

## DAY CARE REFERENCE FAIRFAX COUNTY 2005

### I want to care for children in my home. How many can I care for and do I need a permit?

Under the Zoning Ordinance, a home child care facility is allowed in the following two ways:

1. As a by right accessory use, if the number of nonresident children does not exceed seven in a single family detached dwelling and *five in a single family attached dwelling (townhouse)*, a multiple family dwelling (apartment) or a mobile home dwelling; and
2. As a special permit use, upon approval by the Board of Zoning Appeals (BZA), for a potential maximum of 10 nonresident children.

The involvement of one nonresident person in the home child care facility is allowed by right, but any more than one requires special permit approval. In addition to a special permit approval, if applicable, depending on the number of children being cared for and their ages, either a County home child care facility permit issued by the County's Office for Children or a State license issued by the Virginia Department of Social Services is required. Please note that although under State regulations up to 12 children may be allowed, Fairfax County only allows a maximum of 10 children. You may contact the Office for Children at 703-324-CARE, TTY 711 for more information regarding the County's home child care facility permit and State licensing procedure. For information regarding the special permit process, please contact the Zoning Evaluation Division of the Department of Planning and Zoning at 703-324-1290, TTY 711.

State, county and local governments regulate family childcare in Fairfax County and in the City of Falls Church, the City of Fairfax, the Town of Herndon and the Town of Vienna. Here is a brief review of the legal requirements family childcare providers must consider when they care for other people's children in their homes.

### Fairfax County Home Child Care Permit (5 or Fewer)

Family childcare providers in Fairfax County must have a Home Child Care Permit to operate a childcare business in their homes. The permit must be renewed annually and requires home health, safety, and fire checks. For more information, call the Fairfax County Office for Children at 703-449-9555. For more information on regulations in the City in Fairfax, call 703-385-7820; for the City of Falls Church, call 703-241-5065.

## State of Virginia Family Day Care Home License (6 or More)

Providers in Fairfax County who care for more children than allowed by the Fairfax County Home Child Care Permit must have a Virginia State Family Day Care Home License. For information about the state license and assistance in obtaining the license, call the State Department of Social Services, Division of Licensing at 703-934-1505.

State licensed providers may need a Special Use Permit from the Fairfax County Zoning Administration, depending on the number of children in their care. For more information, call the Fairfax County Zoning Administration Division at 703-222-1082.

## State of Virginia Child Care Center License

Providers in Fairfax County who care for 13 or more children must have a Child Care Center License from the State of Virginia. For information, call the State Department of Social Services, Division of Licensing at 703-934-1505.

## Business, Professional and Occupational License (BPOL)

*Fairfax County.* The BPOL is a business license -- not a license to do childcare. The BPOL tax is \$30 for businesses with a gross annual income of more than \$10,000, but less than \$50,000. If income is \$10,000 or less no tax is required and the BPOL is not required. For information, call the Fairfax County Department of Taxation at 703-222-8234.

*Other Jurisdictions.* Providers apply for the BPOL through their local governments. License fees and schedules may vary.

For information, call:  
City of Fairfax at 703-385-7880

## Business Return of Tangible Personal Property (BPP) Tax

*Fairfax County.* Providers must pay a business personal property (BPP) tax on property, such as cribs, high chairs and toys used in their businesses. BPP tax returns are filed May 1 each year for the proceeding year. The BPP tax is based on the assessed value of taxed property, which depreciates at a fixed rate each year. For information, call the Fairfax County Department of Taxation at 703-222-8234.

*Other Jurisdictions.* Providers pay the BPP tax to their local governments.

## Zoning Requirements

*Fairfax County* If you have a Fairfax County Home Child Care Permit, the maximum number of children you are allowed to care for meets zoning requirements for all dwellings in

Fairfax County. For information, call the Fairfax County Zoning Administration Division at 703-222-1082.

*Other Jurisdictions.* Local jurisdiction zoning requirements may include a Special Use Permit or a Home Occupancy Permit.

For information, call:

City of Fairfax at 703-385-7820

For more up-to-date information, please visit  
<http://www.co.fairfax.va.us/service/ofc/underfccreg1.htm>

(click link)