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Physical Inspection Operations (PI-Ops)

Special Bulletin # 18

Update to Inspection Protocol

Acceptable Fire Exits – Revised

Providing consistent and timely information helps to ensure quality inspections. As a result, the Real Estate Assessment Center (REAC) is providing the following information to update the REAC protocol. Effective the date of this bulletin, all inspections must be conducted in accordance with the guidelines outlined below. This is Version #2 of Special Bulletin #18. Please note the updates on Page Two, Section C-3, second bullet, and Page Three, Section C-4, for the addition of “Dwelling Units.” The updates are highlighted in **bold blue** text, and indicate where to record a blocked egress deficiency.

Fire Exits (Egress)

- A. **Background.** The REAC inspection protocol requires properties to be decent, safe, sanitary, and in good repair. The DCD software (version 2.3) identifies a number of fire safety deficiencies to ensure the safety of the residents. The ability of the residents to evacuate or egress rooms, units, and buildings during a fire or other emergency is of particular importance.

The DCD 2.3 software fire safety egress provisions are based on national codes, such as the *Building Officials and Code Administrators (BOCA) National Building Code (1999)* and the *National Fire Protection Association (NFPA) 101 Life Safety Code (1997)*. Specifically, BOCA 1010.2 prescribes a minimum of two independent exits for every floor area. Further, BOCA 1010.4 provides that every sleeping room below the fourth story shall have at least one operable window or exterior door for emergency escape or rescue.

The DCD 2.3 software allows the inspector to record a fire safety egress deficiency in three different areas, depending upon the following circumstances:

1. **Building Exterior Fire Escapes – Blocked Egress/Ladders** – All buildings must have acceptable fire exits. Acceptable fire exits include stairway access doors, external exits, external fire escapes, fire towers, and operable windows on lower floors that provide easy access to the ground or a porch/patio leading to the ground.

Deficiency – Blocked Egress/Ladders – Any part of a fire escape, including ladders, is blocked, limited, or restricting people from exiting.

2. **Building Exterior – Windows** – Window systems provide light, security, and exclusion of exterior noise, dust, heat, and cold. Frame materials typically include wood, aluminum, or vinyl. (Note: This does not include windows that have deficiencies noted in the inspection from the inside.)

Deficiency – Security Bars Prevent Egress – Exiting or egress is severely limited or impossible because bars are damaged, improperly constructed, or improperly installed.

3. **Health and Safety – Emergency/Fire Exits (Building Exterior)** – All buildings must have acceptable fire exits that are also properly marked and operational. Acceptable fire exits include fire towers, stairway access doors, external exits, operable windows on lower floors with easy access to the ground, and a door opening onto a patio or porch with a stairway leading to the ground. Note: This does not apply to individual units.

Deficiency – Blocked/Unusable – The exit cannot be used or the exit is limited because a door or window is nailed shut; a lock is broken; panic hardware is chained; or debris, storage, or other conditions cause the exit to be unusable.

- B. **Issue** – The above definitions do not sufficiently address the requirement that every floor area (e.g., room, unit, or building) have a minimum of two independent exits. The purpose of this notice is to provide inspectors with clarification on how to record deficiencies when they observe a floor area without two independent means of egress. In addition, inspectors have had questions regarding the use of window air conditioning (A/C) units and the situations when the existence of a window A/C unit constitutes blocked egress.
- C. **Clarification to the REAC inspection protocol.** All inspections occurring on or after the date of this notice shall reflect the following:
 1. The term “lower floors” cited in the definitions in Section A refers to all floors below the fourth story.
 2. Currently, the protocol definition for health and safety deficiencies (Health and Safety – Emergency/Fire Exits (Building Exterior)) reads: “Note: This does not apply to individual units.” (See A.3. above) **This is incorrect and is to be disregarded.** Any time a unit does not have two independent means of egress, the inspector should record a health and safety deficiency.
 3. The following bullets outline the protocol for window A/C units, as prescribed in *BOCA National Building Code* 1010.2 and 1010.4.
 - If a floor area (e.g., room, unit, or building) has a window with an air conditioning unit mounted in the window frame, but has at least one other window and an exit door, there is **no** blocked egress. The inspector **should not** record a deficiency.
 - If the only window in a floor area has a window A/C unit mounted in the window frame, and the area has only one exit door, there is blocked egress. The inspector **should** record a deficiency under “Health and Safety – Emergency/Fire Exits (**Dwelling Units**) – Blocked/Unusable.”
 4. If a floor area has a window(s) or door(s) blocked by furniture, and no other unobstructed means of safe egress, the inspector should record a health and safety deficiency – Health

and Safety – Emergency/Fire Exits (Building Exterior **or Dwelling Units**) – Blocked/Unusable. In the comment field for the deficiency, the inspector should explicitly state why the obstruction prevents egress. If a resident could easily climb over or otherwise traverse the furniture or obstruction, there is no deficiency. For example, if a resident could safely step over a couch or bed to climb safely through a window, the inspector should not record a deficiency.

- D. **Owner/Public Housing Agency (PHA) Guidance.** HUD is not preventing owner/PHA-approved or resident-installed air conditioning window units. HUD fully recognizes that there are cases when the health concerns of the residents may necessitate window A/C units. At the same time, HUD is mindful of the health and fire safety concerns that arise when a building, unit, or room does not provide sufficient egress in the case of fire. It is the responsibility of the owner or PHA to work with the resident to develop a solution that balances health concerns with fire safety issues.

There are many ways to mitigate the fire safety risk caused by a window A/C unit. For example, the A/C unit may be placed in a room that provides the necessary fire exits, or it may be placed in a through-the-wall sleeve rather than a window, or the owner/PHA may relocate a resident to a unit where an A/C unit can be installed without creating an egress problem.

In the event that none of the above suggestions are feasible, HUD will consider a request from the owner/PHA for a database adjustment that meets the following four conditions:

1. Each request must be property specific and include the HUD project number.
2. The request may be made at any time before the inspection, or up to 15 (public housing) or 45 (multifamily housing) days following the inspection.
3. The owner/PHA must submit (a) a signed statement from the local fire marshal (or equivalent) citing the provision or language in the local fire code that allows the condition observed (i.e., a blocked means of egress) in a floor area without at least two other means of egress; and (b) a copy of the provision or language cited.
4. The owner/PHA must submit a statement for each project of the potential alternatives and why no other alternatives are feasible.

HUD will review the request for a database adjustment and the documentation required above. If the request is approved, HUD will restore any points deducted as a result of the blocked egress deficiency cited in the inspection report.

To see previous Special Bulletins, visit the REAC web site at:

http://www.hud.gov/reac/products/pass/pass_bulletins.html