

2019 FDHU FACILITY CODE SUMMARY OF CHANGES

The Facility Code is intended to replace the current FDHU Uniform Lodging Code and the regulations that FDHU is currently using to regulate tanning facilities. In addition, the facility code introduces regulations that will be used to regulate child care centers. While at first, these three types of facilities seem to be very different from each other, there are a number of aspects of the requirements for each that overlap each other. The requirements for things like the water supply, sewer systems, and aspects of the physical facilities themselves were identical to each other. The regulations for these different types of facilities were incorporated into one document to eliminate having to have duplicate regulations for the requirements that were similar. Where possible, language from the FDHU Food Code was incorporated into the document to provide consistency across all the types of facilities we regulate.

FDHU regulates assisted living facilities, bed and breakfasts, campgrounds, hotels/motels, hunting lodges, mobile home parks, summer camps, temporary crew housing, and travel trailer/RV parks as lodging facilities under the current code. These same facility types will be regulated under the Facility Code. The basis of the regulations used for these facilities is the current Uniform Lodging Code and the most recent version of the state of ND's regulations found in century code and administrative rules. Supplemental materials were incorporated from OSHA's criteria for man camps and from the NFPA Standards for Recreational Parks and Campgrounds.

FDHU currently uses the state of ND's regulations for tanning facilities found in the century code and in the administrative rules, and they are the primary source for the regulations found in the Facility Code.

The FDHU currently does not regulate child care facilities. The Department of Human Services regulates them using criteria found in Chapter 75-03. In these criteria, they mandate that certain child care facility types have an annual inspection done by the Department of Health. FDHU does these inspections on a by request basis using the standards promulgated by the Department of Human Services. Under the Facility Code, FDHU would begin regulating certain child care facilities using regulations based on Chapter 75-03.

Language was added to expand and clarify the application process for licenses. Applicants must now provide more information about proposed establishments to aid in their evaluation and licensure. The language added is now consistent with that found in the FDHU Food Code.

Language added to clarify the inspection process including how inspections will be documented and what occurs if inspection is refused. Language also added to clarify the timeframes in which violations must be corrected and how corrections will be verified and recorded. The language added is now consistent with that found in the FDHU Food Code.

In the body of the code, the changes made include:

1. Several small changes to reflect changes in the regulations from the state of ND that serve as the basis for these regulations.
2. Several items were expanded and clarified by language imported from the FDHU Food Code. Many of these items involve requirements for the physical facility and policies and procedures.
3. Playground equipment will now be held to the standard found in the Consumer Product Safety Commission's Public Playground Safety Handbook. This is the standard that has been used as a guideline for evaluating playground equipment by FDHU inspectors since 2015.
4. The classifications of the different types of facilities were defined and clarified.