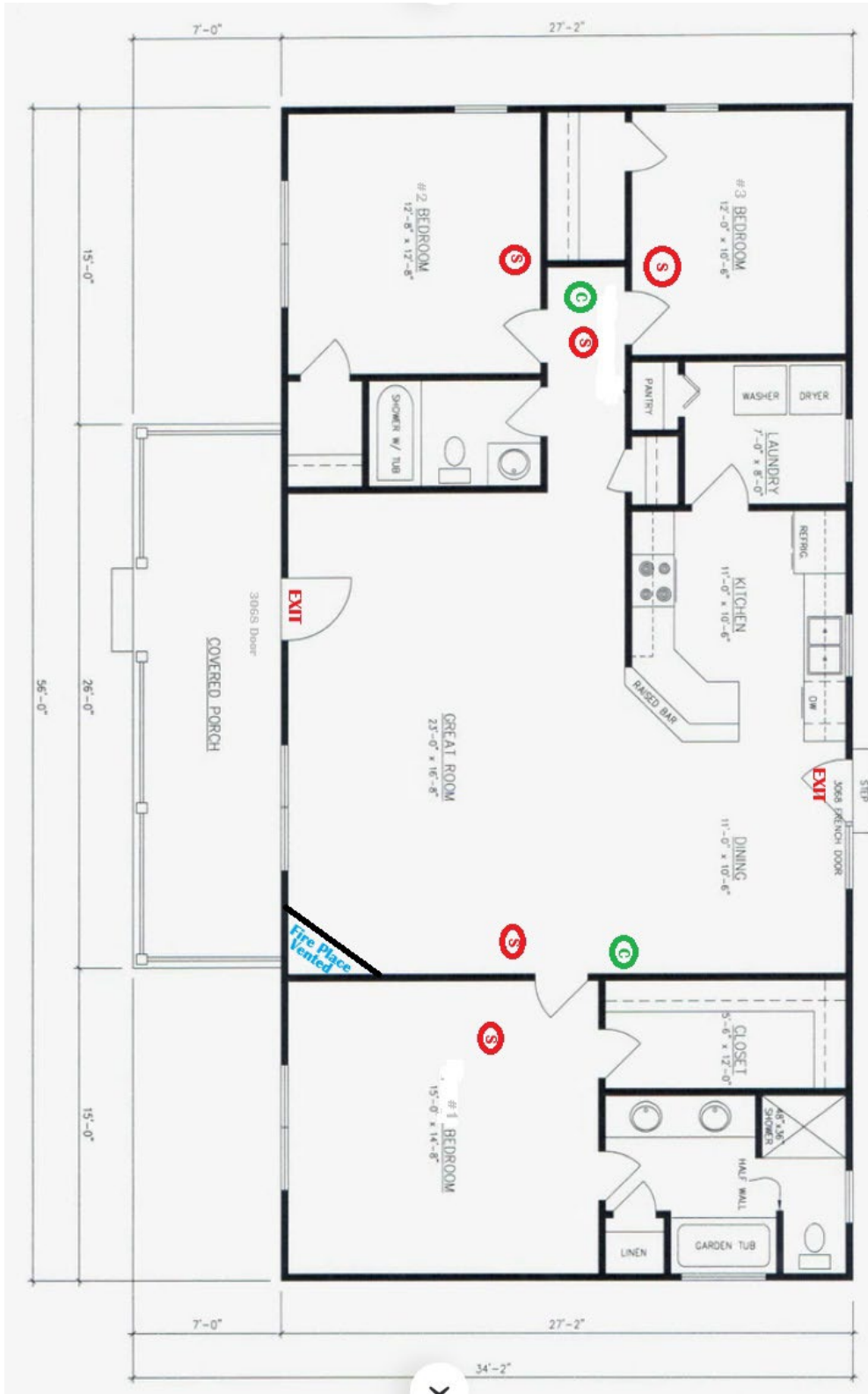
CONSTRUCTION SECTION

LOCATION: 1915 Health Services Way, Raleigh, NC 27607
MAILING ADDRESS: 2705 Mail Service Center, Raleigh, NC 27699-2705
info.ncdhhs.gov/dhsr/ • TEL: 919-855-3893 • FAX: 919-733-6592

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

EXAMPLE B – 428.2 RESIDENTIAL CARE HOME – LIFE SAFETY PLAN
(NOT applicable to 428.3, 428.4, and 428.5)

S= Smoke Detectors, C=Carbon Monoxide Detectors, Door Widths - 3068 (=3'wide x 6'8" door)



BUILDING INSPECTION
Licensed Residential Care Facility
City of Fayetteville

Directions for Applicant: Please print, fill out the top section, and have on site for the inspection.

DHSR Construction Section Project Number: _____ **FID Number:** _____

Facility Name: _____
Applicant's Name: _____
Facility Street Address: _____
City: _____ **Zip code:** _____

The North Carolina Division of Health Service Regulation (DHSR) has officially classified this facility for inspection under the 2018 edition of the North Carolina State Building Code. This classification is documented in an official letter issued on the agency's letterhead as:

- ☐ **428.2 Residential Care Homes:** 4-6 residents all of whom will be able to respond and evacuate the building without any assistance from others in an emergency (no physical help or verbal prompting from anyone);
- ☐ **428.3 Licensed Small Residential Care Facilities:** 4-6 residents with up to three residents who may not be able to respond and evacuate the building without any assistance from others in an emergency; **or** up to 9 residents all of whom will be able to respond and evacuate the building without any assistance;
- ☐ **428.4 Small Nonambulatory Care Facilities:** 4-6 residents who may not be able to respond and evacuate the building without any assistance from others in an emergency.
- ☐ **428.5 Large Residential Care Facilities:** 7-12 residents who may not be able to respond and evacuate the building without any assistance from others in an emergency.

The proposed building for licensing as a licensed residential care facility as described above has been inspected by the local building inspector and is:

- ☐ **Approved** ☐ **Not Approved:** **for compliance with code requirements listed above by:**

Inspector: _____ **Jurisdiction:** _____

Date of Approval or Disapproval: _____

Building Inspector: Please write any comments below:

Important Notes:

1. **APPROVED:** The approval by the building inspector does not permit the applicant to admit residents to the facility. Final approval for licensure must be obtained from DHSR.
2. **NOT APPROVED:** Please consult with DHSR before obtaining a City of Fayetteville permit(s) for construction.

Applicant: Please return this completed form to: **DHSR Construction Section Attn:** _____
2705 Mail Service Center
Raleigh, NC 27699-2705