

## **ESTABLISHING OR EXPANDING A CHILD DEVELOPMENT HOME**

This guidance applies to establishing or expanding a Child Development Home (CDH) located in a single-family dwelling or flat (two dwelling units). Child development homes may not be established or expanded within multifamily buildings containing three (3) or more dwelling units.

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

A CHC 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-four (24) hours per day. This definition encompasses facilities known as a child care center, daycare center, preschool, nursery school, before-and-after school programs, and similar programs and facilities. (DCMR 11, Subtitle B)

An expanded CHC is defined as a dwelling unit used in part for the licensed care, education, or training of 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 child care centers, daycare centers, pre-school, nursery schools, before-and-after school programs, and similar programs and facilities. (DCMR 11, Subtitle B)

In the residential zones, a CHC (with a maximum of six (6) children and two (2) non-resident caregivers) and an expanded CHC for the care of seven (7) to nine (9) individuals fifteen (15) years of age or less is permitted as a matter of right. Board of Zoning Adjustment (BZA) approval is required for a maximum of twelve (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 exclusively for the expanded child development home. (DCMR 11, U-251.1(b)(2) (A-C)).

The proposed operator of the CHC must reside in the home as their principal residence and is subject to the standards of DCMR 11, U-251 Home Occupation. The operator may be an owner or a tenant. Before operating a CHC or expanding an existing child development home, an applicant must submit a HOP application via the Access DC portal at <https://dob.dc.gov/accessdc>. With the completed application, the applicant must also provide 1. proof of residency (government-issued identification card or gas or electric utility bill are acceptable) and 2. a completed graphic evacuation plan including a written and graphic component.

The HOP application will be reviewed by DOB staff for compliance with the building code and zoning regulations. Once the DOB evaluates the submitted information and evacuation plans, it will schedule an inspection of the home by a DOB inspector to ensure that the fire and life safety elements identified on the plan are in place. Once the inspection is passed, DOB 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 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). OSSE's regulations will control the total number of both children and staff, never to exceed the total occupant load calculated by DOB, and will be reflected on the license it issues.

For more information about the home occupation process, visit [dob.dc.gov/](https://dob.dc.gov/).

Hillary Seybold is available via email at [hillary.seybold@dc.gov](mailto:hillary.seybold@dc.gov) or by phone at 202.491.1979 to provide guidance on some common challenges and opportunities childcare facilities projects are likely to encounter during the design, permitting, and construction phases.

For other general guidance, contact [dcra.kustomer.help/contact/contactus-SkowCOjX8](https://dcra.kustomer.help/contact/contactus-SkowCOjX8), email [dobcs@dc.gov](mailto:dobcs@dc.gov), or call 202.671-3500.

