



## **CAL FIRE - Office of the State Fire Marshal Information Bulletin 20-008**

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### **Guidance for Family Day Care Homes**

SB 234 (Skinner, 2019) California Child Day Care Facilities Act modified the statutes for family child day care homes. The CAL FIRE Office of the State Fire Marshal (OSFM) is providing this Information Bulletin to provide guidance for the family child care homes.

#### **Family Child Care Homes**

Family child care homes are the primary source of affordable care for babies and toddlers and offer a warm environment for all children. A family child care home is “a home that regularly provides care, protection, and supervision for 14 or fewer children, in the child care provider’s own home, for periods of less than 24 hours a day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home.”

A family child care home located in a residential area and is considered part of residentially zoned property, and its use does not alter the nature of the underlying residential use.

Family child care homes come in two forms: Small family child care homes care for up to 8 children, and large family child care homes care for 7 to 14 children.

Licensed large and small family child care homes are allowed in single-family homes, apartments, condos, townhouses, duplexes, and all other multi-family buildings: This is allowed by state law. Health & Safety Code Sections [1597.45](#) and [1596.78](#).

#### **Agencies that regulate Family Child Care Homes**

Through its regional offices, the California Department of Social Services, Community Care Licensing Division (CCLD) evaluates family child care homes and determines whether they meet the health and safety requirements in order to be licensed by CCLD. CCLD also conducts ongoing, unannounced inspections of all family child care homes and ensures child care providers meet the training requirements to care for children.

## Information Bulletin 20-XXX (Continued)

The OSFM prescribes the fire safety standards for family child care homes. CDSS ensures small family child care homes meet the state fire requirements and are not inspected by the local fire department.

Large family child care homes must pass an inspection by the local fire department in order to obtain their large family child care license from Community Care Licensing Division. The local fire department must follow the CA Code of Regulations, title 24 requirements that apply to large family child care homes and cannot apply local regulations that conflict with the title 24 requirements.

### **Large Family Child Care Homes**

The California Child Day Care Facilities Act is the law that governs state health, safety, and licensing requirements of all child care facilities, including family child care homes. The statute pertaining to the fire safety standards for “Large Family Day Care Homes” can be found in the [Health & Safety Code 1597.46](#).

### **Overview of Large Family Child Care Homes:**

- Must comply with State Fire Marshal regulations for Large Family Child Care Homes, found in the California Building Code (CBC) section 455. [CBSC link to 2019 CBC](#)
- Allowed in single-family homes, apartments, condos, townhouses, duplexes, and all other multi-family buildings (Group R-2 & R-3 occupancies).
- Does not constitute a change of occupancy. (Cal. Health & Safety Code 1597.45).
  - Only the regulations for the dwelling of the same occupancy (R-2 or R-3) and the specific OSFM regulations for Large Family Day Cares apply.
- Local Ordinances for fire & life safety do not apply unless applicable to all dwellings of the same occupancy group.
- No local jurisdiction shall impose a business license, fee, or tax for the privilege of operating a family child care home.
- No local jurisdiction shall impose a zoning permit for the privilege of operating a family child care home.
- Every family child care home for children shall have one or more carbon monoxide detectors in the home (CBC 915.1).
- CBC455.2 is no longer valid. The language that cross-references to the H & S Code 1597.46 is now found in the H & S Code 1597.45.

### **Pre-inspection**

- The Local Fire Department which has primary jurisdiction shall conduct a pre-inspection upon receipt of a request from a prospective licensee of a child day care home. A pre-inspection is not required unless the family child care provider asks for a pre-inspection, but it recommend to verify the home is acceptable for

## Information Bulletin 20-XXX (Continued)

the Large Family Home. The pre-inspection shall be conducted within 30 days.  
[H & S Code § 13235](#)

- The Local Fire Department shall provide consultation and interpretation of the state fire safety regulations, and shall notify the prospective licensee of the facility in writing of the specific fire safety regulations that are enforced to obtain fire clearance approval. A fee equal to, but not exceeding, the actual cost of the pre-inspection services may be charged for the pre-inspection of a facility. [H & S Code § 13235](#).

### Fire Department Inspection

- The fire department will receive the Forestry and Fire Protection [State Form 850 inspection](#) request from the Community Care Licensing Division (CCLD). The State Form 850 must be filled out by the fire inspector and turned into CCLD. The top of form is to be completed by CCLD for Child Care Home.
- CCLD conducts regular inspections, verifies the number and age of children. It is not the role of the fire department to verify the numbers.
- A large family child care provider cannot be charged for the inspection.

### Overview of the California Building Standards Code regulations for Large Family Child Care Homes:

California Building Code – CBC

California Fire Code – CFC

Single station smoke alarms number and placement determined by AHJ. (CBC 907.2.6.4)

- At least one manual fire alarm device at a location approved by the authority having jurisdiction. (CFC 907.2.6.4)
  - Shall actuate a signal which shall be audible throughout the facility at a minimum level of 15 dB above ambient noise level.
  - Need not be interconnected to any other fire alarm device, have a control panel or be electrically supervised or provided with emergency power.
  - Shall be attached to the structure and may be of any type acceptable to the enforcing agency, provided that such devices are listed and approved by the Office of the State Fire Marshal.
  - No building permit shall be required to install a fire alarm device in single home.
- 2A10BC Portable fire extinguisher (CBC 455.4)
- Children may be located above the first story when provided with a NFPA 13R fire sprinkler system. Where any level other than the first story is used for day-care purposes, one of the two required exits for that level shall provide access directly to the exterior without entering the first story. The second exit may either pass through the first story or exit directly to the exterior. (CBC 1006.2.2.7)

## Information Bulletin 20-XXX (Continued)

- Every story within the large family day-care home shall be provided with two exits that are remotely located from each other. (CBC 1006.2.2.7)
- Special Hazards – gas fired water heater or furnace shall be protected (inaccessible to children) (CBC 455.7)
- Residential Group R-3 Single Family Dwellings are not required to be inspected on an annual basis.
- Garages cannot be used for a day care unless they have been permitted to be used as an occupied space. Typically, garages are used to park vehicles, contain storage, water heaters, A.C. and Heating, washers and dryers all which could be an inherent hazard to the children if used as a play area. Since the garage is not considered a habitable area of the home and is not considered as part of the square footage of the home the garage should not be utilized as part of the family day care unless it has been converted through a building permit as a habitable space.
- Doors that lead to a fenced-in backyard or other confined space shall not count as an exit unless it complies with CBC 1009.7 for exterior areas for assisted rescue. and CBC 1028.5 for exit discharge.

### **Small Family Child Care Homes**

The California Child Day Care Facilities Act is the law that governs state health, safety, and licensing requirements of all child care facilities, including family child care homes. The statute pertaining to the fire safety requirements for Small Family Child Care Homes can be found in the [Health and Safety Code 1597.44](#).

- **The inspections are conducted by the Department of Community Care Licensing, not the local fire department.** A State Form 850 inspection request for the Fire Department is not required.
- No Annual inspection is required by the fire department.
- All the following shall apply to small family child care homes:
  - The use of a single-family residence as a small family child care home shall be considered a residential use of property for the purposes of all local ordinances.
  - No local jurisdiction shall impose a business license, fee, or tax for the privilege of operating a small family child care home.
  - No local jurisdiction shall impose a zoning permit for the privilege of operating a family child care home.
  - Use of a single-family dwelling for purposes of a small family child care home shall not constitute a change of occupancy.
- A small family child care home shall contain:
  - Fire extinguisher.
  - Smoke detector device that meets standards established by the State Fire Marshal.
  - One or more functioning carbon monoxide detectors.