June 30, 2026

HOME DAY CARE FACILITIES
BACKGROUND INFORMATION and PRELIMINARY CONCEPTS

The goal of the Home Day Care Facilities amendment is to decrease regulatory barriers and streamline processes to help facilitate the creation and increase the capacity of home day cares (HDC) and thereby expand access to child care. Expanding the County's early childhood system advances the goal of the Board of Supervisors (Board) to ensure that every child in Fairfax County has equitable opportunities to thrive. The topic was added to the FY 2026-2027 Zoning Ordinance Work Program as a new Second Tier topic and has moved to the First Tier with the proposed FY 2027-2028 Work Program.

COUNTY GOALS AND CHILD CARE SUPPLY, DEMAND AND AFFORDABILITY

Access to high-quality, affordable child care is a critical component of a community's well-being, as it is important for child development, supporting working families, and fostering economic stability. According to data collected by the Department of Neighborhood and Community Services and shown in Figure 1,[1] there are identified supply and access gaps throughout the County (shown in blue) where families may be struggling to access care.

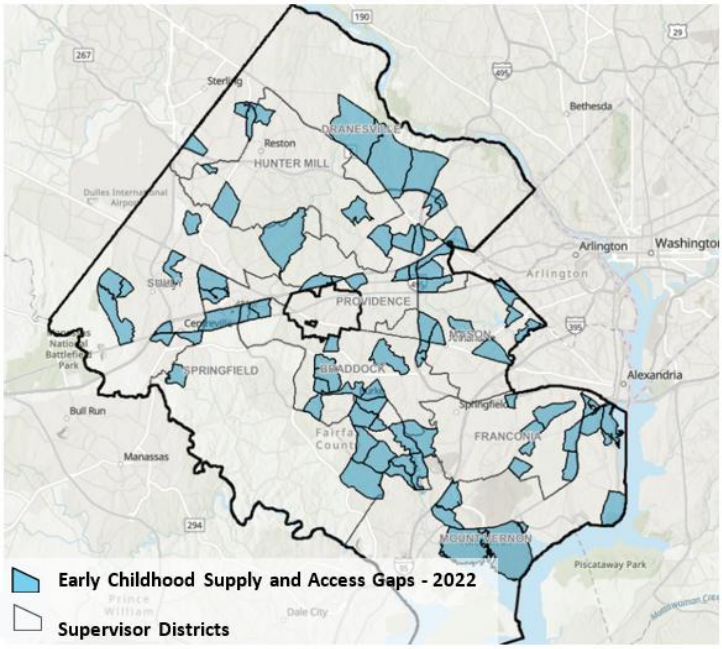

Figure 1: Early Childhood Supply and Access Gaps

Affordability is an essential element of child care access. A 2026 report, Child Care in America: 2025 Price & Supply, notes that the price of child care remains out of reach for many. This may cause families to make trade-offs between financial stability and workforce participation. The report further notes that in all states with data, including Virginia, the price of care for two children in a center-based child care exceeds median rent, and in most states, exceeds mortgage

[1] Map and data provided by Neighborhood and Community Services. The Early Childhood Supply and Access Gaps map illustrates the areas where additional early childhood programs capacity is needed: https://experience.arcgis.com/experience/2c9686d45b594792842dd11420abed42/page/MainPage

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payments. The Virginia Early Childhood Foundation's Ready Region Early Childhood Care and Education (ECCE) Supply/Demand Dashboard shows that in Fairfax County, HDCs for infants cost on average $7,500 less per year than center-based care and $4,878 less for toddlers. Figure 2 below shows the cost of care for both center-based care (infant, toddler, and preschool age) and home-based care (mixed-age classroom) for children under five years old in Fairfax County.

