

ANNOUNCEMENT

C-23-01



Pennsylvania Office of Child Development and Early Learning
Bureau of Certification Services and Bureau of Early Learning Policy & Professional
Development

Issue Date: July 25, 2023

Effective Date: July 25, 2023¹

Expiration Date: N/A

Subject: Fire Safety Requirements for Group Child Care Homes (in a residence) and Family Child Care Homes

To: Department of Human Services (DHS) Certified Group Child Care Homes (in a residence); Department of Human Services (DHS) Certified Family Child Care Homes; Early Learning Resource Centers (ELRCs); Office of Child Development and Early Learning (OCDEL) Staff

From: Shante' A. Brown 
Deputy Secretary, Office of Child Development & Early Learning

PURPOSE

The purpose of this announcement is to describe the fire safety requirements for Department of Human Services (DHS) certified group child care homes (**in a residence**) and family child care homes regulated under 55 Pa. Code, Chapters 3280 and 3290.

Announcement C-23-01, Fire Safety Requirements for Group Child Care Homes (in a residence) and Family Child Care Homes and Announcement C-23-02, Fire Safety Requirements for Child Care Centers and Group Child Care Homes (in a Commercial Space), replace [Announcement C-21-02](#), titled "*Act 62 of 2020 Fire Safety Requirements for Certified Child Care Facilities*" in its entirety.

¹ **NOTE:** Family child care homes will have until **September 6, 2023** to come into compliance with the requirements for an interconnected smoke alarm system pursuant to 35 P.S. § 1223.6(f.1)(1.1).

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This announcement contains the following appendix:

- [Appendix A- Fire Safety Regulations: OCDEL Guidance Chart](#)

BACKGROUND

[Act 62](#) of 2020, signed into law July 14, 2020, amended the Human Services Code at 62 P.S. §1016 by adding subsection (c), which sets forth requirements for fire detection devices in all child care facilities. The amendments to 62 P.S. § 1016 created through Act 62 of 2020 are reflected in the Department's regulations at 55 Pa. Code §3280.95 and §3290.95.

[Act 42](#) of 2022, signed into law July 7, 2022, amended the [Fire and Panic Act](#) at 35 P.S. § 1223.6, and requires all certified family child care homes to have interconnected smoke alarms approved, at the time of installation, by a [testing laboratory](#) recognized by the Occupational Safety and Health Administration (OSHA) of the United States Department of Labor to test and certify smoke alarms. 35 P.S. § 1223.6(f.1)(1.1)(ii) Act 3 of 2023, signed into law June 21, 2023 establishes that family child care homes will have until **September 6, 2023** to comply with 35 P.S. § 1223.6(f.1)(1.1). Under the Pennsylvania Construction Code, group child care homes (in a residence) and family child care homes are classified as an R-3 occupancy if the dwelling unit is used primarily as a private residence and the provision of child care services is accessory to the principal use of the dwelling unit as a residence (34 Pa. Code § 403.23(a)).

The guidance contained in this announcement also applies to school-age programs (in a residence) not located in a school-building pursuant to 55 Pa. Code §3280.221(b)(2).

DISCUSSION

All DHS certified group child care homes (in a residence) and family child care homes must maintain compliance with the applicable fire safety laws contained in the Human Services Code; the Fire and Panic Act (family child care homes only); the Pennsylvania Construction Code; and applicable regulations relating to smoke alarms or systems. Smoke alarms or systems **must always** be operable.

Group Child Care Homes (in a Residence) shall:

