

Daycare in Existing Buildings

What do I need to know?

WHAT IS THE MOST COMMON PROBLEM IN AN EXISTING BUILDING?

Existing buildings often have **daycare, nursery schools or church school classrooms** for children in the **second grade and below** which may be located on a floor other than the ground level floor. These classrooms may have been located on these floor levels before there were specific requirements associated with the type of use, or the classrooms were relocated to upper floor levels some time over the life of the building.

In any case, the presence of children in the second grade and below on a floor other than the level of exit discharge is not permitted by the NC Building Code and has not been permitted by the code since 1967.

In 1967, the NC Building Code Council recognized the hazards associated with locating small children on levels other than the ground level and modified the NC Building Code to limit the location of small children to the first floor. Lower grades were further limited with their classrooms to be located nearest the exits.

In subsequent years, the requirements have become more specific:

Child daycare facilities with children 2-1/2 years old and less are required to have:

- 1-hour corridors
- sprinklers or provide a minimum of one door direct to the exterior

While the addition of automatic sprinklers to a building typically eliminates the requirement for 1-hour rated corridors, when daycare facilities are involved, **the 1-hour corridors are required regardless of the presence of sprinklers.**

WHAT PROBLEMS DO SMALL CHILDREN HAVE EXITING?

The requirement limiting the location of younger children to the level of exit discharge (the ground floor) is based on the difficulties in exiting. These difficulties include the following:

1. Difficulty reaching the handrails, and
2. Difficulties with the tread/riser height, resulting in
3. Slow exit travel, compounded by people behind moving more quickly.

Those difficulties can have disastrous effects: the slow pace often results in tripping, delaying or stopping egress altogether. When children are coming down in a group, such as in a class, the concept of a quick, smooth exit from a building may quickly dissolve.

WHAT PROBLEMS DO SMALL CHILDREN HAVE EXITING?

In considering an existing situation where classrooms with younger children have been located on upper or basement floors, there are two ways to view the situation:

- 1) **Existing complying "grandfathered" situation:** If there has been no change to your building since the 1960s (before the first requirement) when it was originally constructed, then what you have is an existing condition which is technically "grandfathered" (i.e., was not addressed at the time it was constructed but is no longer permitted). You need to discuss with the congregation whether the potential liability of maintaining the children on the upper or basement level until you do your renovation/expansion in 2-3 years is worth it, given the documented egress problems and the fact that all the model building codes prohibit younger children on levels other than the level of exit discharge. You have to consider injury to a child or an adult in exiting up or down the stairs as well as in any delay in egress due to the children slowing down egress as well.
- 2) **Existing non-complying situation:** If there has been any renovation to the building since the original construction in the 1960s that affected or involved the location of the children, then they should have been relocated to the ground floor at that time and the building as it currently exists is non-complying. The children should be relocated either up to or down to the ground floor level as quickly as possible. Again, your liability in an injury situation once it is determined that you have a non-complying building would not be good. If your building was constructed any time after 1967, the code restricted young children to the ground floor level. [See TIMELINE OF CODE REQUIREMENTS below for exact code requirements.]

In either case, **the recommendation of the NC Department of Insurance is that you move the children to the ground floor level as quickly as possible. It is what is safest for them.**

TIMELINE OF CODE REQUIREMENTS

1958 NC STATE BUILDING CODE, SECTION 612:

(b) Special Exit Requirements for School Buildings and Sunday School Buildings.

Addressed: numbers of exits, maximum dead end lengths, remoteness, and exit width.

(c) Churches. Allows reduction of exits and aisles with the Commissioner of Insurance's approval.

(d) Schools and Sunday Schools. Requires plans for all Sunday school buildings (except 1-story buildings with an occupant load of less than 50) to be submitted to and approved by the Commissioner of Insurance before work is begun on the building.

1967 NC STATE BUILDING CODE, SECTION 406.3 - SPECIAL REQUIREMENTS, GROUP "C" OCCUPANCY, Item 8:

Small children shall be on the first floor. The lower grades shall be located in the classrooms nearest the exits.

1978 NC STATE BUILDING CODE, SECTION 406 - EDUCATIONAL OCCUPANCY, SPECIAL PROTECTIVE REFERENCES 406.3 Item 7:

Rooms used for day care, nurseries, kindergarten or first grade pupils shall not be located above or below the floor of exit discharge. Rooms used for second grade pupils shall not be located more than one (1) story above the floor of exit discharge.

[* The 1978 code contains additional specific requirements [509.4] associated with daycare facilities containing more than 15 children which were in operation prior to 4/1/72. If you need additional information regarding these requirements, please contact the NC Department of Insurance at 919-661-5880.]

* REQUIREMENTS ESSENTIALLY UNCHANGED FROM 1978 THROUGH 2002

2002 NC BUILDING CODE 1007.6: Group E. Rooms used for first grade children and younger shall be located on the level of exit discharge. Rooms used for second grade children shall not be located more than one story above the level of exit discharge.