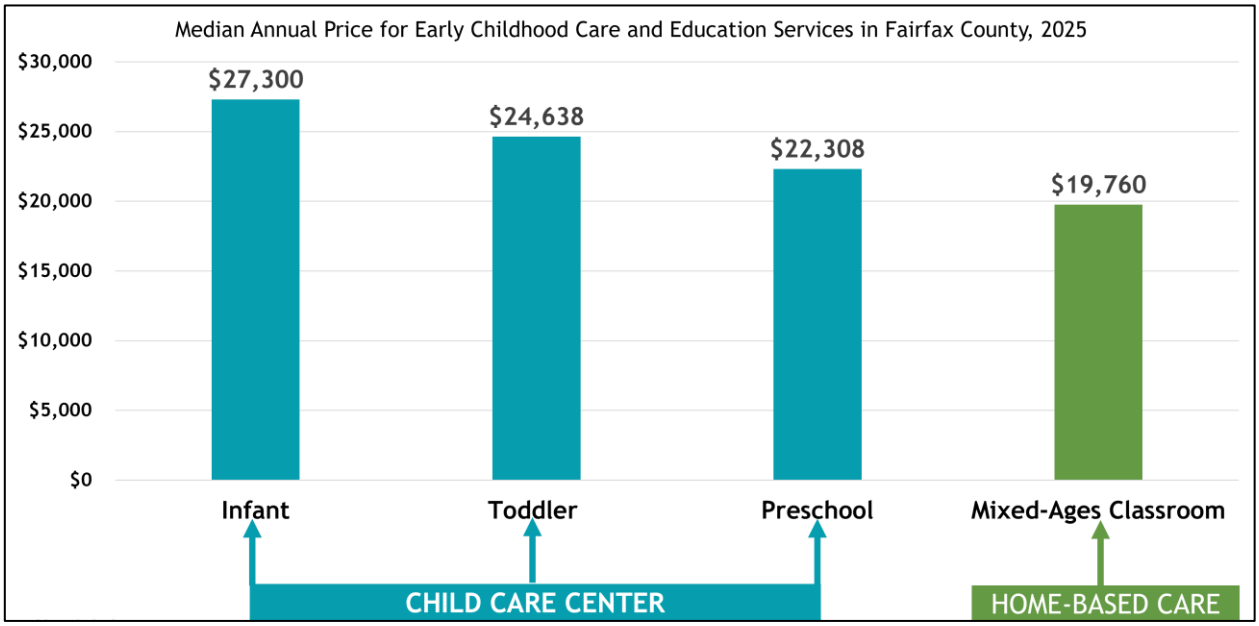

Figure 2: Median Annual Price for Early Childhood Care and Education in Fairfax County – Virginia Early Childhood Foundations' Ready Region ECCE Supply/Demand Dashboard

In addition to being a more affordable option, many families prefer HDCs as they provide features such as small, home-like settings; mixed age groups of children; flexible hours; convenient locations within neighborhoods requiring less travel time; and consistency of the caregiver.

The Zoning Ordinance currently requires HDC providers to obtain a special permit (SP) or special exception (SE) to care for more than five children in a single-family attached, townhouse, multi-family, or manufactured dwelling or more than seven in a single-family detached dwelling, up to the 12 children, the maximum number of children allowed by the Commonwealth of Virginia. Reducing regulatory barriers can increase the supply of HDCs, addressing supply, affordability, and parental choice. This is consistent with Goal 2 of the County's Early Childhood Strategic Plan to ensure all children have equitable access to high-quality early education across all the settings where they live, play, and learn.

HOME DAY CARE LICENSING REQUIREMENTS – COUNTY AND STATE

All HDC facilities in Fairfax County have either a permit from the Fairfax County Department of Neighborhood and Community Services or a license from the Virginia Department of Education (DOE), depending on the number of children in their care. There are currently 1,158 licensed or permitted HDCs in Fairfax County.[2] Of that total, 608 provide care for up to four children and have a County permit; the remaining 550 provide care for five to 12 children and are licensed by the DOE.

A provider who cares for up to four children in their home is required by Chapter 30 of the County Code to have a current Family Child Care Provider Permit from the County Department of Neighborhood and Community Services, renewed annually. A health and safety inspection is performed by a County Child Care Specialist, and a fire safety inspection is completed by the Office of Fire Marshal.

