

Establishing a District of Columbia Child Development Home *Regulatory Zoning and Permitting Guidance*

This guidance applies to establishing or expanding an existing child development home located in a single family dwelling or flat (two dwelling units). In a multifamily building (more than two dwelling units), a child development home is permitted in a unit located only on the first through third floors of the building.

A home occupation permit (HOP) is required to operate a child development home in the District of Columbia and the home must comply with the zoning regulations (DCMR 11) and construction codes (DCMR 12).

A child development home is defined as a dwelling unit used in part of the licensed care, education, or training of not more than six (6) individuals fifteen (15) years of age or less including all individuals age four (4) and younger who reside in the dwelling unit. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-hour (24) hours per day. This definition encompasses facilities know as a child care center, day care center, pre-school, nursery school, before-and-after school programs, and similar programs and facilities. (DCMR 11, Subtitle B)

An expanded child development home is defined as a dwelling unit used in part for the licensed care, education, or training for more than six (6) individuals, up to a maximum of twelve (12) individuals fifteen (15) years of age or less including all individuals age four (4) and younger who reside in the dwelling unit, provided that no more than six (6) of the individuals may be under two (2) years of age. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as a child care center, day care center, pre-school, nursery school, before-and-after school programs, and similar programs and facilities. (DCMR 11, Subtitle B)

In the residential zones, a child development home (with a maximum of 6 children and 2 non-resident care givers), and an expanded child development home for the care of seven (7) to nine (9) individuals fifteen (15) years of age or less is permitted as a matter of right. BZA approval is required for a maximum of 12 children. In an expanded child development home, the following standards apply:

No more than three (3) persons who are not a resident of the dwelling unit shall be engaged or employed;

A minimum of thirty-five (35) square feet of floor area per individual is provided including the basement but excluding any accessory structure shall be utilized for the expanded child development home; and

Excluding accessory structure, no more than three hundred and twenty square feet (320 sq. ft.) of the floor area of the dwelling unit shall be utilized for the expanded child development home. (DCMR 11, U-251.1(b)(2) (A-C)).

The proposed operator of the child development home must reside in the home as his/her principal residence and is subject to the standards of DCMR 11, U-251 Home Occupation. The operator may be an owner or a tenant.

Prior to operating a child development home or expanding an existing child development home, an applicant must submit a home occupation permit (HOP) application in person to the DCRA Permit Center, 1100 4th Street SW, 2nd floor. With the completed application, the applicant must also provide a copy of their driver's license or other government-issued identification to verify their residency in the District of Columbia and provide a completed evacuation plan which a simple drawing is showing the travel path to the exit.

The HOP application will be reviewed by DCRA staff for conformance with the building code and zoning regulations. Once DCRA approves the evacuation plan, it will schedule an inspection of the home by a DCRA inspector to ensure that the fire and life safety elements identified on the plan are in place. Once the inspection is passed, DCRA will approve the HOP application and issue a HOP certificate that will list the number and ages of children and staff. A HOP does not expire, but it is not transferrable from one operator to another or from one location to another location. The home will be inspected on an annual basis by the Fire and Emergency Management Services Department (FEMS).

The maximum allowable occupant load is a function of both the building code and the Office of State Superintendent (OSSE) regulations known as Chapter 1 (Child Development Facilities: Licensing) to Subtitle A (Office of the State Superintendent of Education) of Title 5 DCMR (Education). DCRA will calculate the total occupant load for the home that includes children and staff. OSSE's regulations will control the total number of both children and staff and will be reflected on the license it issues.

For more information about the home occupation process, visit dcra.dc.gov.

For assistance with specific questions about the building code requirements, please call 202.442.4392. For zoning-related questions, please call 202.442.4576.