



NEW JERSEY DEPARTMENT  
OF CHILDREN AND FAMILIES

## New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	122	Manual of Requirements for Child Care Centers	8/6/2009
Subchapter:	5	Physical Facility Requirements	
Section	1	<b>State, county, and municipal government physical facility requirements (N.J.A.C. 10:122-5.1)</b>	

### §10:122-5.1 State, county, and municipal government physical facility requirements

(a) A person seeking a license or a Certificate of Life/Safety Approval to operate a center shall comply with all applicable provisions of the New Jersey Uniform Construction Code, as specified in N.J.A.C. 5:23 (hereinafter referred to as the "NJUCC").

1. For newly constructed buildings, for existing buildings whose construction code group classification would change from that which it had been, or for existing buildings that require major alteration or renovation, the center shall obtain a Certificate of Occupancy (CO) issued by the municipality in which it is located, reflecting the center's compliance with the provisions of the NJUCC, and submit a copy of the CO to the Office of Licensing, for one of the following group classifications:

i. E (Educational) for buildings accommodating children 21/2 years of age and/or older and having a total occupancy of six or more children;

ii. I-4 (Institutional) for buildings accommodating one or more children less than 21/2 years of age; or

iii. A-3 (Assembly) or one of the use group classifications specified in (a)1i or ii above for buildings accommodating school-age child care programs only.

2. Plan reviews for centers to be located in newly constructed buildings shall be submitted as follows:

i. In addition to submitting preliminary and final architectural drawings to the local construction official, a sponsor/sponsor representative that plans to construct a new or renovate an existing building for use as a center shall submit preliminary and/or final

architectural drawings to the Office of Licensing for review and approval prior to beginning construction.

ii. The sponsor/sponsor representative shall submit to the Office of Licensing revised final architectural drawings containing all Office of Licensing-required items listed in the plan review, if any, and secure final approval from the Office of Licensing prior to beginning construction.

3. For buildings constructed after the adoption of the NJUCC (1977), whose construction code group classification is already E, I-2, I-4, A-3, or A-4, and that have not had major alterations or renovations since receipt of the CO, the center shall obtain the CO issued by the municipality in which it is located at the time the building was originally constructed or approved for use in the NJUCC's E, I-2, I-4, A-3, or A-4 group classification. The center shall submit a copy of the building's CO to the Office of Licensing.

4. For existing buildings whose use prior to the adoption of the NJUCC (before 1977) was and continues to be for a center and that have not had major alterations or renovations, the center shall obtain a Certificate of Continued Occupancy (CCO) issued by the municipality in which it is located, reflecting the building's compliance with provisions of the municipality's construction code requirements that were in effect at the time it was originally constructed or converted for use as a center. The center shall submit a copy of the building's CCO and the center's current fire safety inspection certificate to the Office of Licensing.

5. The center shall be permitted to obtain a valid fire safety inspection certificate issued by the municipality in which it is located, based on a fire inspection conducted within the preceding 12 months, and submit a copy of the certificate to the Office of Licensing in lieu of a CO or CCO, if the center serves only children 2 1/2 years of age or older and is located in a public school building that is used as a public school.

6. The center shall obtain a new CO issued by the local municipality in which the center is located, and submit a copy to the Office of Licensing, reflecting the building's compliance with provisions of the applicable NJUCC group classification, whenever the center:

i. Changes the building's use group classification to one other than the one prescribed on its original CO;

ii. Makes a major alteration or renovation, as defined by the NJUCC, of the building or premises in which the center is located;

iii. Increases the floor area or the number of stories to the building or premises in which the center is located; or

iv. Relocates to another site.

7. Whenever a municipality grants to a center a written variation(s) from any of the requirements of the NJUCC, the Office of Licensing may accept such variation(s) as meeting the applicable requirement(s) of this manual.

i. If the Office of Licensing does not accept the variation, the non-acceptance shall be based on the best interests of the children in the center, and shall include consideration for their health and safety. The non-acceptance shall be based on the requirements of this manual only, and shall not preclude the municipality from continuing to grant the variation.

ii. If the center disagrees with the Office of Licensing, the center may seek a hearing in accordance with N.J.A.C. 10:122-2.5(a) and the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1, as implemented by the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) An applicant seeking a license or a Certificate of Life/Safety Approval to