A provider who cares for five to 12 children, is required by the Virginia Code to have a Family Day Home License from the DOE. The facility must comply with the State Standards for Licensed Family Day Homes and the home is inspected by a state DOE childcare specialist. There is no fire safety inspection done by the Fire Marshal as part of the state license. The license requires the provider to submit a zoning form to obtain confirmation from the Zoning Administrator that the facility complies with the applicable Zoning Ordinance requirements. As with the County permit, the state license is renewed annually, including a home inspection.

In addition to the requirements and processes noted above, all HDCs in Fairfax County require a County Business Professional Occupational License (BPOL) and a Business Return of Tangible Personal Property from the Department of Tax Administration. Attachment 1 indicates the applicable HDC review process at the state and County level.

BACKGROUND AND CURRENT ZONING REGULATIONS

Under the Zoning Ordinance, a home day care facility is a dwelling where during only part of a 24-hour day, at least one but not more than 12 children, exclusive of children who reside in the dwelling, receive care. In accordance with subsection 4102.7.I of the Zoning Ordinance, HDCs that are located within a single-family detached dwelling may care for up to seven children by right, and those located in all other dwelling unit types may care for up to five children by right. To provide care for the maximum 12 children allowed by the State, a provider must apply for either an SP if the residence is in one of the conventional residential zoning districts (R-A through R-MHP), or an SE if the residence is within a planned district.

[2] County permit and State license data as of April 2026.

HDCs are considered an accessory use and are required to be operated by the provider within the provider's primary residence. One nonresident person (paid or not) is allowed between 7:00 AM to 6:00 PM, Monday through Friday. In addition, there must be no exterior evidence of the home day care, except play equipment. A provider can also seek an SP or SE for an additional nonresident person or an extension of hours for the nonresident person. In reviewing an SP or SE application, the Board of Zoning Appeals (BZA) or the Board may require additional off-street parking spaces (unless the property is located within one-half mile to public transit)[3] based on the maximum number of vehicles expected to be on-site at any one time or may require landscaping and screening, among other conditions.

Based on research and analysis, staff found that the SP and SE process adds time and cost. The median duration of the application process took 104 days to be accepted. Given that acceptance staff are meeting accepted standards for review of submissions, the lengthy time period for acceptance could be the result of less experienced applicants and/or less experienced engineers.[4] Following acceptance, SP applications took 104 days to receive a BZA decision, and SEs took 251 days to receive a Board decision due to the additional Planning Commission public hearing requirement. The application fee is $615 (FY 2027 fee) and requires submission of a zoning plat (which can cost upwards of $1,000). The time and complexity of navigating the SP/SE process may be cost-prohibitive for some providers, causing them to not apply to care for more than the by-right number of children currently allowed.

As shown in Table 1 below, in the last 2.5 years of case data reviewed, all 53 applications that made it to a public hearing were approved. Of these approved applications, the majority requested and were approved for the maximum of 12 children. The eight applications which were approved for fewer than 12 children were all located in townhouse dwellings. Of those, six applications requested fewer than 12 children (requested between 7 and ten) and two applications requested 12 children but were approved for ten based on concerns related to the size of the area devoted to the HDC.[5] A review of development conditions found that many of the adopted conditions were standard across all application types. For example, standardized

[3] HB 888 states that the County cannot require, as a condition of a zoning approval, minimum off-street parking for residential, multifamily, or mixed-use development located within one-half mile of the entrance to a mass transit or public transportation station or facility exceeding a rate of one space for single family dwelling and 0.5 space for multifamily and mixed use development.

[4] This is generally consistent with the average application acceptance review time seen on other homeowner applications, such as error in building location or increase in fence height requests. Zoning Evaluation Division staff does over 90% of first review of submission within ten days and second review within a week of resubmission. Resubmission often requires an amendment to the SP or SE plat.

