

## **CHILDCARE PERMITTING & REGULATIONS: FREQUENTLY ASKED QUESTIONS (FAQS)**

### **What is the difference between a Child Development Home (CDH) and Child Development Center (CDC)?**

- ✓ CDCs are classified by the zoning regulations as a Daytime Care Use and are permitted with a Certificate of Occupancy (C of O).
  - Definition (2016 DCMR 11 B-100): A building or part of a building, other than a child development home, used for the non-residential licensed care, education, counseling, or training of individuals under the age of fifteen (15) years of age and, totaling seven (7) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as childcare centers, pre-schools, nursery schools, before-and-after school programs, and similar programs and facilities.
- ✓ Child Development Homes (CDH) are classified by the zoning regulations as a Home Occupancy and are permitted with a Home Occupation Permit (HOP).
  - Definition (2016 DCMR B-100): A dwelling unit used in part for the licensed care, education, or training of no 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. Individuals receiving care who are not related to the caregiver shall be present for less than twenty-four (24) hours per day.

*\*Up to nine (9) children are permitted by the zoning regulations as a matter of right, and up to 12 as a special exception—where all other applicable zoning and building regulations are complied with for the proposed number of occupants.*

*\*\*Appendix M includes all resident children under age 16 in group size calculations.*

### **What is the difference between a Home Occupation Permit (HOP) and C of O?**

- ✓ The purpose of a C of O is to ensure that the use of a building, structure, or land in the District of Columbia conforms to the DC Zoning Regulations, Construction Codes, and the Green Building Act. In most cases, no person can use a building, structure, or land in the District of Columbia for any purpose other than a single-family dwelling until a valid C of O has been issued.

- ✓ A Home Occupation Permit (HOP) allows individuals to conduct certain occupations in their principal residences while at the same time protecting residential neighborhoods from possible negative effects of those occupations.

### **How do I apply for a HOP or C of O?**

- ✓ Please visit [dob.dc.gov/node/1616176](https://dob.dc.gov/node/1616176) and [dob.dc.gov/service/get-certificate-occupancy](https://dob.dc.gov/service/get-certificate-occupancy) for more information on the HOP and C of O application process, requirements, and childcare-specific considerations.

### **I've already had a recent fire inspection. Why am I being told I need another one?**

- ✓ All District businesses operating under a C of O are subject to annual fire inspections performed by the Fire Marshal (FEMS). All childcare operations are also subject to a DOB fire safety inspection at the time of review for all HOP and C of O applications associated with a childcare program.

### **What is the DOB fire inspector looking for?**

- ✓ The purpose of your DOB fire inspection is to ensure your home or facility is in compliance with applicable fire and life safety standards. Note that program material readiness will not be a factor in the DOB inspection, and you will not need to have those materials prepared until the time of your OSSE monitor's visit as part of your childcare license application review.
- ✓ Please ensure your graphic and written evacuation plans are available on-site at the time of the Inspector's visit so they may be stamped at the time of inspection approval.
- ✓ CDH providers should take care to ensure that their home is fully in compliance with Appendix M of the Building Code to reduce the potential for a follow-up inspection. A common item cited for correction is interconnected smoke detectors and the number and types of locks permitted on exit doors.
- ✓ Checklists for completing CDH and CDC fire evacuation plans and the full Appendix M Regulations are available at [dob.dc.gov/node/1616176](https://dob.dc.gov/node/1616176) and [dob.dc.gov/service/get-certificate-occupancy](https://dob.dc.gov/service/get-certificate-occupancy).

### **How do I schedule the DOB fire safety inspection?**

- ✓ Your inspection scheduling request will be submitted by review staff after a preliminary review of your application and fire evacuation plans, and the Inspections Division will contact you to establish an inspection date.

### **How do the Zoning Regulations and Construction Codes apply to my proposal to establish or expand a childcare program?**

- ✓ The Zoning Regulations and Construction Codes apply to project variables such as, but not limited to, whether the proposed use is compatible with the proposed site, how many children and staff can be accommodated in the proposed space, and

what modifications must be made to the property before it can safely accommodate the proposed use. Please review the “Caring for CDH and CDC Facilities” presentation available at [dob.dc.gov/service/get-certificate-occupancy](http://dob.dc.gov/service/get-certificate-occupancy) and [dob.dc.gov/service/get-certificate-occupancy](http://dob.dc.gov/service/get-certificate-occupancy) for more information.

- ✓ A code consultant or Registered Design Professional (RDP), such as an architect or interior designer, may be able to help you evaluate your proposed space for compliance with applicable regulations and what it might take to bring the space into compliance with the standards for your proposed use and occupancy.

### **Can DOB recommend an architect for hire?**

- ✓ As a public agency, DOB is not in a position to recommend an architect, code consultant, permit expeditor, contractor, or any other type of professional for hire. However, DOB does provide a Contractor Rating System at [govservices.dcra.dc.gov/contractorratingsystem](http://govservices.dcra.dc.gov/contractorratingsystem).

