
HOUSE BILL 1733

State of Washington

56th Legislature

1999 Regular Session

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

Read first time 03/02/1999.

1 AN ACT Relating to day-care facility location restrictions; adding
2 a new section to chapter 35.21 RCW; and repealing RCW 35.63.185,
3 35A.63.215, and 36.70A.450.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW
6 to read as follows:

7 (1) No city, town, or county may enact, enforce, or maintain an
8 ordinance, development regulation, zoning regulation, or official
9 control, policy, or administrative practice that prohibits the use of
10 a residential dwelling, located in an area zoned for residential or
11 commercial use, as a family day-care provider's facility serving twelve
12 or fewer children.

13 (2) A city, town, or county may require that the facility: (a)
14 Comply with all building, fire, safety, health code, and business
15 licensing requirements; (b) conform to lot size, building size,
16 setbacks, and lot coverage standards applicable to the zoning district
17 except if the structure is a legal nonconforming structure; (c) is
18 certified by the office of child care policy licensor as providing a
19 safe passenger loading area; (d) include signage, if any, that conforms

1 to applicable regulations; and (e) limit hours of operations to
2 facilitate neighborhood compatibility, while also providing appropriate
3 opportunity for persons who use family day-care who work a nonstandard
4 work shift.

5 (3) A city, town, or county may also require that the family day-
6 care provider, before state licensing, require proof of written
7 notification by the provider that the immediately adjoining property
8 owners have been informed of the intent to locate and maintain such a
9 facility. If a dispute arises between neighbors and the day-care
10 provider over licensing requirements, the licensor may provide a forum
11 to resolve the dispute.

12 (4) This section may not be construed to prohibit a city, town, or
13 county from imposing zoning conditions on the establishment and
14 maintenance of a family day-care provider's home serving twelve or
15 fewer children in an area zoned for residential or commercial use, if
16 the conditions are no more restrictive than conditions imposed on other
17 residential dwellings in the same zone and the establishment of such
18 facilities is not precluded. As used in this section, "family day-care
19 provider" is as defined in RCW 74.15.020.

20 NEW SECTION. **Sec. 2.** The following acts or parts of acts are each
21 repealed:

- 22 (1) RCW 35.63.185 and 1995 c 49 s 1 & 1994 c 273 s 14;
23 (2) RCW 35A.63.215 and 1995 c 49 s 2 & 1994 c 273 s 16; and
24 (3) RCW 36.70A.450 and 1995 c 49 s 3 & 1994 c 273 s 17.

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