

DEPARTMENT OF LICENSES AND INSPECTIONS CODE BULLETIN OF INFORMATION No. B-0402		CODE OF GENERAL ORDINANCES OF THE CITY OF PHILADELPHIA <hr/> TITLE 4 — BUILDING CONSTRUCTION AND OCCUPANCY CODE
SUBJECT OF BULLETIN: HOME-BASED CHILD CARE FACILITIES		REFERENCE CODE SECTION(S): B-420.1 et seq., B-420.2, F-410.1 et seq. and F-410.2
ISSUED BY		
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ISSUE

Construction requirements for new or expanding facilities have been modified with the City's 2004 adoption of new building and fire codes. The language of these recently adopted codes inadvertently extended the Philadelphia Family Day Care Home License requirement to facilities caring for seven to twelve children when doing so in a residence.

The intent of this Code Bulletin is to clarify code and licensing requirements for Home-Based Child Care facilities.

BACKGROUND

The number of children receiving child day care is one component in determining a facility's use and occupancy classification for construction requirements. Prior to the recent adoption of new building and fire codes, a limit on the number of children that could be cared for in an R-3 residential classification was six or fewer children.

In addition, caring for up to six children was defined as Family Day Care and required a license from the City.

The new Philadelphia building and fire codes raised the limit for the number of children that may be cared for when care is provided in a residence. Although, there are differing safety requirements for facilities caring for six or fewer children and those caring for seven or more, the residence may now retain a residential classification with care provided for up to twelve children. This was done in accordance with the Pennsylvania Uniform Construction Code. However, in setting this higher limit for construction classification, the language of the code also inadvertently extended the City's Family Day Care Home License requirement to facilities caring for seven to twelve children when doing so in a residence. Caring for seven or more children is an activity already licensed by the State.

Terminology used in setting the construction classification also raised a question about the impact on zoning and license requirements.

POLICY

The intent of Sections B-420.1 et seq., B-420.2, F-410.1 et seq. and F-410.2 of the 2004 Building Construction and Occupancy Code is only to set new construction classification and safety standards for child care facilities. No changes are intended or implied regarding licensing, zoning or State requirements.

DIRECTION

The Family Day Care Home License requirement is limited to those facilities caring for up to six children in any location.

All Child Care facilities must obtain the appropriate State license.

Construction standards for Child Care in a residence are as set forth in Sections B-420.1 et seq., B-420.2, F-410.1 et seq. and F-410.2 of the 2004 Building Construction and Occupancy Code.

Note: All Home-Based Child Care facilities approved under the 1997 Philadelphia Building Code or a prior code shall maintain all existing life-safety and handicapped accessibility features in addition to meeting the 2004 Philadelphia Fire Code.

License requirements for food preparation and serving are unchanged. Family Day Care Homes (care provided for six or fewer children) will pay no fee. The cost of the Food Preparation and Serving License for Group Child Care Homes remains \$50.

Zoning definitions, requirements and limitations for child care are as stated in the Philadelphia Zoning Code.