

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 (CDH) located in a single-family dwelling, townhouse, flat (two dwelling units in a townhouse), or Residential (R-3) use. This does **not** permit a CDH in a multifamily building (a building with more than two dwelling units, R-2 use). Only a Child Development Center (CDC) may be established. Please reference the establishing a District of Columbia Child Development Center guide.

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

By right, a single-family dwelling, townhouse, flat, and R-3 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 home childcare, daycares, before-and-after school programs, and similar activities in a home. (DCMR 11, Subtitle B)

An expanded CDH is defined as a dwelling unit above, 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 any facilities alternatively known as a childcare center, daycare center, preschool, nursery school, before-and-after school programs, and similar programs within the home. (DCMR 11, Subtitle B)

In residential zones, for example, a CDH (with a maximum of 6 children and 2 non-resident caregivers), 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.

Before operating a care facility within a dwelling unit or expanding to a CDH, an applicant must submit a home occupation permit (HOP) [Get a Home Occupation Permit](#) application online and upload the required supporting documentation. A HOP application submitted by anyone other than the named applicant, for whom the premises is their primary residence, will not be accepted. 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 DOB staff for conformance with the building code and zoning regulations. Once DOB approves the evacuation plan, 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 an 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 of Education (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). DOB will calculate the total occupant load for the home which 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 dob.dc.gov.

For assistance with specific questions about the building code requirements, and zoning-related questions, please call 202.671.3500 or email dob@dc.gov.