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BULLETIN 04-2

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To the extent there is confusion about this bulletin's application, the Department clarifies that this bulletin addresses the designation of a use group for Oxford Houses under the Uniform Construction Code (UCC). The bulletin does not address the application of the Rooming and Boarding House Act to Oxford Houses. Oxford Houses do not meet the definition of a rooming and boarding house under N.J.S.A. 55-13B-1. Therefore, Oxford Houses are not subject to the Rooming and Boarding House Act and are not required to be licensed as a rooming and boarding house. Nevertheless, Oxford Houses are subject to the UCC and it is the modification of the categorization of Oxford Houses under the UCC that is addressed herein.

Oxford Houses are single family homes, which are occupied by individuals who live together as a single housekeeping unit. Therefore, an Oxford House is categorized as Group R-5 occupancy, when it meets the conditions given below.

The Federal Fair Housing Act requires governmental entities to make "reasonable accommodations" to ensure that persons with disabilities are not discriminated against or excluded from the nation's neighborhoods. Code officials continue, however, to have an obligation to enforce necessary safety requirements. In this context, the case of homes sponsored by Oxford House, Inc. was presented to the Department of Community Affairs. The Department reviewed the specifics of this case, including the degree of oversight provided by the sponsor and the potential discriminatory effect of changing the (use) group designation of these homes. The Department has determined that, as a specific, reasonable accommodation in the application of the building subcode, homes sponsored by Oxford House, Inc. be classified under the UCC as a Group R-5 occupancy (International Code Council Group R-5, Building Officials and Code Administrators Use Group R-3) provided that all of the following conditions are met:

1. There are fewer than 16 occupants, each of whom is capable of prompt evacuation;
2. Each home has ten-year-sealed, battery-operated smoke alarms on each floor and outside the bedrooms. However, A/C-powered, single- or multiple-station smoke alarms installed as part of the original construction or rehabilitation project are not to be replaced with battery-powered smoke alarms;

3. Each home has carbon-monoxide alarms in the vicinity of each sleeping area;
4. Each bedroom has an operable window with a maximum sill height of 44 inches, a width of at least 20 inches, a height of at least 24 inches, and a minimum total area of 5.7 square feet measured from head to sill and from side to side; and
5. Each home that is four stories or more in height has a second means of egress.

Because these homes are rental properties, a certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance (CSACMAPFEC) issued by the designated Uniform Fire Code enforcing agency is required to verify Items 2 and 3 above when a new Oxford House is established in an existing single-family home. Since there is no change of use under the Uniform Construction Code, no further inspection or other enforcement action is required. *(This bulletin does not address municipal requirements, such as municipal property maintenance ordinances, that apply to all single-family homes or to all rental properties.)*

If there are any questions regarding the application of these standards to Oxford House, please feel free to call the Code Assistance Unit at (609) 984-7609. Because this bulletin applies only to Oxford House, please call regarding applying the requirements of the code to any other residential programs.