



ADMINISTRATIVE RULES OF MONTANA



37.106.2835 RESIDENT UNITS

- (1) A resident of an assisted living facility who uses a wheelchair or walker for mobility, or who is a category B, category C, or category D resident, must not be required to use a bedroom on a floor other than the first floor of the facility that is entirely above the level of the ground, unless the facility is designed and equipped in such a manner that the resident can move between floors or to an adjacent international conference of building code officials approved occupancy/fire barrier without assistance and the below grade resident occupancy is or has been approved by the local fire marshal.
- (2) Each resident bedroom must satisfy the following requirements:
 - (a) in a previously licensed facility, no more than four residents may reside in a single bedroom;
 - (b) in new construction and facilities serving residents with severe cognitive impairment, occupancy must be limited to no more than two residents per room;
 - (c) exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, or vestibules, each single bedroom must contain at least 100 square feet, and each multi-bedroom must contain at least 80 square feet per resident;
 - (d) each resident must have a wardrobe, locker, or closet with minimum clear dimensions of 1 foot 10 inches in depth by 1 foot 8 inches in width, with a clothes rod and shelf placed to permit a vertically clear hanging space of 5 feet for full length garments;
 - (e) a sufficient number of electrical outlets must be provided in each resident bedroom and bathroom to meet staff and resident needs without the use of extension cords;
 - (f) each resident bedroom must have operable exterior windows which meet the approval of the local fire or building code authority having jurisdiction;
 - (g) the resident's bedroom door may be fitted with a lock if approved in the resident service plan, as long as facility staff have access to a key at all times in case of an emergency. Deadbolt locks are prohibited on all resident bedrooms. Resident bedroom door locks must be operable, on the resident side of the door, with a single motion and may not require special knowledge for the resident to open;
 - (h) kitchens or kitchenettes in resident bedrooms are permitted if the resident's service plan permits unrestricted use and the cooking appliance can be removed or disconnected if the service plan indicates the resident is not capable of unrestricted use.
- (3) A hallway, stairway, unfinished attic, garage, storage area or shed, or other similar area of an assisted living facility must not be used as a resident bedroom. Any other room must not be used as a resident bedroom if it:

- (a) can only be reached by passing through a bedroom occupied by another resident;
 - (b) does not have an operable window to the outside; or
 - (c) is used for any other purpose.
- (4) Any provision of this rule may be waived at the discretion of the department if conditions in existence prior to the adoption of this rule or construction factors would make compliance extremely difficult or impossible and if the department determines that the level of safety to residents and staff is not diminished.

Authorizing statute(s): 50-5-103, 50-5-226, 50-5-227, MCA

Implementing statute(s): 50-5-225, 50-5-226, 50-5-227, MCA

History: NEW, 2002 MAR 3638, Eff. 12/27/02; AMD, 2004 MAR p. 1146, Eff. 5/7/04; AMD, 2022 MAR p. 1857, Eff. 9/24/22.