[5] Please note that although county zoning staff are evaluating the size of the HDC, the State DOE ultimately determines the home's maximum capacity per 8VAC-20-800-40. Even if the Board or BZA approve 12 children, the DOE has further limited this number if the space is not sufficient.

conditions include requiring napping areas to have adequate egress per building code specifications and designated parking spots that are open for pick up/drop off.

Table 1: Home Day Care Applications between 1/1/2024 to 6/1/2026

	Submitted	Approved	Denied	In-Process
SP	78	45	0	33 (2 withdrawn)
SE	11	8	0	3
Total	**89**	**53**	**0**	**36**

During the SP/SE review process, the staff coordinator conducts a zoning site visit that includes confirmation of zoning requirements and review of emergency egress in napping rooms, fire and carbon monoxide detectors, and the size of the facility. While all providers in the County with more than four children are required to receive an inspection from the State DOE childcare specialist that includes establishing the maximum number of children allowed, there is no requirement for an in-person inspection for HDCs with five to 12 children by County Fire Marshal or Building Division staff to review potential fire or building code issues.

JURISDICTIONAL RESEARCH

The HDC regulations for Fairfax County, summarized in Attachment 1, are compared to nearby jurisdictions and summarized in Attachment 2 and include Arlington County, Loudoun County, Prince William County, and the Cities of Fairfax, Falls Church, and Alexandria.[6] Although the maximum number of children an HDC provider can care for in Virginia is 12, several jurisdictions have an administrative process for some smaller number, with some additional process required for additional children, up to the maximum of 12. Arlington County recently updated its Zoning Ordinance and now allows providers up to 12 children administratively in all dwelling types. Loudoun and Prince William counties allow up to 12 children in single-family detached dwellings on lots over a certain size, although an administrative zoning permit is required. Alexandria allows six to nine children in all dwelling types with an administrative special use permit.

Attachment 2 also provides a summary of each jurisdiction's use-specific standards. Only Fairfax and Loudoun counties have a standard regarding nonresident employees. Some jurisdictions require additional off-street parking spaces depending on the number of children proposed and/or require outdoor play or screening requirements. Some of the use-specific standards may be modified through the legislative process.

[6] Please note that not all jurisdictions are subject to the same state enabling authority.

Some jurisdictions have other review processes and requirements for HDCs, in addition to zoning requirements, that initiate building and/or fire code inspections. Some jurisdictions require those inspections through home-based business and/or certificate of occupancy permits. Others require inspections through other jurisdictional code requirements outside of their zoning ordinances specific to child care or educational facilities. As noted above, County Code Chapter 30 requires a Fire Marshal inspection for facilities caring for up to four children as part of the County Family Child Care Provider Permit; however, facilities with five to 12 children are not required to receive a county fire inspection but do receive an annual licensing inspection by the State. Per 8VAC20-800-320, if there are open and obvious fire hazards, including the absence of fire extinguishers or smoke detectors as required by the Uniform Statewide Building Code and the Statewide Fire Prevention Code, the state inspectors are required to contact the County's Office of Fire Marshal or Building Official and the provider must comply with the fire or building code requirements.

PRELIMINARY CONCEPTS FOR CONSIDERATION

The following concepts are proposed for Board consideration as possible options to remove potential barriers and/or streamline the process to make it easier to establish HDC facilities in the County:

Option 1: Allow all HDC facilities with an administrative permit.

A. Allow HDCs (between five to 12 children) with an administrative permit.
B. Add new use-specific standards, if needed, that reflect common development conditions, such as ensuring an area is available for drop-off/pickup or outside play area considerations.
C. Increase the allowed number of nonresident employees from one to two and review limits on hours/days for nonresident employees with an option to modify with special permit. Up to 12 children may require an additional nonresidential employee per state code depending on the ages of the children.

Option 2: If a legislative zoning process is retained, modify the permissions and the submission and process requirements.

