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DEPARTMENT OF SAFETY

Division of Fire Safety

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BULLETIN #	TITLE			INITIAL RELEASE
2020-05	Emergency Declaration-Daycare Occupancy Guidelines			March 17, 2020
REVISION #	RELEASED BY	APPROVED BY	SOURCE	REVISION DATE
	SPT	PJP	NFPA 101 & Governors Executive Order 2020-04	

Informational Bulletin 2020-05 Emergency Declaration – Daycare Occupancy Guidelines

Purpose:

The purpose of this bulletin is to provide clarification and guidance for Daycare Occupancies with regard to *Executive Order 2020-04 – An order declaring a state of emergency due to Novel Coronavirus (COVID-19)*.

This bulletin remains in effect for the duration of the state of emergency.

Background:

Specifically, under RSA 4:45, III(e), the Governor has the authority to "perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population. The Governor has "power to make, amend, suspend and rescind necessary orders, rules and regulations" to carry out emergency management functions in the event of a disaster beyond local control.

The Commissioner of the Department of Health and Human Services, in consultation with the State Fire Marshal, shall have the authority, on a case by case basis, to waive licensing requirements for day care facilities to allow for temporary provision of child care by:

- (1) Employers for children of their employees;**
- (2) Licensed day care facilities in situations where temporary exceedance of maximum enrollment may be necessary;**
- (3) Any other circumstance in which the Commissioner determines that waiver of licensing requirements is necessary and will not adversely impact child safety.**

The State Fire Marshal has the authority to waive, on a case-by-case basis, the requirements of the provisions of the fire code. Variances can be obtained by contacting Deputy State Fire Marshal Sean Toomey (see below).

All persons or businesses wishing to waive or modify daycare licensing requirements shall work with their respective AHJ's to adapt or change the use of their properties. Any changes shall be coordinated, and must provide adequate levels of fire safety as it relates to the New Hampshire State Fire Code. Any changes shall be reviewed and approved by the local fire chief.

This bulletin provides guidance on some of the frequently asked and anticipated conditions impacting fire and life safety in healthcare facilities during this state of emergency.

Explanation/Guidance:

Life Safety Code Requirements for Daycare Occupancies (Commercial):

Occupant Load Factor: 1 person/35 SF (Note: DHHS guidelines are 1 person/40 SF)

The occupant load in any building or portion thereof shall be permitted to be increased from the occupant load established for the given use in accordance with the factor noted above where all other requirements in the Life Safety Code are also met, based on such increased occupant load.

Fire Alarm System: Required (Smoke detectors/CO detectors are required in sleeping rooms)

Number of Exits: 2 Remote Exits (At no time shall egress be compromised, obstructed or locked)

Travel Distance to Exits (Ft): 150 (from any point in a room)

Dead Ends: 20 Feet maximum

Exit Discharge: At least one directly to outside

Door Latches: Child can open from inside. (Staff can unlock bathroom without key in an emergency).

Illumination of Means of Egress: If used after daylight hours.

Exit Signs: To required Exits and in Windowless Rooms

Emergency Lighting: To required Exits and in Windowless Rooms.

Exit Corridor 44 inches clear width

Fire Extinguishers: Required

Electrical Equipment: Shall meet NFPA 70 (Receptacle covers required).

Unvented Fuel-Fired Heaters: Not Permitted

Note: Daycare Homes have different requirements from those above.

Examples of Emergency Variance Requests:

- Existing daycare needs to add additional children, over the occupant load
- A facility is looking to add daycare space in their building to assist their employees (change of occupancy)
- Change in staff/child ratios

Information Required for Emergency Variance:

1. What floor in the building is the daycare space?
2. Does the building have a fire alarm system?
3. Does the space have a carbon monoxide alarm?
4. Does the building have a sprinkler system?
5. How many exits from the daycare space?
6. How many children currently occupy the space?
7. How many additional children are you asking for?

This situation remains fluid and we are committed to working with all stakeholders to balance their needs while maintaining an adequate level of fire and life safety during this event. Any/all questions regarding modifications to the fire or life safety code should be directed to the following:

DHHS Life Safety

Wendy Smigelski: 271-9037

State Fire Marshal's Office

Deputy State Fire Marshal Sean Toomey: 223-4375