

### **Step 5: Review Other Codes.**

In addition to local requirements, some residential facilities are subject to separate State regulations that your child or adult care-related facility is required to obtain.

[The Department of Public Health](#) inspects and regulates daycare centers, drinking water supply, milk and dairy products and swimming pools. Certain specific uses will require a Health Permit. To operate a use of this type, complete a [Department of Health Permit application](#) or visit them at: 900 E. Marshall St (Marshall Plaza Bldg), 3rd Floor, Richmond, VA 23219 or telephone them at: (804) 646-3120.

### **Step 6: Register your Child or Adult Day Care Facility.**

***Sole Proprietor/Trade Name:*** A Sole Proprietor doing business under their name only is not required to file with the Circuit Court. However, if you are doing business under a name other than your own (Trade Name, T/A), you are required to register with the Richmond Circuit Court. Complete the [Certificate of Assumed or Fictitious Name](#) form and submit it to the Circuit Court Clerk's Office located in the John Marshall Courts Building (400 N. 9<sup>th</sup> St. For more information, contact (804) 646-6505.

### **Step 7: Obtain a federal Employee Identification Number (EIN).**

A federal *Employee Identification Number (EIN)* is required for most Child or Adult Day Care Facilities. However, sole proprietors with no employees are not required to have an EIN.

To obtain an EIN, complete *IRS Form SS-4*, available:

- At the local IRS Office (414 N 8<sup>th</sup> St.)
- By calling (800) 829-3676.
- At: [www.irs.ustreas.gov](http://www.irs.ustreas.gov)

### **Step 8: Virginia Sales Tax Number.**

A Virginia Sales Tax Number is required for all businesses within Virginia. Businesses must register with the VA Department of Taxation (TAX) for all applicable business taxes, including the sale of taxable goods. To register, complete a Combined Registration Application Form ([Form R-1](#)).

**Step 9: Obtain a Business License - A Business license** is required for most Child or Adult Day Care Facilities operating in the City and will need to obtain one prior to opening. Department of [Finance](#) representatives can assist you in registering your Child or Adult Day Care Facility and completing your [Business license application](#).

You may also be subject to various taxes, such as the Business Professional and Occupational License (BPOL) or the [business personal property tax](#), which requires the submittal of the [business tangible personal property tax \(return form\)](#). The BPOL tax is generally based upon gross receipts and the fee can be reviewed on the [Business License](#) page. The BPOL tax amount varies depending on the business classification. Finance representatives can assist in determining tax type(s) and amount(s) during the Business License application process, which generally is issued promptly if:

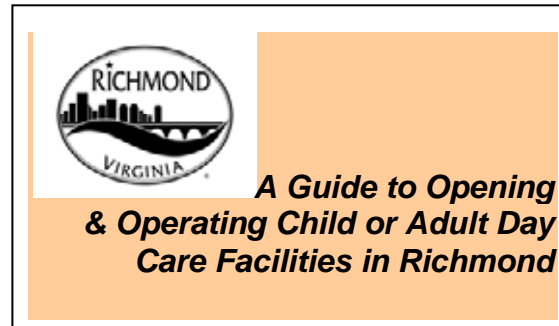
- 1) A Certificate of Occupancy or Certificate of Zoning Compliance and necessary operating permits, if applicable, have been obtained;
- 2) There are no outstanding delinquent real estate taxes;
- 3) Evidence of properly registered trade name, if applicable, is presented; and,
- 4) License taxes and fees are remitted at the time of application.

#### **Department of Community Development**

#### **Zoning Administration**

900 East Broad Street  
City Hall – Room 110  
Richmond, VA 23219  
Phone: (804) 646-6340  
FAX: (804) 646-6948  
E-mail:

[DCDZoningAdministration@Richmondgov.com](mailto:DCDZoningAdministration@Richmondgov.com)



We are pleased to know that you have chosen Richmond for your child or adult care-related facility. The City has established standards and regulations to ensure compatibility with other uses in the neighborhoods and to protect its citizens. In general, the required approvals for establishing a child or adult care-related facility are:

**Zoning Approvals** – Required to ensure the child or adult care-related facility and the building are appropriate for the neighborhood. Other permits may be required from other agencies, including the State of Virginia

**Building, Sign & Other Permits** – Required ensuring conformance with State and City health and life-safety requirements and for identification of your child or adult care-related facility.