A. Modify the permissions by:
    i. Increasing the existing allowance to a larger number, such as ten children, and up to 12 would require an SP for single-family detached dwellings. Consider a lower number (such as eight) for all other dwelling types.
    ii. Requiring an administrative permit for HDCs over four children that do not require a SP.

iii. Increasing the allowed number of nonresident employees from one to two and review limits on hours/days for nonresident employees with option to modify with special permit.

iv. Adding new use-specific standards, if needed, that reflect common development conditions, such as ensuring an area is available for drop off/pickup or outside play area considerations.

B. Modify the process by allowing HDC facilities proposed in planned districts that require a zoning approval to use the SP process versus the SE process. Allowing the SP will decrease the length of the process with only one public hearing required.

C. Modify the submission requirements for an SP by allowing the submission of a current house location survey that indicates the location of structures and setbacks on property instead of the more detailed and expensive special permit plat. Since the HDC use occurs mostly inside except for when children arrive/depart or use an outside play area, the SP plat requirement is not needed for analysis of the land use impact for the use and can cause delays in the application being accepted. If a submission is deficient and the review is paused, it lengthens the overall process time and can cost the provider more money to revise the plat.

NEXT STEPS

A meeting with the Planning Commission's (PC) Land Use Process Review Committee is scheduled for July 9, 2026, at 7:30 p.m. Based on the Board's direction, staff will develop draft text for public outreach. Community outreach meetings will be scheduled for this fall to discuss the topic, and materials will be posted to facilitate review by the general public. Community engagement will also include targeted outreach and customized meetings with translation services to HDC providers and coordination with our State and County child care agencies. Information on scheduled outreach events will be provided to the Board staff through newsletter or other constituent communications. Information about meetings and other project updates will be posted on a dedicated webpage. Authorization and public hearings could take place by early 2027, depending on the desired community outreach plan. Questions and comments can be directed to Jacqui Kamp, at jacqui.kamp@fairfaxcounty.gov or by calling 703-324-1314.

ATTACHMENTS

Attachment 1 – Home Day Care Review Processes in Fairfax County
Attachment 2 – Jurisdictional Research

Home Day Care (HDC) Review Processes in Fairfax County

Jurisdiction	Agency	Required Review Process
Fairfax County	**Neighborhood and Community Services – Community Education and Provider Services** • Up to 4 nonresident children	Home Child Care Permit (Annual renewal) • Health and Safety Inspection • Fire Safety Inspection by Fire Marshal • Chapter 30 requirements
	Zoning Administration Division • By right up to 7 children in single-family detached dwelling • By right up to 5 children in single-family detached, stacked townhouse, or multi-family dwelling, or a manufactured home • Must meet use-specific standards	Virginia Form for Home Day Care (Zoning Form) • Applicant submits notification to apply for a license to operate a family day home • Staff reviews and notes whether in compliance with Zoning Ordinance or SP or SE needed. • Applicant provided the Zoning Ordinance Use Standards, subsection 4102.7.I Home Day Care Facility
	Zoning Evaluation Division • SP/SE up to 12 children • SP/SE for more than 1 nonresident assistant and expanded hours for nonresident assistant	Special Permit • Application, site visit, and BZA hearing Special Exception **(planned districts)** • Application, site visit, PC hearing; and BOS hearing
	Department of Tax Administration • All HDCs	Business Professional Occupational License Business Return of Tangible Personal Property
Commonwealth of Virginia	**Virginia Department of Education – Office of Child Care Health and Safety** • Five through twelve nonresident children	State Licensed Family Day Home **(annual renewal)** • Pre-application training, application, home inspection for compliance with Standards for Licensed Family Day Homes • Zoning form for establishment of use (see above under Zoning Administration Division)

