

March 2, 2026

TO: All Residential Board and Care Facilities

RE: Variance Consideration for Door Locking Arrangements – NFPA 101

Providers:

Thank you for your continued partnership in maintaining safe residential environments for the individuals in your care. The Office of the Kansas State Fire Marshal remains committed to ensuring life safety while recognizing the operational and clinical realities of residential board and care occupancies.

Under K.S.A. 31-136, the State Fire Marshal may grant modifications or variances from the strict application of the code where such exemption is necessary for a petitioner to take advantage of new methods or equipment of recognized adequacy. Accordingly, this office will consider variance requests for alternative compliance with electrical locking devices in accordance with the 2024 edition of NFPA 101 on a case-by-case basis for residential board and care facilities.

Specifically, Sections 33.2.2.5.5.3 and 33.3.2.2.2(6) of the 2024 edition permit certain door-locking arrangements where the clinical needs of residents require specialized security measures or where residents pose a security threat, provided that:

1. Staff can readily unlock doors at all times in accordance with Section 33.2.2.5.5.4; and
2. The building is protected throughout by an approved automatic sprinkler system in accordance with Section 33.2.3.5.

Facilities seeking to implement door-locking arrangements consistent with the 2024 language must submit a formal variance request. Variance applications should clearly document:

- The clinical or security justification for the locking arrangement;
- Confirmation that staff can readily unlock doors at all times; and
- Verification that the facility is protected by an approved automatic sprinkler system;

Also note, prior to submitting a variance request, facilities must coordinate with the local jurisdiction having authority. Local municipalities retain the ability to adopt and enforce requirements more restrictive than the state.

We recognize the need to balance resident dignity, clinical care considerations, and fire and life safety requirements. Our goal is to work collaboratively with providers and local jurisdictions to ensure compliance while maintaining environments that are both safe and appropriate for resident care.

If you have questions regarding this guidance or wish to discuss a potential variance request, please contact our office.

Sincerely,



Mark Engholm
State Fire Marshal