

DEPARTMENT OF LICENSES AND INSPECTIONS CODE BULLETIN OF INFORMATION No. B-9902 R1		CODE OF GENERAL ORDINANCES OF THE CITY OF PHILADELPHIA <hr/> TITLE 4 — BUILDING CONSTRUCTION AND OCCUPANCY CODE
SUBJECT OF BULLETIN: CHILD DAY CARE FACILITIES — CHILD COUNT AND FACILITY CLASSIFICATION		REFERENCE CODE SECTION(S): B-305.2 B-308.3.1 B-310.1 F-409.1
ISSUED BY		
NAME: David L. Wismer, P.E., C.B.O.	SIGNATURE:	ISSUE DATE January 15, 1999 [Rev. 8/10]
TITLE: Director of Planning and Code Development		PAGE 1 OF 3

ISSUE:

There has been a question of the method of counting the children in child day care facilities by the department's plan review and inspection staff in the various classes of day care facilities. The primary issue is whether or not the operator's own or related children count for the purposes of classifying a facility, both for Philadelphia Code application and for verifying compliance with the state license classification.

DIRECTION:

It is the intent of the Department of Licenses and Inspections to be consistent with the Commonwealth of Pennsylvania in counting the number of children.

There are two numbers to consider when applying all of the regulatory provisions:

1. The first is the number of unrelated children. This number is used to determine the required classification of the facility for both city and state regulation.
2. The second is the total number of children. This number, which is the sum of related and unrelated children, is used to determine the life safety provisions for both city and state regulation as well as staffing and operational requirements under the state regulations.

The following methods of counting unrelated children will be used, based on the state definitions:

Family Child Day Care Homes

Day care facilities are eligible for this state Certificate of Registration when providing care for four, five or six children unrelated to the operator. The term relative is defined in 55 PA Code §3290.4 as a child, stepchild, grandchild, or foster child.

Therefor, a facility will still be classified as a Family Child Day Care Home for both city and state regulation so long as there are six or less children who are not related to the operator. For the purposes of city regulation, the Zoning and Fire Prevention Code requirements apply to the care of one to six unrelated children, even though a state license is not required until there are four or more children. For classification purposes, there is no maximum number of related children.

Group Child Day Care Homes

Day care facilities are eligible for this state license when providing care for more than six but fewer than 13 children who are unrelated to the operator. The term relative is defined for these facilities in 55 PA Code §3280.4 as a child, stepchild, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece or nephew.

Therefore, a facility will still be classified as a Group Child Day Care Home for both city and state regulation so long as there are more than six, but less than 13 children who are not related to the operator. For classification purposes, there is no maximum number of related children.

Child Day Care Center

Day care facilities are eligible for this state license when providing care for more than six children who are unrelated to the operator. The term relative is defined in 55 PA Code §3270.4 and is the same definition as above for Group Child Day Care.

Therefore, a facility is eligible for this classification under both city and state regulation so long as there are more than six children who are not related to the operator. For classification purposes, there is no maximum number of children whether related or not.

ESTABLISHING THE RECORD

Permit Processing:

In order to properly administer the regulations, when an application is made for a Zoning Permit for a Family Child Day Care Home or a Certificate of Occupancy for a Group Child Day Care Home, the applicant will be asked if there is to be care of related children. If the applicant responds in the affirmative, the operator will be required to submit the "CLASSIFICATION OF CHILD CARE" form (see Attachment "A") as part of the application. The information regarding the number of related and unrelated children will be made part of the Zoning Record and the Certificate of Occupancy as appropriate.

Inspections:

An inspector will require that the operator submit the "CLASSIFICATION OF CHILD CARE" form for the record when:

- The number of children in a facility is not included on a previously issued Zoning Permit or Certificate of Occupancy, *and* the total number of children in care exceeds those permitted by the classification, *and* the operator claims a number of related children; or,
- The number of children in a facility is included on a previously issued Certificate of Occupancy, *and* the number of children in care exceeds the number listed, *and* the operator claims the difference to be related children.

General:

The "CLASSIFICATION OF CHILD CARE" forms will be handled as follows. The original will be placed in the Zoning file for the property. A copy will be attached to the Certificate of Occupancy and a copy will be returned to the operator. At least one of these forms must be available at the facility at all times and available for inspection by the code official.

ADDITIONAL INFORMATION

For purposes of City of Philadelphia regulation, if the facility will accept more than six children under the age of 2½, including both related and unrelated, the facility will be classified as Use Group I-2 - Institutional, as defined in the *Philadelphia Building Code*.

If the number of children under the age of 2½ is limited to a maximum of six, the facility will be classified as Use Group E - Educational, as defined in the *Philadelphia Building Code*, except for Family Child Day Care Homes which are classified as Use Group R-3 - Residential.

[Note that the I-2 and E Use Group designation applies regardless of the Pennsylvania classification of "Group Child Day Care Home" or "Child Day Care Center".]

City of Philadelphia
Department of Licenses and Inspections

CLASSIFICATION OF CHILD CARE

(Street Address Of Child Care Facility)

(Name Of Facility/Business)

(Name Of Operator)

(Home Street Address Of Operator)

(Home City, State, Zip Code Of Operator)

CHECK THE APPROPRIATE BOX

The Commonwealth of Pennsylvania { G has issued a:
G is processing my application for a:

CHECK THE APPROPRIATE BOX

G Certificate of Registration for a Family Child Day Care Home.

G License for a Group Child Day Care Home.

G License for a Child Day Care Center.

I, _____ provide/will provide care for a maximum of
(Print Name Of Operator)

_____ unrelated ⁽¹⁾ children and a maximum of _____ related ⁽²⁾ children in the above
(Insert Number) (Insert Number)

listed facility. I attest that this information is true and correct.

(Signature of Operator)

(Date)

(1) The term "unrelated" means unrelated to the operator of the facility in the context of the definitions of "related" as listed below. [Definitions are taken from PA 55§3270.4, 55§3280.4 and 55§3290.4.]

(2) The term "related" as it pertains to a Family Child Day Care Home means a child, stepchild, grandchild, or foster child of the operator of the facility.

The term "related" as it pertains to a Group Child Day Care Home or Child Day Care Center means a child, stepchild, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece, or nephew of the operator of the facility.

