

HOUSE BILL REPORT

HB 1733

As Reported By House Committee On:

Local Government

Title: An act relating to day-care facility location restrictions.

Brief Description: Limiting restrictions on residential day-care facilities.

Sponsors: Representatives Romero, Campbell, Scott, Wolfe, Hatfield, Dickerson, Gombosky, Tokuda, Boldt, Mielke, D. Schmidt, Mitchell, Talcott, Ogden, Kenney, Wood, Santos and McIntire.

Brief History:

Committee Activity:

Local Government: 1/19/00, 2/2/00 [DP2S].

Brief Summary of Second Substitute Bill

- Prohibits counties from prohibiting the use of a residential dwelling as a family day-care provider's facility in an area zoned residential or commercial.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 7 members: Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen and Fortunato.

Staff: Caroleen Dineen (786-7156).

Background:

A "family day-care provider" is defined in child care statutes as a provider who regularly provides child day-care for not more than 12 children in the family living quarters of the provider's home. A "family day-care home" is defined in the local planning statutes as a person who regularly provides child day-care during part of the day for six or fewer children in the person's family home.

Cities may not zone or otherwise regulate against use of a residential dwelling as a family day-care provider's home facility if the residential dwelling is located in a residential or commercial zone. Cities may:

- require compliance with building, safety, sign, licensing and other requirements;
- require compliance with development regulations applicable to the zone (e.g., setbacks, lot size) unless the facility is a legal nonconforming structure;
- impose zoning conditions on establishment and maintenance that are no more restrictive than conditions imposed on other residential dwellings in the same zone; and
- limit hours of operation for neighborhood compatibility purposes while allowing for the facility to serve persons working nonstandard shifts.

Cities also may require the family day-care provider to provide proof of written notification to immediately adjoining property owners of intent to operate the facility before state licensing occurs. The licensor may provide a dispute resolution forum for any disputes between neighbors and day-care providers.

Summary of Second Substitute Bill:

Counties, cities and towns may not prohibit the use of a residential dwelling in an area zoned for residential or commercial use as a family day care provider's facility serving 12 or fewer children. Counties, cities and towns may impose the same requirements and conditions on such facilities that cities were previously authorized to impose, including:

- requiring compliance with building, safety, sign, licensing and other requirements;
- requiring compliance with development regulations applicable to the zone (e.g., setbacks and lot size) unless the facility is a legal nonconforming structure;
- imposing zoning conditions on facility establishment and maintenance that are no more restrictive than conditions imposed on other residential dwellings in the same zone;
- requiring the family day-care provider to provide proof of written notification to immediately adjoining property owners of intent to operate the facility before state licensing occurs; and
- limiting hours of operations for neighborhood compatibility purposes while allowing for the facility to serve persons working nonstandard shifts.

These authorized regulations are expressly exempted from the general prohibition against local regulation. Technical revisions are included to incorporate these provisions into the appropriate planning statutes.

Second Substitute Bill Compared to Original Bill: The second substitute bill specifically exempts allowed regulations from the general regulatory prohibition and makes technical revisions to apply these provisions to counties as well as cities and towns and to incorporate the provisions into appropriate planning statutes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Second Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Substitute bill) Quality day-care is critical for the peace of mind of parents and the health and well being of children. Child-care is hard work, and increased regulation makes in-home child care more difficult and less attractive. Day-care should be available close to where children live. This bill makes the job of in-home child-care easier without changing the quality of child-care provided. This bill also brings counties into line with what cities are already doing.

Testimony Against: None.

Testified: Representative Sandra Romero, prime sponsor; and Marjean Allen, citizen.