

New York State Office of Children and Family Services
Division of Child Care Services

Policy Statement

ID Number: 08- 1

Topic: Home Garages Used as Paths for Egress.

Modalities Impacted: Family and Group Family Day Care

Applicable Regulations: Title 18 of The New York State Codes of Rules and Regulations § 416.4, 416.5, 417.4 and 417.5.

Contact: Regional Office

Effective: Immediately 7-24-08 (Revised 7-31-08)

This policy statement is effective immediately and cancels all previous memos or statements on the topic.

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The purpose of this policy statement is to clarify if and under what circumstances garages may be used as paths for egress from family and group family day care programs.

Typical Exit Doors in Attached Garages

Homes built with attached garages often have a door between the structures that allows entry to the home from within the garage. This type of entrance/exit door must be a side-hinged swinging door. Garages also have overhead doors used as an entrance for people, motor vehicles and/or oversized equipment. In addition, some garages have a second entrance/exit door which opens to a yard or a public way.

Garages Used As Egress Paths

The Office of Children and Family Services (OCFS) reviewed the Fire Code of New York State, the Building Code of the City of New York, applicable regulations and existing regional office safety practices in order to establish a uniform written policy relative to using garages as **egress paths** in family-based day care programs. The following policy directive comes as a result of that research.

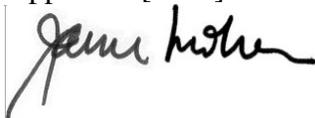
Garages may be used as a path of egress from family-based day care programs. The following bullets contain important information on the use of the garage for egress purposes.

- The path through the garage may be used as a primary or secondary egress.
- The egress door connecting the home to the garage **and** the other non-overhead door used to exit the garage to the outside must be side-hinged swinging doors that measure 6'8" in height and at least 30 inches in width.
- Overhead garage doors may be used as a primary or secondary egress.

- If the overhead garage door is the only door opening to a safe egress, it must **remain open (in the up-position) during all day care hours of operation**. The rationale for this is that most overhead doors are powered by electricity and a fire that interrupts electric service may impede a quick evacuation.
- If there is another approved side-hinged swinging door that opens to a safe egress, then the overhead garage door may remain closed during day care hours.
- Motor vehicles may not be parked in the garage **during day care hours** nor may they be parked in a place that would hinder egress. Only if providers have constructed an enclosed ¾-hour fire-rated hallway between the two doors in the garage used for egress, may they park their car in the garage during day care hours.
- Fuel operated tools such as lawn mowers, weed whackers, snow blowers, generators and the like may not be stored in a garage used for egress – unless the provider has an enclosed ¾-hour fire-rated hallway through the garage.
- Accelerants such as gasoline, charcoal lighter fluid, and the like may not be stored in the garage.
- Poisons, paints, and chemicals such as fertilizers, chlorine, pesticides, and the like must be made inaccessible to children. OCFS recommends that these items be stored in locked cabinets, placed on stable shelving located above the children’s reach, or stored elsewhere in a place inaccessible to children.
- Sharp tools, tackle, gear and other paraphernalia must be made inaccessible to children.
- The garage must not be so encumbered with stored items that the items limit the egress path or present their own risk of fire.
- The path of egress through the garage must be illuminated. Lighting can be either natural, electric or battery powered. A flashlight must be available as a back up.
- The egress path through the garage must be clearly defined, unobstructed and must be at least 3 feet wide.
- The path of egress from the garage to a safe haven or public way must comply with policy statement 05-1 *Egress Issues in Family and Group Family Day Care Programs*.
- Garage egress doors and routes must be approved by the Division of Child Care Services regional office fire safety representatives or the New York City Department of Health and Mental Hygiene staff assigned to this task.

Approved [X]

Date: 7-31-08



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