



# HOUSE BILL 309: Bldg. Code Fam. Child Care Home Class.

2025-2026 General Assembly

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**Committee:**

**Introduced by:** Reps. Arp, Lambeth, Paré, Rhyne

**Analysis of:** Third Edition

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**OVERVIEW:** *Parts I, II, and III would require the Office of State Fire Marshal, the Residential Code and Building Code Councils (Councils), and State and local governments enforcing the North Carolina State Building Code (Code) to follow family child care home requirements as provided in the bill until the adoption of rules to create a family child care home occupancy classification in the Code.*

*Part IV would permit five years or more of documented work experience teaching in a licensed child care facility in North Carolina to serve as the equivalent to the North Carolina Early Childhood Credential and ensure this work experience is treated the same as if it were earned in other ways when awarding star-ratings.*

*Part V would increase the group size for infants and toddlers for child care centers meeting certain requirements, clarify rules on multiuse child care centers, clarify the mandatory licensing standards regarding out-of-school child care provided at operational elementary and middle public and private schools for school-aged children, add the Weikart Youth Program Quality Assessment as an assessment tool for out-of-school child care programs and award of star-ratings, allow administrators to have the School-Age Administration Credential when providing school-age child care, and allow a child care center licensed prior to a state of emergency to be deemed licensed during a state of emergency and would allow the center to expand its capacity to services to more children so long as it maintains the staff to child ratio for licensure.*

*Part VI would establish the Licensed Childcare Licensure Workgroup to examine streamlining regulatory requirements related to the physical structures of licensed childcare facilities.*

**CURRENT LAW:** S.L. 2024-34 amended G.S. 110-86 to provide that for purposes of licensure, a family child care home is a child care arrangement located in a residence where more than two but less than 11 children receive child care. Prior to that amendment, a family child care home was classified as a Residential Group R-3 occupancy under the Code. The increase in the child care cap exceeded the number of children allowed for a Residential Group R-3 occupancy. Under the current definition, a family child care home is classified as a Residential Group R-4 occupancy which imposes additional Code requirements on the operation of a family child care home.

**BILL ANALYSIS:**

Parts I, II, and III would do all of the following:

- Require that until rules are adopted, the Office of State Fire Marshal, the Councils, and State and local governments enforcing the North Carolina State Building Code treat a family child care home as a Residential Group R-3 occupancy provided that the area of the dwelling used for the family child care home meets certain requirements for exit locations, fire extinguishers, safety plans, carbon monoxide detection, and smoke alarms.

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# House Bill 309

Page 2

- Require that the Councils adopt rules amending the Code that are consistent with the act and that create a family child care home occupancy classification within a dwelling.

Part IV would do the following:

- Amend the definition of "child care facility" and make conforming and technical changes.
- Amend S.L. 2024-34 to require the Division of Early Childhood Development and Early Education to ensure the North Carolina Early Childhood Credential based on work experience is treated the same as credentials earned through other pathways when awarding star-ratings.
- Amend G.S. 110-91(8) to allow five years of documented work experience teaching in a licensed child care facility in North Carolina to serve as an equivalent to the North Carolina Early Childhood Credential required for lead teachers.

Part V would do the following:

- Amend G.S. 110-91(7)a. to increase maximum group sizes as follows:
  - The 0-12 months old group would increase from 10 to 15 children and the 12 to 24 months old group would increase from 12 to 18 children.
  - If a center is operating under voluntary enhanced requirements, the 2-3 years-old-group may be increased from 18 to 20 children if the center maintains a 1/9 staff child ratio.
  - If a center is operating under the highest voluntary enhanced requirements:
    - 0-12 months old groups may have 12 children if the staff child ratio is 1/4.
    - 12-24 months old groups may have 15 children if the staff child ratio is 1/5.
    - 2-3 years old groups may have 20 children if the staff child ratio is 1/8.
- Require the Division, in coordination with the Commission, to work to clarify rules governing multiuse child care centers to ensure the following:
  - The use of existing buildings to house multiunit child care centers would be allowed and mixed-age centers would be included if they meet requirements outlined in the rules for multiunit child care centers.
  - Individual licenses within a multiunit childcare center are granted based on the square footage by each owner.

It would also allow applicants who meet the pre-licensing guidelines and are awarded a license by the Division to be eligible to qualify as a tenant in a multiuse facility.

- Amend G.S. 110-91(6) to allow child-care centers serving school-aged children to operate in elementary and middle public and private schools and those buildings and grounds would be deemed to meet the sanitation, fire, and building code requirements for a licensed child care facility.
- Require the Commission to adopt or amend any rules necessary to ensure uniformity and consistency in application of the exemption provided by this section.
- Amend G.S. 110-91(8) to allow an administrator to have the School-Age Administration Credential when providing school-age child care.
- Amend G.S. 110-98.5 to allow a child care facility providing care to school-aged children licensed prior to a state of emergency to be deemed licensed during a state of emergency whether it expands

# House Bill 309

Page 3

its capacity to provide services to more children as long as it maintains the required staff-child ratio.

- Add the Weikart Youth Program Quality Assessment as an assessment tool for evaluating out-of-school child care programs and awarding star-ratings. The Division would be required to complete the crosswalk evaluation of the Weikart Program and have it available for use no later than one year after this act becomes law

Part VI would direct the Division to establish the Licensed Childcare Licensure Workgroup to examine streamlining regulatory requirements related to the physical structures of licensed childcare facilities. The Workgroup would be made up of representatives from various stakeholders and would develop findings and recommendations on the following:

- Streamlining the regulatory requirements related to the physical structures of licensed childcare facilities, including building codes, fire codes, and sanitation codes.
- Resolving conflicts between various code requirements for licensed childcare facilities.

The Workgroup must report findings and recommendations to the Joint Legislative Oversight Committee on Health and Human Services, the Joint Legislative Oversight Committee on General Government, and the Fiscal Research Division no later than one year after this act becomes law.

**EFFECTIVE DATE:** The act would be effective when it becomes law.

*\*\* Ike McRee and Jason Moran-Bates of Legislative Analysis substantially contributed to this summary.*