Jurisdictional Review

Arlington County	
Administrative approval	Up to 12 children in all dwelling types.
Legislative approval	Not applicable.
Use-Specific Standards	All: - Parents/caregivers shall escort children both two and from the home. - If an on-site outdoor play area is provided, the area shall be enclosed and screened. Six to 12 children: - Owner and operator to serve as neighborhood liaison to communicate with neighbors over concerns. - At least one off-street parking space for pick up and drop off. - Pick up and drop off shall be managed to ensure that queuing of two or more cars does not occur on a public street.
Inspections	All require zoning and building inspections through the Certificate of Occupancy process.
Loudoun County	
Administrative Approval	- Up to four children permitted with no review. - Up to nine children in all dwelling types with a Zoning Administrator permit. - Up to 12 children in single-family detached dwellings on lots 4,000 square feet or larger with a Zoning Administrator permit. Zoning Administrator permit requires: - Issuance of a zoning permit, prior to a building permit or certificate of occupancy. - All neighbors must be notified of the Zoning Permit application. - Adjacent property owners can send a written objection. - If the Zoning Permit is denied, may be permitted by approval of a Minor Special Exception by the Board.
Legislative Approval	- Up to twelve children in single-family detached dwellings on lots less than 4,000 square feet through Minor Special Exception approval by the Board. - Up to twelve children in single-family attached dwellings through Minor Special Exception approval by the Board.
Use-Specific Standards	Outdoor play requirements; no more than 2 non-resident assistants/employees; hours of operation; signs permitted in accordance with Zoning Ordinance; parking spaces required by Zoning Ordinance.
Inspections	Between 5-12 children require zoning inspection (exterior inspection only).

Prince William County	
Administrative Approval	- Up to four children permitted with no zoning review. - Between five and twelve children in single-family detached dwellings on lots 5,000 square feet permitted through a home-occupation certificate (and certificate of occupancy). - A home occupation certificate requires notification sent to adjacent property owners.
Legislative Approval	Between five and nine children in single-family detached dwellings on lots less than 5,000 square feet, manufactured homes, townhomes, duplexes, and multifamily through a special use permit approval by the Planning Commission and Board.
Use-Specific Standards	Dwelling units in which a family day-care home is operated shall not be altered structurally or with respect to external decoration so as to be incompatible with surrounding dwelling units.
Inspections	Over five children require a Certificate of Occupancy which is issued by the local Building Official.
City of Fairfax	
Administrative Approval	Up to four children is permitted with no zoning review.
Legislative Approval	- Between five and twelve children in single-family and duplex dwellings through a Special Use Review by City Council.

Use-Specific Standards	- Family day care homes shall obtain a state license, if required.
	- When calculating the total number of children cared for, resident children shall be excluded.
	- The facility shall be the principal residence of the operator of the family day care home.
	- The facility shall comply with any and all requirements of the city and state codes.
	- Parking:
	  ○ Less than 5: No additional spaces
	  ○ 5 to 7 children: 1 space
	  ○ 8 to 12 children: 2 spaces

Inspections	- All require a Fire Marshal inspection (annually)

City of Falls Church	
Administrative Approval	Up to five children with no zoning review required.
Legislative Approval	Six to twelve children in single-family and duplex dwellings with a Special Use permit approved by the Board of Zoning Appeals.
Use-Specific Standards	- More than five nonresident children must comply with Chapter 48 Zoning. - Submit a letter of intent to the Zoning Administrator. - The Zoning Administrator shall review the application, submit the application and all necessary data to the planning commission which will forward its recommendation to the board of zoning appeals for its consideration for the issuance of a special use permit.
Inspections	Inspections occur with required Occupancy Permit.
City of Alexandria	
Administrative Approval	- Up to five children in all dwelling types. - Six to nine children in all dwelling types through an Administrative Special Use Permit. - An Administrative Special Use Permit includes public notice, proximity to outdoor area, home visit from Dept. of Community and Human Services Early Childhood Division which provides a report to zoning.
Legislative Approval	Not applicable.
Use-Specific Standards	- All homes shall be registered with the city. - When calculating the total number of children cared for, resident children under the age of 12 shall be included. - The home shall be the principal residence of the operator of the home. - The home shall comply with all requirements of the city and state codes.
Inspections	Up to four children require fire marshal inspection. Six to nine children with special use permit requires a home visit from the Department of Community and Human Services.