

Department of Social Services (DSS)
Regulated Facilities

Children's Programs:

The *Virginia Department of Social Services (DSS)* licenses 2 types of children's facilities: **Child Caring Institutions (CCIs)** and **Children's Residential Facilities (CRFs)**. The *Division of Licensing Programs (DOLP)* licenses and inspects these types of facilities.

Children's Residential Facilities (CRFs) provide 24-hour care, guidance and protection to children placed through local family assessment and planning teams under the Comprehensive Services Act or by private placement by the parent or legal guardian. Under City Code, these may be considered single-family dwellings provided there are not more than eight handicapped persons, as defined by the federal fair housing act, occupying a single dwelling unit, and in addition thereto may include one or more resident counselors or other staff persons.

[NOTE: May include persons that are determined to be handicapped under the Federal Fair Housing Act (FFHA). Facilities that may require licensure include persons who are suffering from: alcoholism, AIDS or persons with specific learning (ADD, ADHD, etc.) disorders or facilities housing foster children.

Additional information for a determination by the Zoning Administrator may be necessary as to the specific handicap.

The DSS web page for *Children's Residential Facility (CRFs)* Guidelines & Forms is: <http://www.dss.virginia.gov/facility/crf.cgi>.

Child Caring Institutions (CCI): These are licensed under minimum standards for licensed child caring institutions. They are not permitted to accept public funds, as payment is provided by the parents or legal guardians of the child.

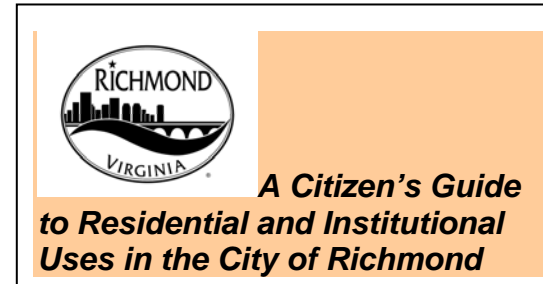
Adult Programs

The *Virginia Department of Social Services (DSS)* responds to the needs of seniors age 60 and over, adults with disabilities over the age of 18 and other adults with specific needs and the *Division of Licensing Programs (DOLP)* licenses and inspects all **Assisted Living Facilities (ALFs)**.

These facilities provide care in a residential 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 *ALF* must undergo health and safety regulatory training as well as instruction on resident's legal rights prior to issuance of a license. Contact a *DOLP* licensing office to register for this orientation, for information about applying for licensure and requisite training.

The DSS web page for *Assisted Living Facilities* is: http://www.dss.virginia.gov/facility/alf_regulations.cgi.

Assisted Living Facility (Adult care residence)
Any place, establishment, institution or portion thereof operated or maintained as a residence providing for the maintenance or care of four or more adults who are aged, infirm or disabled and which is licensed by the commonwealth as an adult care residence.



We are pleased to know that you have chosen to locate in the City of Richmond. The City has regulations to ensure compatibility with other uses in the neighborhoods and to protect its citizens. In general, the required approval(s) for occupying a residential or institutional use in the City are:

Zoning Approvals – Required to ensure the Residential or Institutional facility and the building are appropriate for the neighborhood. Other permits may be required from other agencies, including the State of Virginia

Building or Trade Permits – Required ensuring conformance with State and City life-safety and health requirements.

Occupancy Permits – Ensures that all of the required improvements have been completed and the building is ready to be occupied by your Residential or Institutional use

State & City Licenses – Required to operate your Institutional facility, if necessary.

Help is waiting for you

Several agencies within City Hall are committed to helping you locate and get your Residential Institutional 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 understand City regulations and the approval process.

Step 1: Contact the Zoning Office.