Have a valid Certificate of Occupancy

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Have an interconnected smoke alarm system that is operable and properly maintained at all times (34 Pa. Code § 403.23(c)(1), 62 P.S. § 1016(c), and 55 Pa. Code § 3280.95) *.
Maintain proof and date of purchase of an interconnected smoke alarm system with the facility's fire drill logs (62 P.S. § 1016(c)(3) and 55 Pa. Code § 3280.95)
Manually test its interconnected smoke alarm system at least once every thirty days and maintain a written record of testing with the facility's fire drill logs (62 P.S. § 1016(c)(1) and 55 Pa. Code § 3280.95).
If the interconnected smoke alarm system cannot be tested every thirty days, the facility is required to: <ul style="list-style-type: none">• Have the alarm tested at least annually by a fire safety professional;• Maintain written documentation of the test results with the facility's fire drill logs; and• Documentation of the test results must be on the fire safety professional's letterhead. (62 P.S. § 1016(c)(2) and 55 Pa. Code § 3280.95).
Demonstrate operability of the system during OCDEL's annual inspection (62 P.S. § 1016(c)(1) and 55 Pa. Code § 3280.95).
Have a fire extinguisher rated for class B fires in the kitchen and other cooking areas (34 Pa. Code § 403.23(c)(2)).
Meet the exiting requirements for an R-3 occupancy and licensure under 55 Pa. Code §3280.91 (34 Pa. Code § 403.23(c)(3)).
Maintain compliance with the regulations relating to Exits (55 Pa Code § 3280.91): <ul style="list-style-type: none">• Stairways, hallways, exits from rooms, exits from the facility and other means of egress serving as an exit shall be unobstructed.• Protective gates are permitted, if they open easily and are not disapproved by building codes or local ordinances.• If a door or doorway opens or exits directly into a stairwell and if there is no landing beyond the door or doorway, the door shall be restricted from opening or shall be removed and a secure barrier to prevent access to the stairwell shall be erected.
Maintain compliance with the regulation relating to Space Heaters (55 Pa Code § 3280.92): <ul style="list-style-type: none">• Portable space heaters, if allowed by local ordinance, may be used while children are in care, if the units are used in accordance with the manufacturer's operating instructions.

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- Fixed and portable space heaters shall be insulated or equipped with protective guards.
- The manufacturer's instructions for use shall be kept in an accessible area in the facility.
- A fixed space heater shall be approved for use by a local fire safety professional. Written approval of the installation and written approval for use shall be on file at the facility.

Maintain compliance with the regulation relating to Fireplaces and woodburning and coal burning stoves (55 Pa. Code § 3280.93): Fireplaces, fireplace inserts or woodburning and coal burning stoves, if allowed by local ordinance, shall be securely screened or equipped with protective guards while in use.

***NOTE:** The smoke alarm system can be interconnected via hardwire, Bluetooth connectivity or any other means that allow for communication between smoke alarms.

Family Child Care Homes shall:

Have a valid Certificate of Occupancy

Have a smoke alarm on each floor and in the basement that**:

- Are interconnected, via hardwire, Bluetooth connectivity or any other means that allow for communication between smoke alarms (35 P.S. § 1223.6(f.1)(1.1)).
- When activated, the resulting alarm is audible to persons in the indoor child-care space with all intervening doors closed (35 P.S. § 1223.6(f.1)(1.1)(i)).
- Each smoke alarm, at the time of installation, be approved by a testing laboratory recognized by the Occupational Safety and Health Administration (OSHA) of the United States Department of Labor² to test and certify smoke alarms.
 - Click here for the current list: [OSHA's Nationally Recognized Testing Laboratory \(NRTL\) Program](#)

Maintain proof and date of purchase of the smoke alarms in their fire drill logs (35 P.S. § 1223.6(f.1)(2) and 62 P.S. § 1016(c)(3)).

Manually test the smoke alarms at least once every thirty days and maintain a written record of testing with the facility's fire drill logs. (62 P.S. § 1016(c)(1) and 55 Pa. Code § 3290.95).

² [OSHA's Nationally Recognized Testing Laboratory \(NRTL\) Program | Occupational Safety and Health Administration](#)

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If the smoke alarms **cannot** be tested every thirty days, the facility is required to:

- Have the smoke alarms tested at least annually by a fire safety professional;
- Maintain written documentation of the test results with the facility's fire drill logs; and
- Documentation of the test results must be on the fire safety professional's letterhead. (62 P.S. § 1016(c)(2)).

Have a portable fire extinguisher rated for class B fires in the kitchen and other cooking areas (34 Pa. Code § 403.23(b)(2) and 35 P.S. § 1223.6(f.1)(3)(ii)).

Meet the exiting requirements for R-3 occupancy and licensure under 55 Pa. Code § 3290.91 (35 P.S. § 1223.6(f.1)(3)(iii) and 34 Pa. Code § 403.23(b)(3)).

Maintain compliance with the regulations relating to Exits (55 Pa Code § 3290.91):

- Stairways, hallways, exits from rooms, exits from the facility and other means of egress serving as an exit shall be unobstructed.
- Protective gates are permitted, if they open easily and are not disapproved by building codes or local ordinances.
- If a door or doorway opens or exits directly into a stairwell and if there is no landing beyond the door or doorway, the door shall be restricted from opening or shall be removed and a secure barrier to prevent access to the stairwell shall be erected.

