

151 Brandywine Drive
Summerville, SC 29485

December 10, 2014

The Honorable Nikki R. Haley
Office of the Governor
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Governor Haley:

I would like to congratulate you on your re-election and thank you for all the work you have done for the state of South Carolina. I am specifically thankful for your budget sensibility, success in job creation, and defense of our 2nd Amendment rights. There is another issue that I would like to bring to your attention and request your help with.

My husband and I are in the process of becoming foster parents. We have a good sized home, no children, no pets and 3 extra bedrooms. I felt that since we had the ability to take in children that we should. It felt like the right thing to do considering all the blessings we have been given.

We received the mountain of application paperwork and filled it all out. Included with the paperwork was information on window requirements for emergency egress. I looked at it and thought to myself "our windows are huge, this won't apply to us." Unfortunately my instinct turned out to be wrong. After seeing so many forms about the windows I decided I better measure them to be sure. We have double hung windows throughout our home and the overall square footage of our upstairs window openings (where all bedrooms are located) was 5.2 with the requirement being 5.7. My response was that surely a nice home with 3 extra bedrooms and a loving family would be more valuable than .5 sq ft. I was shocked when I was told there was absolutely no leniency on this requirement. The research I have done since has indicated that most states do not mandate that residential foster homes meet this same requirement.

I spoke with the fire marshal to get exact details about what was required and if there was some way to work with my current windows. This is what I gathered: SCRR 71-8300.11.F.1.g requires that foster care resident bedrooms comply with building code IBC & IFC 1009. He explained to me that the windows in my house were to code in 1981 (the year my house was built) and if I had to replace windows due to damage, remodel, etc it would be acceptable for me to replace with like windows. However, all foster homes regardless of when they were built must meet the IBC & IFC 1009 which has the strict requirements for window sizes. This presents a problem for most homes built before this building code was adopted by SC.

In an unrelated conversation with the social worker I asked her what were the main issues that prevent potential foster parents from being approved. She said that the two issues that eliminate the most people are windows and finances. Clearly people who are not financially able to manage their current household shouldn't be approved to take care of additional children, but why would we be turning perfectly capable people away over windows when the need is so great? These children are coming out

of horrendous living conditions and neglectful or abusive families and we're worried about windows being ½ sq ft too small?

Upon reading the story of Timothy Ray Jones killing his 5 children I was enraged. The reports indicate his home was visited multiple times and there were many indications that the children should have been removed from the home. I'm convinced that if there were enough foster parents available these children would have been removed. However, how can a DSS worker remove 5 children if there is nowhere to send them? My house would have been large enough to accommodate all 5 of those children, and if common sense had prevailed over governmental red tape those children may still be alive today.

Please give me some direction on who else I can contact and what we can do about this. Children's lives are on the line and we have a responsibility to fix this. I am not suggesting that international building and fire codes be changed but I believe there has to be a way to exempt residential foster homes that comply with building code at the time of construction. I am a huge proponent of safety but this government regulation disregards logic and creates a whole new set of problems. I would argue that by artificially reducing the supply of "compliant" foster homes we are doing more harm than good. My hope is that in the current changes being made to DSS that we would find a way to broaden the number of foster parents in this state. If there were more people whose windows qualified, DSS could be more selective in choosing families who can best care for our most vulnerable children.

I would be happy to speak with you further and you are also welcome at my home for dinner and a tour so that you can see for yourself the issue at hand. I am also asking that you measure one of your children's bedroom windows in the Governor's Mansion to see if your home would pass this requirement to foster or adopt. I have attached a form completed on my home, and a blank form for you to use.

Thank you,

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Enclosures: Memorandum: Emergency Egress Openings
Window Measurement Instructions (completed)
Window Measurement Instructions (blank)



S.C. DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Division of Fire and Life Safety

Office of State Fire Marshal

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MEMORANDUM

Policy Number 1-020

TO: State Fire Marshal Engineering Staff
Deputy State Fire Marshals
Certified State Fire Marshals

FROM: William Galloway, Interim State Fire Marshal

DATE: February 10, 2004

SUBJECT: Emergency Egress Openings (Residential Occupancies)

SCRR 71-8300.11 F.1.g (Foster Care) and 71-8300.11.D.3 (CTH II) require resident bedrooms comply with Building Code (IBC & IFC 1009) **"Emergency escape and rescue."**

Bedrooms on first, second, third floors and in basements are to have at least one exterior emergency escape and rescue opening (window or door opening directly into a public street, public alley, yard or court), unless: (These exceptions do not apply to R-3, One and Two Family Dwellings).

