



Office of Children and Family Services

Andrew M. Cuomo
Governor

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Sheila J. Poole
Acting Commissioner

DIVISION OF CHILD CARE SERVICES POLICY STATEMENT

15-3

Multiple Programs in a Single Dwelling Unit: Clarification of Requirements

ID NUMBER: 15-3

TOPIC: Multiple Programs in a Single Dwelling Unit: Clarification of Requirements

MODALITIES IMPACTED: Group Family Day Care and Family Day Care Programs

APPLICABLE REGULATIONS: Title 18 of the New York State Code of Rules & Regulations §§:

416.15(a)(7)	417.15(a)(7)
416.15(a)(8)	417.15(a)(8)
416.15(c)	417.15(c)
416.15(c)(18)	417.15(c)(18)
416.15(c)(19)	417.15(c)(19)

CONTACT: Regional Offices
<http://ocfs.ny.gov/main/childcare/regionaloffices.asp>

EFFECTIVE: IMMEDIATELY

THIS POLICY STATEMENT IS EFFECTIVE IMMEDIATELY AND CANCELS ALL PREVIOUS MEMOS OR STATEMENTS ON THIS TOPIC.

Title 18 of the New York State Codes, Rules, and Regulations (NYCRR) Sections 416.15(a)(7) and 417.15(a)(7) state, “[u]nder no circumstances may there be more than one licensed or registered child day care program in any one dwelling unit in a personal residence. However, nothing contained herein shall prohibit the continued operation of more than one licensed or registered family or group family day care home in a personal residence where all such homes in the personal residence were licensed or registered prior to March 1, 2002, unless the license or registration of the home is revoked, terminated or suspended pursuant to the procedures set forth in section 413.3 of this Article.”

Also, 416.15(a)(8) and 417.15(a)(8) state, “(8) In a personal residence where more than one licensed or registered family or group family day care home was located prior to March 1, 2002, the maximum capacity of all licensed and registered family and group family day care homes in the residence shall not under any circumstances exceed 20 children in total, including school-age children who receive care for only part of the day, and no individual group family day care

home located in such a residence may have a maximum capacity of more than 10 children, including school-age children who receive care for only part of the day. Each such licensed and registered family and group family day care home must be operated as a separate facility and must have separate emergency exits sufficient to meet the requirements of section 416.4 or 417.4 of this Article, as appropriate.”

Prior to March 1, 2002, the Office of Children and Family Services (the Office) issued licenses/registrations to operate more than one home-based child day care program out of a single dwelling unit. This practice has ceased and the Office only allows one licensed or registered child day care program to operate from a single dwelling unit. These “double group” programs licensed/registered to operate from a single dwelling unit before March 1, 2002 are permitted to remain in operation subject to operating in compliance with the regulatory and statutory requirements. This policy statement will cover policy issues concerning those programs co-located within a single dwelling unit of a personal residence.

Licensors and registrars have historically identified safety concerns in many of these programs. Monitoring of these programs has revealed regulatory violations pertaining to the sharing of space, staff, children and equipment. Some of these programs have not been operating in accordance with the terms of their licenses/registrations. Each of the programs in a single dwelling unit is to operate completely independently of the other: separate space, separate staff, separate enrollment of children. The experiences of both the Office and contract staff have been that some providers treat one of the programs in the single dwelling unit as an adjunct site, sharing children, staff and space. These situations are out of compliance with regulation and increase the safety risks to children.

Some residences may have been acceptable for the establishment of an additional family or group family day care home. However, most personal residences are not appropriately laid out or designed for multiple facility use. Due to the propensity for these programs to have an increased violation history and the concerns regarding the potential harm to children, special steps must be taken in operating a site that is in a single dwelling unit where more than one child care program is licensed/registered to operate.

1. There must be adequate space for all the children in care in the residence.

Statute and regulation do not address the issue of square footage in home-based programs. The regulations do, however, address the space needed by children in care by changing the maximum number of children permitted to attend each program in a single dwelling unit, which houses multiple programs, to a cap of ten children per program. This cap includes school-age children who receive care for only part of the day. Under no circumstances can the number of children receiving care in these programs exceed 20 children in total. Please see 18 NYCRR 416.15(a)(8) and 417.15(a)(8).

Due to the additional numbers of people (children and adults) in the dwelling unit when there is more than one program operating, the issue of space becomes crucial and must be carefully reviewed.

2. There must be no shared space used by the programs.

Each program in a single dwelling unit must be a completely separate entity. There may be no

shared bathrooms. Each program must have its own kitchen/food preparation area that includes food storage space, a refrigerator which is appropriate to the number of children in care, and a meal plan for the program. Separate, appropriately furnished eating areas must also be available to each program. Furthermore, there must also be either a separate outdoor play space for each program, or a written schedule which clearly indicates that the programs do not use the space simultaneously.

3. Each program must operate without sharing staff, children, equipment or supplies.

Children may be enrolled in more than one program in the home but may not be moved from one program to the other without attendance records indicating the child is signed into only one of the programs at a time. Children may not “float” between programs. Included in the enrollment process is the completion of the enrollment forms by the parent, the submission of the child's medical forms and immunization records, and the completion of all other requirements consistent with the regulations of the Office.

Each program must have a separate provider, responsible for each program in the residence. Caregivers cannot be counted in ratio simultaneously in multiple programs and there can be no simultaneous sharing of providers, caregivers, assistants, staff, volunteers, children, equipment or supplies between the programs.

4. There must be completely separate exits and means of egress for each program.

Each program in the single dwelling unit must have its own approved emergency plan, meaning:

- a) The two programs may not share either the same exits or the same means of egress. Each program must have two separate exits and the routes to these exits may not be shared by the two programs;
- b) The two exits from each program must be a minimum of 10 feet apart from the other program's exit;
- c) The two exits from each program must be on separate walls or otherwise positioned so that they minimize the possibility that more than one exit would be blocked by any one fire or other emergency condition;
- d) Each program must have separate sites to which each program's enrolled children will evacuate after an emergency evacuation; however, if the situation dictates, the same site may be shared until the children can be safely separated; and,
- e) Each program must have a separate shelter-in-place plan

5. Inspection of the site

It is the policy of the Office that an inspection must be done prior to renewal of all programs. A program will no longer be grandfathered as “double group” if the license/registration is denied renewal, revoked, terminated, or suspended at that dwelling.

Approved By:

A handwritten signature in black ink, appearing to read "Janice Molnar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Date: May 6, 2015

Janice M. Molnar, Ph.D.
Deputy Commissioner