Maintain compliance with the regulation relating to Space Heaters (55 Pa. Code § 3290.92):

- Fixed and portable space heaters, if allowed by local ordinance, may be used while children are in care, if the units are used in accordance with the manufacturer's operating instructions.
- Fixed and portable space heaters shall be insulated or equipped with protective guards to prevent contact.
- The manufacturer's instructions for use shall be kept in an accessible area in the facility.

Maintain compliance with the regulation relating to Fireplaces and woodburning and coal burning stoves (55 Pa. Code § 3290.93): Fireplaces, fireplace inserts or woodburning and coal burning stoves, if allowed by local ordinance, shall be securely screened or equipped with protective guards while in use.

**** NOTE:** Family child care homes will have until **September 6, 2023** to come into compliance with the requirements for an interconnected smoke alarm system pursuant to 35 P.S. § 1223.6(f.1)(1.1).

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The Office of Child Development and Early Learning (OCDEL) shall:

Check the operability of and review the facility records relating to the fire detection device or system to demonstrate facility compliance with all fire safety requirements as defined under applicable regulations and construction code requirements.

Provide notice of any suspected noncompliance to the building code official responsible for enforcing the fire safety requirements under applicable regulations and construction code requirements.

NOTE: OCDEL has updated the fire drill log form with appropriate sections for documenting fire drills and testing of the fire detection device or system monthly. See the [Fire Drill and Fire Detection Log](#) form.

If the DHS certified group child care home (in a residence) or family child care home is **not** in compliance with any of these requirements, an OCDEL certification representative will issue a citation. If the DHS certified group child care home (in a residence) or family child care home does **not** have operable smoke alarms or a valid certificate of occupancy, a representative of the Department will make a complaint to the building code official responsible for enforcing the fire safety requirements under applicable regulations and construction code requirements as per 62 P.S. § 1016(c)(4).

Requirements During Inspections by OCDEL

All DHS certified group child care homes (in a residence) or family child care homes **must** demonstrate the smoke alarm device or system is operable when the OCDEL certification representative conducts an annual inspection and may be required to demonstrate the device or system at other inspections. The OCDEL certification representative will be assessing for compliance with all the components of the requirements outlined under the “*Discussion*” section above. If the smoke alarm device or system cannot be tested or demonstrated as operable due to system design (not lack of functionality), then the facility **must** show the certification representative the documentation of testing by a fire safety professional.

Fire Safety Training

There are fire safety training opportunities available through the [Pennsylvania Professional Development \(PD\) Registry](#) by searching *fire safety training*.

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NOTE: Online courses through organizations other than those in the PD registry are not approved to meet the requirements for fire safety training for child care centers.

Noncompliance with Fire Safety Requirements

Non-compliance, verified by OCDEL, will result in a regulatory citation, which could include any or all of the following:

- 55 Pa. Code §§ 3280.95 or 3290.95, relating to fire detection
- 55 Pa. Code §§ 3280.20 relating to general health and safety
- 55 Pa. Code §§ 3280.91 or 3290.91, relating to exits
- 55 Pa. Code §§ 3280.92 or 3290.92, relating to space heaters
- 55 Pa. Code §§ 3280.93 or 3290.93, relating to fireplaces and woodburning and coal burning stoves.

All DHS certified group child care homes (in a residence) and family child care homes must display compliance with all requirements outlined under the “Discussion” section above. In addition to a regulatory citation for non-compliance, the Department will notify the building code official responsible for enforcement of fire safety requirements. See also [Appendix A- Fire Safety Regulations: OCDEL Guidance Chart](#) for outline of applicable regulations.

NEXT STEPS

1. Read this Announcement and share it with appropriate staff.
2. Become familiar with the fire safety requirements in your facility with respect to Human Services Code, Construction Code, and the Fire and Panic Act.
3. Make sure your fire drill and fire detection log meet the requirements of the Human Services Code. See the [Fire Drill and Fire Detection Log](#).

Child care facility operators who have comments and questions regarding this announcement should contact the appropriate Regional Office of Child Development and Early Learning:

Central Region 800-222-2117
Northeast Region 800-222-2108
Western Region 800-222-2149.
Southeast Region 800-346- 2929

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Appendix A- Fire Safety Regulations: OCDEL Guidance Chart (Family Child Care Home and Group Child Care Homes in a Residence)