Each Residential or Institutional use is unique and Zoning Staff will answer your questions and guide you through the process by:

- Defining and identifying the appropriate Residential or Institutional 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 and scheduling meetings, if necessary; 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 the following use groups:

Those requiring **only City** approval and/or licensure

- **Single-Family Dwelling**
- **Accessory Lodging Units**
- **Lodginghouse (Rooming House)**
- **Shelter**

Those requiring **both City and State** approval(s) and/or Licensure

- **Group Home Residential (Single-Family)**
- **Children's Home (Single-Family)**
- **Sponsored Residential Home**
- **Intermediate Care Facility (ICR/MR)**
- **Substance Abuse Residential Treatment Facility**
- **Adult care residence (Assisted Living Facility)**
- **Nursing home**

NOTE: In some cases, it may be necessary to obtain a use category determination from the State of Virginia licensing agency prior to contacting Zoning Administration Staff.

Step 2: Determine your Residential or Institutional Use Category.

These will fall under one of the following categories either requiring ONLY City approval and/or Licensure:

Residential Uses

Single-family dwelling

Living together as a single housekeeping unit and including any of the following:

- (1) One or more persons related by blood, marriage, legal guardianship or adoption, including foster children;
- (2) Not more than three unrelated persons or a combination of related and unrelated persons;
- (3) Two unrelated adults plus children related to one or both adults by blood, marriage, legal guardianship or adoption, including foster children;

Lodging Units (Accessory)

Not more than two (2) persons occupying units within a single-family dwelling.

[NOTE: May include residential use and care of less than 3 elderly or minor persons.]

Lodginghouse

A building containing any number of lodging units, when the total of all such units in the building are occupied or intended to be occupied by a total of more than two persons, with or without board, and not available for occupancy for periods of less than one week and includes existence of any one or more of the following:

- (1) Separate rental agreements for occupants.
- (2) Exterior locking mechanisms on interior doors of rooms for occupants.
- (3) Separate entrances from the exterior of the building for individual occupants.
- (4) Common areas (i.e. - living, family or dining room are being used as sleeping areas or not being available on an equal or common basis to all occupants.

Institutional Uses

Group home

A building or portion thereof intended for residential occupancy for periods of not less than one week and where the total occupancy of such facility does not constitute a family, as defined in this section, and having all of the following characteristics:

- (1) Occupancy is not available to the general public.
- (2) Sleeping areas are not arranged in a dormitory configuration.
- (3) Facilities and services include living, sleeping, sanitation, either the provision of at least one daily meal or the provision of kitchen facilities for use by residents, and a defined program for operation and services for residents, including minor medical care, counseling, training and similar services.
- (4) Supervision of residents is provided.

[NOTE: Includes residential use/care of more than 2 elderly or minor persons.]

Shelter

A building or portion thereof intended for temporary residential occupancy on a daily or longer basis by persons with no other fixed place of abode or persons who are temporarily displaced from their place of abode and having all of the following characteristics:

- (1) The use is operated on a not-for-profit basis.
- (2) Sleeping areas are provided in a dormitory or other configuration.
- (3) Facilities and services include living, sleeping, sanitation and the provision of at least one daily meal and are available only to residents and staff.
- (4) Minor medical care, job counseling and substance abuse counseling services are available to residents, either on the premises or by written agreement with providers.
- (5) Supervision of residents is provided.

Or, one of the following categories requiring BOTH City AND State of Virginia approval and/or Licensure:

Department of Mental Health, Mental Retardations & Substance Abuse Services Regulated Facilities

The Virginia Department of Mental Health, Mental Retardation & Substance Abuse Services (MHMRAS) Office of Licensing licenses services providing treatment, training, support and habilitation: to individuals who have mental illness, mental retardation or substance abuse disorders and to individuals receiving services in residential facilities for individuals with brain injuries. Training for applicants that explains the process for applying to operate a Residential Facility for Children is provided and strongly encouraged.

The DMHMRSAS web page for the following facilities is:
www.dmhmrsas.virginia.gov/documents/forms.doc

Group Home Residential (Single-Family)

Not more than eight unrelated mentally ill, mentally retarded, or developmentally disabled persons, with one or more resident counselors or other staff persons, occupying a single dwelling unit or other residential facility for which the DMHMRSAS of the commonwealth is the licensing authority pursuant to the Code of Virginia not including current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401.