**Occupancy Permits** – Ensures that all of the required improvements have been completed and the building is ready to be occupied by your child or adult care-related facility.

**State & City Residential child or adult care-related facility Licenses** – Required to operate your child or adult care-related facility.

### **Help is waiting for you**

Several agencies within City Hall are committed to helping you locate and get your child or adult care-related facility up and running. While there are a number of City and State requirements, Community Development Staff is available to assist you. In addition, we will also partner with the appropriate State licensing agency to guide you through the start-up and licensing processes.

***This pamphlet will give a general, short overview of what is required and where to get help. It describes the process and includes tips and contacts to help you through the process.***

### **Step 1: Contact the Zoning Office.**

Each child or adult care-related facility is unique and Zoning Staff will find answers to your questions and guide you through the permitting and licensing process by:

- Defining and identifying the appropriate child or adult care-related facility type;
- Advising you of zoning requirements and advising you of the steps that match your specific needs;
- Helping to identify issues and resolve any potential problems.
- Providing you with contacts in other City departments or State agencies;
- Scheduling meetings with personnel; and,
- Coordinating the review of any required permit or planning applications.

The Zoning Office will determine, based on the information that you provide, which specific use category you are seeking and, using Zoning Ordinance definitions, provide you with a determination of your use. These will fall into one of the following use groups:

- **Day Nursery**
- **Day Nursery (Religious Exempt)**
- **Family Day Home**
- **Child sitting services**
- **Adult day care facility**

*[NOTE: In some limited cases, it may be necessary to obtain a determination from the State of Virginia licensing agency prior to contacting Zoning Staff.]*

## Step 2: Determine your Use Category.

These will fall under one of the following State of Virginia categories:

### Children's Programs:

A child day program is where a person or organization supervises children under the age of 13, during the absence of a parent or guardian, for less than a twenty-four-hour period. Care can be provided either in the home of the parent or guardian or out-of-home in another private home or center.

The **Virginia Department of Social Services (DSS) - Division of Licensing Programs (DOLP)** licenses and inspects any **Child Day Center (CDC)** and **Family Day Home (FDH)**.

The DSS web page for child-care facilities is: [www.dss.virginia.gov/family/children.html](http://www.dss.virginia.gov/family/children.html)

A **Child Day Center (CDC)** is a child day program offered to two or more children under the age of 13 that is neither the residence of the provider nor the residence of any of the children in care; or, 13 or more children at a single location. Licensed programs must meet certain standards and allow at least two inspections per year.

A **Family Day Home (FDH)** provides care for 6-12 children in the residence of the provider, excluding the provider's own children and any children residing in the home. The **FDH** provides an intimate, home-like setting, flexible hours, consistency of caregiver and small group sizes.

The **Division of Licensing Programs (DOLP)** offers pre-application orientation for prospective license applicants and training focuses on the application process, licensing regulations and approvals required by other state agencies. Applicants who have not previously owned or managed a CDC, CCS or FDH must undergo health and safety regulatory training.


The City of Richmond regulates both CDC's and FDH's and both are considered day nursery uses under the Zoning Ordinance. They are defined as:

**Day Nursery:** A facility for the care of more than five children while separated from their parents for a portion of the day, not including children of a family residing on the premises.

There are exemptions to being licensed by the State of Virginia, but DSS typically provides some oversight. Licensing ensures that the activities, services and facilities are conducive to the welfare of the children in care.

**Religious Exempt** facilities are exempt from DSS licensure, but providers request voluntary licensure. However, under City of Richmond zoning regulations, these facilities are typically permitted only as accessory uses in certain residential districts and are typically located within places of worship, community centers or schools. Although they are exempt under State law, they must meet City regulations relative to play area (100 sq ft per child) and other site-related requirements.

**Child Sitting Services** are facilities for the care of five or less children while separated from their parents for a portion of the day, not including children of a family residing on the premises. State law exempts licensure of these facilities unless there are more than three children, including children of the family residing on the premises, under the age of 2-years. The city exempts these facilities within residences provided there are no employees that reside off the premises.

