



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

2025-2026 General Assembly

Committee:	House Judiciary 1. If favorable, re-refer to Housing and Development. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 18, 2025
Introduced by:	Reps. Arp, Lambeth, Paré, Rhyne	Prepared by:	Ike McRee
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *House Bill 309 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.*

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:

House Bill 309 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.
- 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.
- Amend the definition of "child care facility" and make conforming and technical changes.

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

Kara McCraw
Director



Legislative Analysis
Division
919-733-2578