

# RULE GUIDANCE

## Using a Garage or Alternate Space for Child Care Purposes



### LICENSE TYPE AND RULES

#### Registered Family Child Care (RF)

OAR 414-205-0010(21): “Registered Family Child Care Home” means the residence of the provider, who has a current Family Child Care Registration at that address and who provides care in the family living quarters.

#### Certified Family Child Care (CF)

OAR 414-350-0130(1)(c): A certified family child care home shall be: In a space designed or remodeled for living quarters.

### WHY THESE RULES ARE IN PLACE

The Office of Child Care (OCC) allows only the living quarters of the home be used for regular child care activities such as:

- Eating
- Napping
- Daily activities
- Everyday play

The Oregon Building Codes Division does not consider garages to be living quarters or “habitable space.” In order for a garage or detached structure to be considered living quarters, the agency that issues building permits for your area must provide verification that the remodeled garage or space may be used as living quarters (habitable space).

### HOW TO MEET THIS REQUIREMENT

If you have an existing converted garage, detached structure or out-building and would like to use it as child care space, you must provide the Office of Child Care (OCC) with verification from the local building department that the space is considered living quarters. **OCC must receive this verification before the space can be used for ongoing child care.**

If you do not have verification, contact the local building department and ask if there is record of a final inspection or issuance of a certificate of occupancy showing that the space converted to living quarters was legally accomplished. Alternatively, the local building department can complete form OCC-0108 to document approval.

If you would like to convert an existing garage, detached structure or out-building for ongoing child care use, contact the local building department to confirm the conversion, permit and inspection requirements for the area where the home is located.

### OCCASIONAL USE WHEN NOT APPROVED AS LIVEABLE SPACE

If the space is **not** approved as part of the living quarters of the home, the space may occasionally be used in the following ways:

- Play area for gross motor activities (e.g. music and movement)
- Area for short term messy projects

If the space is occasionally used, the following safety measures must be in place and verified by your licensing specialist:

- All hazards must be removed or stored under child-safety lock (e.g. power tools, toxics, gasoline and fertilizers)
- All outlets must have protective caps if children preschool-age or younger are using the space
- The hot water venting system must drain to a safe area away from children.
- If the large garage door is open while children are in the space, the driveway must be blocked off from entering cars and children must be directly supervised.
- Since the area will only be used for brief, infrequent periods (i.e. not on a regular basis), heat is not required but there should be adequate lighting and ventilation.
- Two exits from the space are needed. If using a garage, an overhead garage door cannot be considered a usable exit since the door is too heavy for a child to open and electric doors may not function in an emergency. However, if the overhead door remains open at all times when children are in the space, only one additional exit from the garage is required

### OPTIONAL RESOURCES

Oregon Administrative Rules, Oregon Department of Education, Early Learning Division, Chapter 414, Divisions 205 [Registered Family Child Care Homes](#) and 350 [Certified Family Child Care Homes](#).

Planning and Zoning, Occupancy and Building Codes Verification Form (OCC-0108), <https://oregonearlylearning.com/wp-content/uploads/2021/09/OCC-0108-Planning-and-Zoning-Occupancy-and-Building-Codes-EN-fillable.pdf>

You are entitled to language assistance services and other accommodations at no cost. If you need help in your language or other accommodations, please contact the Office of Child Care at 503-947-1400.

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