 **CONTACT:** The Virginia Small Business Financing Authority (VSBFA) ([http://www.dba.state.va.us/VSBFA\\_Bd.shtml](http://www.dba.state.va.us/VSBFA_Bd.shtml)) about their **Child Care Financing Program**, which may provide low-interest loans for starting-up or expanding an existing child care use. For more information, visit the VSBFA website:

<http://www.dba.state.va.us/ChildCareFinancingProg.shtml>

The **VSBFA** is located at: 707 East Main Street, Suite 300  
Richmond, Virginia 23219

Toll Free: 1-888-248-8814  
Telephone: (804) 371-8200  
Facsimile: (804) 371-8111

### Adult Programs:

An **Adult day care facility** provides supplementary care and protection during a part of the day only to four or more aged, infirm or disabled adults who reside elsewhere, except a facility or portion of a facility licensed by the state board of health or department of mental health, mental retardation and substance abuse services.

The **Virginia Department of Social Services (DSS) - Division of Licensing Programs (DOLP)** licenses and inspects all **Adult Day Care Center (ADCC)** facilities. These facilities provide a variety of health, social and related support services in a protective setting. The **Division of Licensing Programs (DOLP)** offers pre-application orientation training and provides prospective license applicants with information about the application process, licensing regulations and approvals required by other state agencies. Applicants who have not previously owned or managed an **ADCC** must undergo health and safety regulatory training. Contact a **DOLP** licensing office to register for this orientation, for information about applying for licensure and requisite training.

The DSS web page for adult day care facilities is: <http://www.dss.virginia.gov/family/as/>

## Step 3: Select a Location and Review Zoning Regulations.

Choose a building or a piece of property where your child or adult care-related facility is to be located. Zoning Staff can help verify the zoning of the property as well as provide information on parking, signs and any other **Zoning Ordinance** requirements. This document is also online at: [www.richmondgov.com/Departments/communitydev/docs/Zoning\\_Ordinance\\_On-line.pdf](http://www.richmondgov.com/Departments/communitydev/docs/Zoning_Ordinance_On-line.pdf). Zoning map information may also be obtained by linking to the City's **GIS Zoning Map** online at: [www.richmondgov.com/applications/maplibrary/maps/Community\\_Development/Zoning\\_44x34.pdf](http://www.richmondgov.com/applications/maplibrary/maps/Community_Development/Zoning_44x34.pdf).

If your child or adult care-related facility is allowed at the site you selected, it typically requires that you pay a required fee to obtain any **Building Permits**, a **Certificate of Occupancy** and/or a **Certificate of Zoning Compliance**.

Some child-care uses may be permitted and allowed to operate within your residence as a **Home Occupation**. However, home-based child-care has specific rules and requirements associated with their operation. If the property is not zoned for your child or adult day care facility, Zoning Staff will advise you what areas are appropriately zoned or provide other options, including a Special Use Permit or rezoning.

## Step 4: Review Building Codes, Obtain Permits & Perform and Construction.

For your specific child or adult care-related facility, you might need to or want to alter walls, structural elements and/or equipment within the building or on the selected property. In addition, to ensure the safety and health of the building's occupants, you may also be required to complete some modifications to the building in accordance with Building Code and other City or State requirements.

If your child or adult care-related facility requires work on the building, obtain any required construction permit(s), before starting any construction work. A Zoning Staff member can direct you to an appropriate **Bureau of Permits and Inspections** staff member for questions regarding permit applications and requirements. The number of permits that may be required depends on the type of child or adult care-related facility and the scope of the work to be performed. Separate permits may be necessary for each major trade doing work on your property: These are:

- [Building Permits](#)
- [Mechanical Permits](#)
- [Electrical Permits](#)
- [Plumbing Permits](#)

During construction, City staff will perform periodic inspections to ensure that the work is done in accordance with applicable local and state laws regarding building code and approved plans. When construction is complete, you or your contractor will need to schedule and obtain final inspection approval and **Certificate of Occupancy**.