Citation	Fire Safety Requirement	Measurement of Compliance	Effective Date
Family Child Care Homes			
55 Pa. Code §3290.95	Family child care homes must have a smoke alarm on each floor and in the basement. 35 P.S. § 1223.6(f.1)(3)(i), 34 Pa. Code 403.23(b)(1).	The certification representative will verify that the family child care home has a smoke alarm on each floor and the basement.	November 11, 2020
55 Pa. Code § 3290.95	Family child care homes must have smoke alarms that are operable and properly maintained at all times. 62 P.S. § 1016(c).	The certification representative will verify the smoke alarms are operable.	November 11, 2020
55 Pa. Code § 3290.95	The smoke alarms in family child care homes must be interconnected, via hardwire, Bluetooth connectivity or any other means that allow for communication between smoke alarms. 35 P.S. § 1223.6(f.1)(1.1).	The certification representative will verify the smoke alarms in the family child care home are interconnected.	September 6, 2023
55 Pa. Code § 3290.95	In family child care homes, the activation of each smoke alarm shall result in an alarm that is audible to persons in the indoor child-care space with all intervening doors closed. 35 P.S. § 1223.6(f.1)(1.1)(i).	The certification representative will verify the audibility of the smoke alarms.	November 11, 2020
55 Pa. Code § 3290.95	At the time of installation, the smoke alarms in family child care homes must be approved by a testing laboratory recognized by OSHA to	The certification representative will verify that the interconnected smoke alarms are approved by a testing laboratory recognized by OSHA.	September 6, 2023

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	test and certify smoke alarms. 35 P.S. § 1223.6(f.1)(1.1)(ii).		
55 Pa. Code § 3290.95	Family child care homes must manually test its alarm at least once every 30 days and shall maintain a written record of testing with the facility's fire drill logs. 62 P.S. § 1016(c)(1)-(2).	The certification representative will verify that the facility tests its smoke alarm system at least once every 30 days by reviewing the written documentation.	November 11, 2020
55 Pa. Code § 3290.95	If alarm cannot be tested every 30 days, the facility shall have the alarm tested at least annually by a fire safety professional and shall maintain, with the facility's fire drill logs, written documentation of the test results. Documentation of the test results must be on the fire safety professional's letterhead. 62 P.S. § 1016(c)(2).	The certification representative will verify the annual testing by reviewing the test results from a fire safety professional.	November 11, 2020
55 Pa. Code § 3290.95	Family child care homes must have a portable fire extinguisher rated for class B fires in the kitchen and other cooking areas. 35 P.S. § 1223.6(f.1)(3)(iii), 34 Pa. Code § 403.23(b).	The certification representative will verify the facility has a class B fire extinguisher in the kitchen and other cooking areas.	November 11, 2020
55 Pa. Code § 3290.95	Family child care homes must keep the proof and date of purchase of an interconnected alarm with the facility's fire drill logs. 35 P.S. § 1223.6(f.1)(2) and 62 P.S. § 1016(c)(3).	The certification representative will check for the proof of purchase.	November 11, 2020

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<p>55 Pa. Code § 3290.95</p>	<p>Family child care homes must meet the exiting requirements for R-3 occupancy and licensure under 55 Pa. Code §3290 (relating to family child care homes). 34 Pa. Code § 403.23(a), 35 P.S. § 1223.6</p>	<p>The certification representative will verify a current Certificate of Occupancy (COO)</p>	<p>December 19, 2020</p>
<p>55 Pa. Code §3290.91</p>	<p>Family child care homes must keep stairways, hallways, exits from rooms, exits from the facility and other means of egress serving as an exit unobstructed. Protective gates are permitted, if they open easily and are not disapproved by building codes or local ordinances. If a door or doorway opens or exits directly into a stairwell and if there is no landing beyond the door or doorway, the door shall be restricted from opening or shall be removed and a secure barrier to prevent access to the stairwell shall be erected.</p>	<p>The certification representative will verify that the exits in the facility are compliant with 55 Pa. Code §3290.91.</p>	<p>December 19, 2020</p>
<p>55 Pa. Code §3290.92</p>	<p>In family child care homes, fixed and portable space heaters, if allowed by local ordinance, may be used while children are in care, if the units are used in accordance with the manufacturer's operating instructions. Fixed and portable space heaters shall be insulated or equipped with</p>	<p>The certification representative will verify that portable space heaters are used in accordance with the manufacturer's operating instructions and are insulated or equipped with protective guards to prevent contact. The certification representative will verify that the manufacturer's</p>	<p>December 19, 2020</p>

