



Florida Division of State Fire Marshal

The Florida Fire Marshals and Inspectors Association,
"Organization" (§633.026)

Informal Interpretation Request

Date: 9/28/23

NFPA Document Number: FFPC 7th Edition Specifically NFPA 101 2018 Florida Specific

Paragraph Reference: NFPA 101 Chapter 24

Explain how the Petitioner's substantial interests are being affected by the question below: An organization has purchased two single-family homes in our district that provide affordable, supportive housing, case management support, skill building workshops and arts integration for their residents. According to their website, this organization also refers to their residents as clients. Through written correspondence, a board member from this organization described their use as having six unrelated adults, who are formerly homeless and who may suffer behavioral issues, living together in a single housekeeping unit. The clients may use the program as a stepping-stone to their goal to live on their own. Others may continue to need support for the long term. The Agency for Health Care Administration inspected the two homes and determined a license was not required. They have a doctor on staff that provides ad hoc emergency medical services. They are classifying their use with the Florida Fire Prevention Code as a One-and Two-Family Dwelling through their legal counsel. ____

Enter the Petitioner's question concerning an interpretation of the FFPC: Are these homes considered to be classified as a one-and two-family dwelling in accordance with the Florida Fire Prevention Code 7th Edition?

Committees' majority Answer: No

The classification of the occupancy described in this interpretation request is not contingent on whether or not the State of Florida requires some form of licensing (in this case by ACHA whom has apparently determined licensing is not applicable) but the "use" of the occupancy in question.

By definition a one- or two-family dwelling unit limits each dwelling unit to being "occupied by members of a single family with not more than three outsiders." The *Code* does not define the term *family*. The definition of family is subject to federal, state, and local regulations and might not be restricted to a person or a couple (two people) and their children. The following examples aid in differentiating between a single-family dwelling and a lodging or rooming house:

(1) An individual or a couple (two people) who rent a house from a landlord and then sublease space for up to three individuals should be considered a family renting to a maximum of three outsiders, and the house should be regulated as a single-family dwelling in accordance with Chapter 24.

Rulings herein expressed are not the formal position of the Florida State Fire Marshal's Office

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Website: www.FFMIA.org | Email: info@ffmia.org | http://www.myfloridacfo.com/sfm/bfpr/bfpr_index.htm



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(2) A house rented from a landlord by an individual or a couple (two people) in which space is subleased to 4 or more individuals, but not more than 16, should be considered and regulated as a lodging or rooming house in accordance with Chapter 26.

(3) A residential building that is occupied by 4 or more individuals, but not more than 16, each renting from a landlord, without separate cooking facilities, should be considered and regulated as a lodging or rooming house in accordance with Chapter 26.

The occupancy described in this petition does not meet this definition or examples provided. In addition, the background information provided by the petitioner describes the occupancy is probably providing case management support that could be interpreted as personal care services and would then be considered a residential board and care occupancy. If personal care services are not provided the occupancy would then be classified as a rooming and lodging house.

Region 1 - Delegate: Byron Bennett, North Bay Fire Control District
Alternate: William (Michael) Hall, Marianna Fire Rescue

Region 2 - Delegate: Jason R. Greisl, Tallahassee Fire
Alternate: Vacant

Region 3 - Delegate: James Groff, Jacksonville F. R. (Committee Chair)
Alternate: Silver Chip Ware

Region 4 - Delegate: Taylor Riley, Lakeland Fire Rescue
Alternate: Karl Thompson

Region 5 - Delegate: Anthony Apfelbeck, Altamonte Springs Building Department
Alternate: Christina Diaz, Seminole County Fire Department

Region 6 - Delegate: Robert Salvaggio, Cape Coral Fire Rescue
Alternate: Vacant

Region 7 - Delegate: (Kenneth) Sean Brown, Broward Sheriff Fire Rescue & Emergency Services
Alternate: Rebecca Geimer Tamarac Fire Rescue

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