[NOTE: This permits residential use and care of up to 8 persons, plus Staff, provided they are licensed by MHMRAS. This would also permit an Intermediate Care Facility (ICR/MR) or Substance Abuse Residential Treatment Facility, as defined.]

Sponsored Residential Home

Not more than two (2) persons occupying units (lodgers) within a single-family dwelling.

[NOTE: This permits residential use and care of less than 3 persons, as accessory lodgers.]

Intermediate Care Facility (ICF/MR)

A facility containing four or more beds with the primary purpose to provide health and rehabilitation services to individuals with mental retardation or related conditions and licensed by the commonwealth as an ICF/MR.

Substance Abuse Residential Treatment Facility

A facility offering 24-hour residential service providing an intensive and highly structured substance abuse service for woman and children living in the same facility.

[NOTE: ICF/MRs and SARTFs are classified as a Social Service Delivery Use or Group Home for more than 8 persons.]

Department of Health Regulated Facilities

The Virginia Department of Health - Office of Licensure and Certification is responsible for the licensing and federal certification of Nursing Home facilities and Medicaid certification of Intermediate Care Facilities for the Mentally Retarded (ICF/MRs). The Long Term Care division inspects these facilities every 2 years for state licensure and annually for certification of Medicare/Medicaid. In addition, they also survey Intermediate Care Facilities for the Mentally Retarded (ICF/MRs) for Medicaid.

The Department of Health web page for Nursing Facilities is:
<http://www.vdh.state.va.us/OLC/longtermcare/>.

Nursing home

Any place, establishment, institution, or portion thereof providing on a continuing basis nursing and health-related services for the treatment and inpatient care of two or more persons and which is licensed by the commonwealth as a nursing home.

[NOTE: Does not include Intermediate Care Facilities (ICR/MR) for the Mentally Retarded or Substance Abuse Residential Treatment Facilities, as previously defined.

The DSS web page for childcare facilities is:
<http://www.dss.virginia.gov/family/cc/index.html>

There are 2 types of DSS Licensed Residential Facilities for Children:

For children's programs:
<http://www.dss.virginia.gov/family/children.html>

Step 4: Review Building Codes, Obtain Permits

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 regulator training.

& Perform and Construction.

For your specific Residential Institutional 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 Residential Institutional 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 Residential Institutional 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](#).

Step 5: Review Other Codes.

In addition to local requirements, some residential facilities are subject to separate State regulations that your Residential Institutional 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. 9th 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 8th St.)
- By calling (800) 829-3676.
- At: www.irs.ustreas.gov

Step 8: Virginia Sales Tax Number.

. **Department of Social Services (DSS):**
<http://www.dss.virginia.gov/index.html>

Department of Health (DH):
<http://www.dss.virginia.gov/index.html>

Department of Mental Health, Mental Retardations and Substance Abuse Services (MHMRASAS):
<http://www.dss.virginia.gov/index.html>

The *Virginia Department of Social Services (DSS) - Division of Licensing Programs (DOLP)* licenses and inspects all **Adult Day Care Center (ADCC)** facilities. These facilities variety of health, social and related support services in a protective setting. The *Division of Licensing Programs (DOLP)* offers pre-application orientation training for prospective license applicants to become informed 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 Residential Institutional 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. 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.

If your Residential Institutional facility is permitted at your selected site, it typically requires that you complete an application, pay a required fee and obtain [Building Permits](#), [Certificate of Occupancy](#) and/or [Certificate of Zoning Compliance](#). Some child-care uses can be operated within your residence and can be authorized 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 re-zoning.

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](#).

As a Child or Adult Day Care Facility operating in the City, you may 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 Residential Institutional facility business classification. The City's Finance can assist in determining tax type(s) and amount(s) during the Business Application process. Business Licenses can generally be issued immediately 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.