### **What are the Zoning Regulations?**

- ✓ Zoning is the process of dividing land in a municipality into zones in which certain land uses are permitted or prohibited and in which the sizes, bulk, and placement of buildings may be regulated. The current Zoning Regulations for the District were adopted in 2016 as the District of Columbia Municipal Regulations Title 11 (2016 DCMR 11), found here: [dcoz.dc.gov/page/zoning-regulations-2016-unofficial-version](http://dcoz.dc.gov/page/zoning-regulations-2016-unofficial-version).

### **What are the Construction Codes (Building Code)?**

- ✓ The Construction Codes (Building Code) is a set of rules that specify the standards for constructed objects and establish the minimum requirements to safeguard the health, safety, and general welfare of building occupants. The current Construction Codes for the District were adopted in 2013 as the District of Columbia Municipal Regulations Title 12 (2013 DCMR 12), accessible here: [dcregs.dc.gov/Common/DCMR/SubTitleList.aspx?TitleId=31](http://dcregs.dc.gov/Common/DCMR/SubTitleList.aspx?TitleId=31).
- ✓ Appendix M of the Building Code governs Child Development Home occupancy and safety standards and is available in text and presentation form at [dob.dc.gov/node/1616176](http://dob.dc.gov/node/1616176).

### **How can I find the applicable Zoning Regulations for a specific property?**

- ✓ The Office of Zoning (OZ) maintains the Official Zoning Map, available on their website at [maps.dcoz.dc.gov/](http://maps.dcoz.dc.gov/). This map is searchable for any property within the District using an address or square and lot or maybe manually navigated through the zoom and pan functions. A pane on the left-hand side will provide the name of the zone district for the selected property, which links to the Zoning Handbook ([handbook.dcoz.dc.gov/](http://handbook.dcoz.dc.gov/)).

## When do I need a building permit?

- ✓ Please visit [dob.dc.gov/page/permitting-district-columbia](https://dob.dc.gov/page/permitting-district-columbia) to learn more about when DOB requires permits for certain types of work.
- ✓ For guidance on common building permit considerations for childcare program spaces, please review the “Caring for CDH and CDC Facilities” presentation at [dob.dc.gov/node/1616176](https://dob.dc.gov/node/1616176) and [dob.dc.gov/service/get-certificate-occupancy](https://dob.dc.gov/service/get-certificate-occupancy).

## How do I get a building permit?

- ✓ Please visit [dob.dc.gov/page/get-permit](https://dob.dc.gov/page/get-permit) for information on the building permit application process. Note that timelines, required drawings and documentation, fee assessments, and other aspects of the permitting process are highly dependent on project-specific variables.
- ✓ CDH operators who own their homes may take advantage of the DOB Homeowner’s Center for walkthrough building permit reviews for many types of renovation and construction. More information about the resources and services available through the Homeowner’s Center may be found at [dob.dc.gov/node/1616176](https://dob.dc.gov/node/1616176).

## How can I address questions about my project before applying for a building permit?

- ✓ You or your RDP may consider seeking a second opinion from a code consultant or other RDP to help resolve specific questions about design or code interpretation and applicability.
- ✓ You may wish to schedule a Preliminary Design Review Meeting (PDRM) to meet with DOB technicians to ensure the plans comply with the applicable regulations. A PDRM is designed to allow an applicant to get insight from Zoning Administrator or Permitting staff about a project for which a permit has not yet been applied and for which a plain reading of the zoning regulations or building code does not provide enough guidance for an applicant. You can schedule a PDRM through our online portal by clicking on the blue “Schedule a PDRM” button at [dob.dc.gov/service/preliminary-design-review-meeting](https://dob.dc.gov/service/preliminary-design-review-meeting).
- ✓ Hillary Seybold is available at [hillary.seybold@dc.gov](mailto:hillary.seybold@dc.gov) / 202.491.1979 to provide general 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.

## What is the Board of Zoning Adjustment?

- ✓ The Board of Zoning Adjustment (BZA) is an independent, quasi-judicial body empowered to grant relief from the strict application of the Zoning Regulations (variances), approve certain uses of land (special exceptions), and hear appeals of



actions taken by the Zoning Administrator at DOB. More information is available on the OZ website at [dcoz.dc.gov/about/faq](http://dcoz.dc.gov/about/faq).

- ✓ Childcare providers most often interact with the BZA when they require approval for a special exception to the zoning regulations to operate a CDH of 10-12 children or to operate a CDC in a zone in which the Daytime Care Use is not permitted as a matter of right. For more information, please review the “Guide to the BZA Application Process” guide available at [dob.dc.gov/node/1616176](http://dob.dc.gov/node/1616176) and [dob.dc.gov/service/get-certificate-occupancy](http://dob.dc.gov/service/get-certificate-occupancy).

### **Where can I find more information about childcare permitting and regulations in the District?**

- ✓ If you have questions or are seeking application assistance after reviewing the information at [dob.dc.gov/node/1616176](http://dob.dc.gov/node/1616176) and [dob.dc.gov/service/get-certificate-occupancy](http://dob.dc.gov/service/get-certificate-occupancy), Hillary Seybold is the primary person of contact within DOB for inquiries and matters related to childcare permitting and regulations and may be reached at by email at [hillary.seybold@dc.gov](mailto:hillary.seybold@dc.gov) or by phone at 202.491.1979.