

FAQ: What Permits or Approvals Do I Need for a Residential Care Facility?

Background:

Residential Care Facilities are licensed by the PA Department of Human Services. They must also comply with the Philadelphia Zoning Code and the health, fire, and safety provisions of the Philadelphia Building Construction and Occupancy Code (PBOC).

The Zoning/Use Classification is dependent upon the number of residents and will fall under one of two categories:

- A “Dwelling Unit” is defined as a single unit within a building providing complete, independent living facilities for living, sleeping, eating, cooking, and sanitation. A dwelling unit may not house more than three people who are unrelated by blood, marriage, adoption, or foster-child status, or are not Life Partners.
- A “Personal Care Home” is any premises in which food, shelter, and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator.

Compliance with the PBOC is typically demonstrated through the issuance of a Certificate of Occupancy; however, this is not required for buildings containing only one or two existing dwelling units. Health, fire, and safety requirements are based on the number of occupants and the level of assistance that they require.

The PA Department of Human Services may require proof of compliance with the City’s health, fire, and safety requirements through a Certificate of Occupancy or a letter from L&I verifying that a Certificate is not required. Such proof should not be required for a residential care facility with a maximum of three residents which will be located within an existing single-family dwelling.

Answer:

Description	Zoning Permit	Certificate of Occupancy
Residential Care Facility with 3 or less unrelated people within an existing dwelling unit. The building is used solely for a one- or two-family dwelling.	Not Required ¹	Not Required ²
Residential Care Facility with 3 or less unrelated people within an existing dwelling. The building may have more than two dwelling units or a mix of residential and commercial units.	Not Required ¹	Required ³
Residential Care Facility with 4 -5 people within an existing dwelling unit. The building is used solely for a one- or two-family dwelling.	Required – must obtain a Zoning permit for a “Personal Care Home”	CO not required; however, the building must be sprinklered. ⁴
Residential Care Facility with 4-5 people within an existing dwelling. The building may have more than two dwelling units or a mix of residential and commercial units. Or Any Residential Care Facility with more than 5 people .	Required – must obtain a Zoning permit for a “Personal Care Home”	Required

- ¹ Up to three unrelated people are permitted to reside in a dwelling unit under the Zoning Code.
- ² A Certificate of Occupancy is not required for an existing one-or two- family dwellings.
- ³ A Certificate of Occupancy is required for a building with more than 2 dwelling units or a building with commercial and residential uses.
- ⁴ You must [schedule an appointment](#) with L&I to verify compliance with zoning and building code requirements. If compliant, L&I will provide you with a letter to submit with your Pa Department of Human Services license application.

Additional Notes:

A Residential Care Facility requires a [Commercial Activity License](#), with the exception of a Residential Care Facility operating as a non-profit requires an [Activity License](#).

For information on how to obtain a copy of a Certificate of Occupancy, visit the [website](#).

Visit the website for information on how to [get a new Certificate of Occupancy](#). If there are proposed alterations or alterations are necessary to comply with the requirements of the PBOC, construction permits will be required.

Review the Philadelphia Office of Emergency Management [Personal Care Guidebook](#) for best practices in emergency planning and minimum Fire Code requirements.

Questions?

Call 311 or (215) 686-8686 (if outside Philadelphia) or submit an online form via <http://www.phila.gov/li/get-help>.

Disclaimer:

This interpretation, policy or code application is intended to provide guidance to staff for consistency of review and is subject to change without notice. Application of this interpretation, policy or code application to specific projects may vary. There may be other ways to comply with the Code. If so, you are not required to use this method. You may want to investigate other options or consult with a professional identifying an equally code compliant solution.