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	protective guards to prevent contact. The manufacturer's instructions for use shall be kept in an accessible area in the facility.	instructions are kept in an accessible area of the facility.	
55 Pa. Code §3290.93	If allowed by local ordinance, family child care homes may utilize fireplaces, fireplace inserts, or woodburning and coal burning stoves. While in use, these shall be securely screened or equipped with protective guards.	The certification representative will verify that any fireplace, fireplace insert, or woodburning and coal burning stoves are screened or equipped with protective guards while in use.	December 19, 2020
Group Child Care Homes in a Residence			
55 Pa. Code § 3280.95	A group child care home in a residence with 12 or fewer children in care must have an interconnected smoke detector system. 34 Pa. Code § 403.23(c)(1).	The certification representative will verify the group child care home has an interconnected smoke alarm system.	November 11, 2020
55 Pa. Code § 3280.95	Group child care homes in a residence must have smoke alarms that are operable and properly maintained at all times 62 P.S. § 1016(c).	The certification representative will verify the smoke alarms are operable.	November 11, 2020
55 Pa. Code § 3280.95	Group child care homes must manually test its alarm at least once every 30 days and shall maintain a written record of testing with the facility's fire drill logs. 62 P.S. § 1016(c).	The certification representative will verify that the facility tests its smoke alarm system at least once every 30 days by reviewing the written documentation.	November 11, 2020
55 Pa. Code § 3280.95	If alarm cannot be tested every 30 days, the facility shall have the alarm tested at least annually by a fire safety professional and shall maintain, with	The certification representative will verify the annual testing by reviewing the test results from a fire safety professional.	November 11, 2020

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	the facility's fire drill logs, written documentation of the test results. Documentation of the test results must be on the fire safety professional's letterhead. 62 P.S. § 1016(c)(2).		
55 Pa. Code § 3280.95	Group child care homes must have a portable fire extinguisher rated for class B fires in the kitchen and other cooking areas. 34 Pa. Code § 403.23(c)(2).	The certification representative will verify the facility has a class B fire extinguisher in the kitchen and other cooking areas.	November 11, 2020
55 Pa. Code § 3280.95	Group child care homes must keep the proof and date of purchase of an interconnected alarm with the facility's fire drill logs. 62 P. S. § 1016(c)(3).	The certification representative will check for the proof of purchase.	November 11, 2020
55 Pa. Code § 3280.95	Group child care homes in a residence must meet the exiting requirements for R-3 occupancy and licensure under 55 Pa. Code §3280 (relating to group child care homes). 34 Pa. Code § 403.23(c)(3).	The certification representative will verify a current Certificate of Occupancy (COO)	December 19, 2020
55 Pa. Code §3280.20	School Age Child Care programs that are in a residence must comply with the fire safety laws contained in the Human Services Code, 62 P.S. § 1016(c), applicable regulations relating to fire detection devices or systems, and 34 Pa. Code § 403.23.	The certification representative will inspect for compliance with applicable laws.	December 19, 2020

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<p>55 Pa. Code §3280.91</p>	<p>Child care facilities (in a residence) must keep stairways, hallways, exits from rooms, exits from the facility and other means of egress serving as an exit unobstructed. Protective gates are permitted, if they open easily and are not disapproved by building codes or local ordinances. If a door or doorway opens or exits directly into a stairwell and if there is no landing beyond the door or doorway, the door shall be restricted from opening or shall be removed and a secure barrier to prevent access to the stairwell shall be erected.</p>	<p>The certification representative will verify that the exits in the facility are compliant with 55 Pa. Code §3280.91</p>	<p>December 19, 2020</p>
<p>55 Pa. Code §3280.92</p>	<p>In group child care homes (in a residence), portable space heaters, if allowed by local ordinance, may be used while children are in care, if the units are used in accordance with the manufacturer's operating instructions. Fixed and portable space heaters shall be insulated or equipped with protective guards. The manufacturer's instructions for use shall be kept in an accessible area in the facility. A fixed space heater shall be approved for use by a local fire safety professional. Written approval of the installation</p>	<p>The certification representative will verify that portable space heaters are allowed by the local ordinance and may be used while children are in care and any fixed space heaters have been approved for use by a local fire safety professional and the written approval for installation and use are on file.</p>	<p>December 19, 2020</p>

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	and written approval for use shall be on file at the facility.		
55 Pa. Code §3280.93	If allowed by local ordinance, child care facilities (in a residence) may utilize fireplaces, fireplace inserts, or woodburning and coal burning stoves. While in use, these shall be securely screened or equipped with protective guards.	The certification representative will verify that any fireplace, fireplace insert, or woodburning and coal burning stoves are screened or equipped with protective guards while in use.	December 19, 2020