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Ex-day care provider's woe

She shut down prematurely: city

BY MELISSA GRACE
DAILY NEWS STAFF WRITER

Deleros Foster may have closed her day care center in her Crown Heights home for nothing.

Citing a faulty fire escape plan, City Health Department officials ordered Foster to shut down two weeks ago - or so she thought.

"They called me [Monday] saying, 'We didn't shut you down - you must have been mistaken,'" said Foster, who ran a city-licensed day care in her home for three years.

Foster is one of more than 100 Brooklyn home-based day care operators caught in a tangle of newly enforced city regulations, advocates say.

The rules bar providers who live in rowhouses from evacuating children to the yards behind their home in the event of a fire.

In public housing towers without fire escapes, officials are enforcing rules that forbid providers from using rooftops as escape routes.

If the rules are enforced, many providers will close.

In a meeting with Health Department officials yesterday, representatives of Families United for Racial and Economic Equality were told the rules will likely be relaxed.

The call Foster received Monday - and a visit the same day from a Health Department inspector - came after a Daily News article about her closure.

But the Health Department's interest in Foster came too late. She already had placed two kids in other day care centers, and two mothers had to quit their jobs.

Even so, Health Department officials insist Foster was not ordered closed, but that her case is pending.

"We have never told her she had to close," said Frank Cresciullo, assistant

commissioner of the Health Department's day care bureau. "We were working with her on an egress plan."

Until this year, the city allowed Foster to use a front window of her rowhouse as a second exit. But she was told this year that she needed to create a path from her backyard to the street through her neighbors' backyards.

Foster said when she told health officials her neighbors refused her permission to install gates in the fences around their homes, she was told she had to close her center - so she did.

Advocates said city officials are not being clear with providers about the complex and onerous regulations - or the changes that may be coming.

"There is a lot of confusion and conflicting information about what the policy is going to be," said South Brooklyn Legal Services lawyer Sarah Dranoff.

"Meanwhile people are getting inspections and being told they're not going to be able to continue to operate."

For her part, Foster has no plans to reopen.

"It's crazy," she said, adding that city officials are "making it too difficult."

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