- (1) Building is equipped with an approved automatic sprinkler system. (system needs to be maintained per NFPA 25).
- (2) Sleeping room is provided with a door to a fire-resistance-rated corridor having access to two remote exits in opposite directions.

The window or door must be operable to full minimum required opening without the use of separate tools or key.

Opening must be **no more than 44 inches** above the floor.

Clear open height of opening must be a minimum of 24 inches.

Clear open width of opening must be a minimum of 20 inches.

Ground floor openings are required to have a minimum net clear opening of 5.0 square feet.

Second and third floor openings are to have a minimum net clear opening of 5.7 square feet.

(See IBC or IFC 1009.5 for basements)

To find the net clear opening in square feet, use the following:

$$N = H \times W / 144 \text{ inches}$$

N = net square feet of clear opening

H= clear height in **inches**

W= clear width in **inches**

Windows more than 20 feet above grade, but not more than 3 stories, will also require an escape ladder, escape rope or other approved device.

The use of a passage through an adjacent non-lockable space, that is independent of and remote from the primary means of escape, to access any approved means of escape or emergency egress may be requested in writing to the State Fire Marshal for consideration as an alternate method of compliance.

The above requirement applies to all **new** requested Homes.

The above requirement applies to **existing** Homes (approved prior to October 21, 2003) as follows:

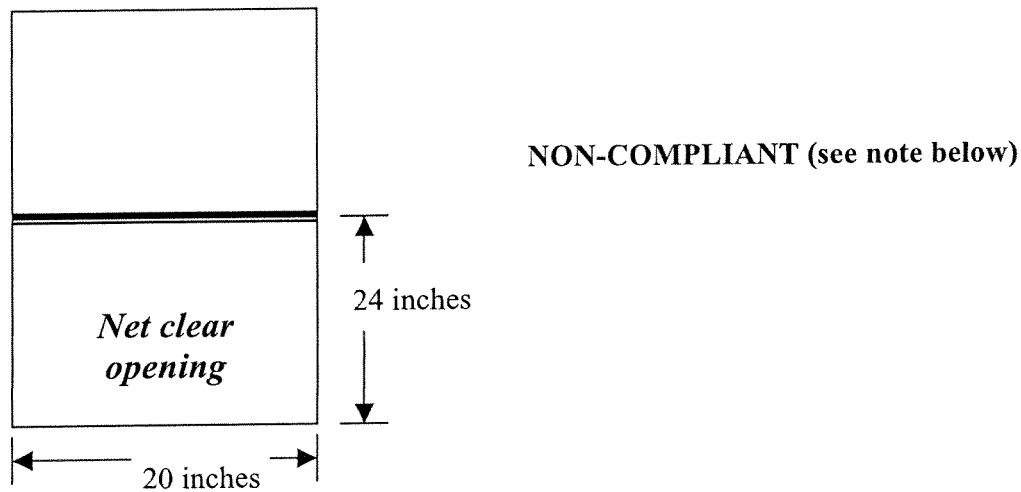
- 1) When the previously approved bedroom changes to another bedroom.
- 2) When bedrooms are requested to be added for more children/clients.
- 3) When emergency escapes were provided but become blocked by an addition or change to structure.
- 4) When Care Home is closed and reopened.
- 5) If the total glass area (that can be knocked out) is less than 5.0 sq ft. for ground floors and less than 5.7 sq. ft. for above ground floors.

In **existing** homes, a note is to be placed on the report so the owner will know that safety can be improved for the home by complying with the IBC. Example: "Note: IBC states a window with minimum clear height of 24" and minimum clear width of 20" for total of 5 sq. ft. when open is needed for client bedroom. Current window has 15"H x 30"W opening."

Encourage owners to consider correcting the problem for their's and the client's safety.

