

**NC Department of Insurance  
Office of the State Fire Marshal - Engineering Division  
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**Unlicensed Day Care Facilities**

**Code:** 2012 Building Code

**Date:** September 1, 2011

**Section:** 305.2, 308.5, 308.5.2 exception, 310.1, 304.1

**Question:**

Do unlicensed daycare programs like Mothers Morning Out, pre-school and after school programs have to meet Group E (Educational) requirements even though they are not required to be licensed by the NC Department of Health and Human Services, Division of Child Development?

**Answer:**

Yes, even though these programs are unlicensed, they should meet all the requirements of Group E. See Section 305.2.

A Group E occupancy with less than 6 students is a Group R-3 occupancy per Section 310.1.

If any of these programs plan on including 6 or more children 2 1/2 years of age or less then the facilities shall be classified as Group I-4 (Institutional), unless no more than 100 of these children are located in rooms (primary care area) on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior; then the facility shall be classified as Group E. See Section 308.5.2.

A Group I-4 occupancy with less than 6 students is a Group R-3 (residential) occupancy.

**Keywords:**

Mother's day out, day care