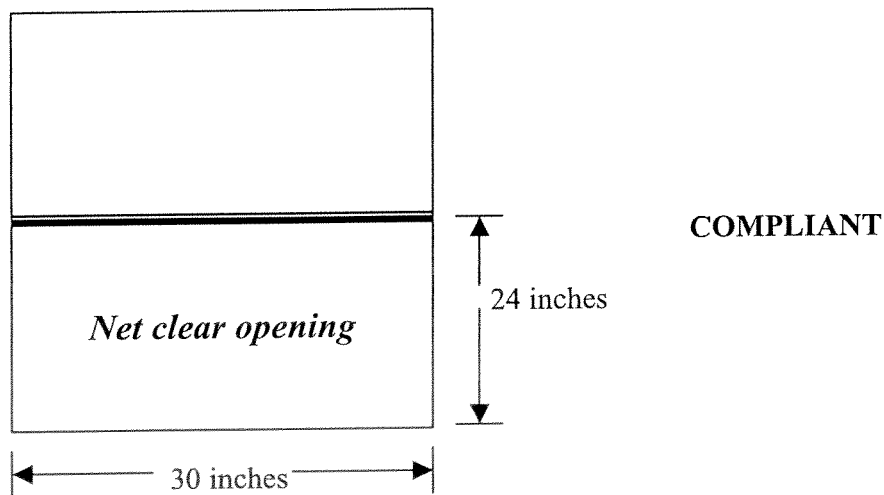
A tolerance of one inch may be permitted for clear height opening.

Example 1. Window clear open height and width. (Standard door to the outside also acceptable).



Note that 24 inches times 20 inches divided by 144 inches is less than the 5 or 5.7 square feet opening required. One of the dimensions will need to be greater than the minimum to achieve the minimum net clear opening. ($24'' \times 20'' = 480 \text{ in}^2 \div 144 = 3.3 \text{ ft}^2$)

Example 2. Net clear opening within requirement.



$24'' \times 30'' = 720 \text{ in}^2 \div 144 = 5.0 \text{ ft}^2$ (5.0 minimum for first floor – 5.7 minimum for second floor)

{Secondary Egress 4}



Window Measurement Instructions

Measuring your windows to check to see if they will pass the required fire inspection is not difficult, but it can be somewhat confusing. The information below is provided to assist you in this process.

1. In each room you plan to use for the children to sleep, open the window as far as it will go. This includes the regular window as well as any screen or storm window.
2. Measure the OPEN SPACE with a tape measure. Measure the height of the open space and the width of the open space. Write the measurements below:

24 Height (must be at least 24") 31.25 Width (must be at least 20")

3. Multiply the height times the width of the open space. $H \times W =$ 750
4. Divide the answer above by 144. Answer to #3 750 $\div 144 =$ 5.2083

(If the bedroom is downstairs, the answer to #4 needs to be at least 5.0. If the bedroom is upstairs, the answer to #4 needs to be at least 5.7.)

4. Next, measure from the FLOOR to the bottom part of the open window.

Write the measurement here: 28 in.

If the measurement is LESS than 44, your window will probably pass

5. Note: Not every window in every bedroom, must meet these specifications; however, at least ONE window in every bedroom where a child will sleep must pass fire inspection.
6. If your window, based on the numbers above, will probably pass the fire inspection, please sign this form and return with your application.
7. If your window will probably NOT pass the fire inspection, please call to discuss before completing and returning the enclosed application.

Thank you for your desire to make a difference in the life of a child! We look forward to getting to know you!

At least ONE window in each room where I plan for a child in my care as a foster/resource or adoptive parent will sleep meets the specifications outlined above.

Printed Name

Sign

Date



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2. Measure the OPEN SPACE with a tape measure. Measure the height of the open space and the width of the open space. Write the measurements below:

_____ Height (*must be at least 24"*) _____ Width (*must be at least 20"*)

3. Multiply the height times the width of the open space. $H \times W =$ _____
4. Divide the answer above by 144. Answer to #3 _____ $\div 144 =$ _____

(If the bedroom is downstairs, the answer to #4 needs to be at least 5.0. If the bedroom is upstairs, the answer to #4 needs to be at least 5.7.)

4. Next, measure from the FLOOR to the bottom part of the open window.

Write the measurement here: _____.

If the measurement is LESS than 44, your window will probably pass

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