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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: S-4453.1/02

ATTY/TYPIST: KT:ads

BRIEF DESCRIPTION:

2 EHB 2328 - S COMM AMD  
3 By Committee on State & Local Government

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW  
8 to read as follows:

9 (1) Except as provided in subsections (2) and (3) of this section,  
10 no city or town may enact, enforce, or maintain an ordinance,  
11 development regulation, zoning regulation, or official control, policy,  
12 or administrative practice that prohibits the use of a residential  
13 dwelling, located in an area zoned for residential or commercial use,  
14 as a family day-care provider's facility serving twelve or fewer  
15 children.

16 (2) A city or town may require that the facility: (a) Comply with  
17 all building, fire, safety, health code, and business licensing  
18 requirements; (b) conform to lot size, building size, setbacks, and lot  
19 coverage standards applicable to the zoning district except if the  
20 structure is a legal nonconforming structure; (c) is certified by the  
21 office of child care policy licensor as providing a safe passenger  
22 loading area; (d) include signage, if any, that conforms to applicable  
23 regulations; and (e) limit hours of operations to facilitate  
24 neighborhood compatibility, while also providing appropriate  
25 opportunity for persons who use family day-care who work a nonstandard  
26 work shift.

27 (3) A city or town may also require that the family day-care  
28 provider, before state licensing, require proof of written notification  
29 by the provider that the immediately adjoining property owners have  
30 been informed of the intent to locate and maintain such a facility. If  
31 a dispute arises between neighbors and the day-care provider over  
32 licensing requirements, the licensor may provide a forum to resolve the  
33 dispute.

34 (4) This section may not be construed to prohibit a city or town  
35 from imposing zoning conditions on the establishment and maintenance of  
36 a family day-care provider's home serving twelve or fewer children in

1 an area zoned for residential or commercial use, if the conditions are  
2 no more restrictive than conditions imposed on other residential  
3 dwellings in the same zone and the establishment of such facilities is  
4 not precluded. As used in this section, "family day-care provider" is  
5 as defined in RCW 74.15.020.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70 RCW  
7 to read as follows:

8 (1) Except as provided in subsections (2) and (3) of this section,  
9 no county may enact, enforce, or maintain an ordinance, development  
10 regulation, zoning regulation, or official control, policy, or  
11 administrative practice that prohibits the use of a residential  
12 dwelling, located in an area zoned for residential or commercial use,  
13 as a family day-care provider's facility serving twelve or fewer  
14 children.

15 (2) A county may require that the facility: (a) Comply with all  
16 building, fire, safety, health code, and business licensing  
17 requirements; (b) conform to lot size, building size, setbacks, and lot  
18 coverage standards applicable to the zoning district except if the  
19 structure is a legal nonconforming structure; (c) is certified by the  
20 office of child care policy licensor as providing a safe passenger  
21 loading area; (d) include signage, if any, that conforms to applicable  
22 regulations; and (e) limit hours of operations to facilitate  
23 neighborhood compatibility, while also providing appropriate  
24 opportunity for persons who use family day-care who work a nonstandard  
25 work shift.

26 (3) A county may also require that the family day-care provider,  
27 before state licensing, require proof of written notification by the  
28 provider that the immediately adjoining property owners have been  
29 informed of the intent to locate and maintain such a facility. If a  
30 dispute arises between neighbors and the day-care provider over  
31 licensing requirements, the licensor may provide a forum to resolve the  
32 dispute.

33 (4) This section may not be construed to prohibit a county from  
34 imposing zoning conditions on the establishment and maintenance of a  
35 family day-care provider's home serving twelve or fewer children in an  
36 area zoned for residential or commercial use, if the conditions are no  
37 more restrictive than conditions imposed on other residential dwellings  
38 in the same zone and the establishment of such facilities is not

1 precluded. As used in this section, "family day-care provider" is as  
2 defined in RCW 74.15.020.

3 **Sec. 3.** RCW 35.63.185 and 1995 c 49 s 1 are each amended to read  
4 as follows:

5 (1) Except as provided in subsections (2) and (3) of this section,  
6 no city may enact, enforce, or maintain an ordinance, development  
7 regulation, zoning regulation, or official control, policy, or  
8 administrative practice (~~((which))~~) that prohibits the use of a  
9 residential dwelling, located in an area zoned for residential or  
10 commercial use, as a family day-care provider's home facility.

11 (2) A city may require that the facility: (~~((1))~~) (a) Comply with  
12 all building, fire, safety, health code, and business licensing  
13 requirements; (~~((2))~~) (b) conform to lot size, building size, setbacks,  
14 and lot coverage standards applicable to the zoning district except if  
15 the structure is a legal nonconforming structure; (~~((3))~~) (c) is  
16 certified by the office of child care policy licensor as providing a  
17 safe passenger loading area; (~~((4))~~) (d) include signage, if any, that  
18 conforms to applicable regulations; and (~~((5))~~) (e) limit hours of  
19 operations to facilitate neighborhood compatibility, while also  
20 providing appropriate opportunity for persons who use family day-care  
21 and who work a nonstandard work shift.

22 (3) A city may also require that the family day-care provider,  
23 before state licensing, require proof of written notification by the  
24 provider that the immediately adjoining property owners have been  
25 informed of the intent to locate and maintain such a facility. If a  
26 dispute arises between neighbors and the family day-care provider over  
27 licensing requirements, the licensor may provide a forum to resolve the  
28 dispute.

29 (4) Nothing in this section shall be construed to prohibit a city  
30 from imposing zoning conditions on the establishment and maintenance of  
31 a family day-care provider's home in an area zoned for residential or  
32 commercial use, so long as such conditions are no more restrictive than  
33 conditions imposed on other residential dwellings in the same zone and  
34 the establishment of such facilities is not precluded. As used in this  
35 section, "family day-care provider" is as defined in RCW 74.15.020.

36 **Sec. 4.** RCW 35A.63.215 and 1995 c 49 s 2 are each amended to read  
37 as follows:

1       (1) Except as provided in subsections (2) and (3) of this section,  
2 no city may enact, enforce, or maintain an ordinance, development  
3 regulation, zoning regulation, or official control, policy, or  
4 administrative practice (~~(which)~~) that prohibits the use of a  
5 residential dwelling, located in an area zoned for residential or  
6 commercial use, as a family day-care provider's home facility.

7       (2) A city may require that the facility: (~~(+1)~~) (a) Comply with  
8 all building, fire, safety, health code, and business licensing  
9 requirements; (~~(+2)~~) (b) conform to lot size, building size, setbacks,  
10 and lot coverage standards applicable to the zoning district except if  
11 the structure is a legal nonconforming structure; (~~(+3)~~) (c) is  
12 certified by the office of child care policy licensor as providing a  
13 safe passenger loading area; (~~(+4)~~) (d) include signage, if any, that  
14 conforms to applicable regulations; and (~~(+5)~~) (e) limit hours of  
15 operations to facilitate neighborhood compatibility, while also  
16 providing appropriate opportunity for persons who use family day-care  
17 and who work a nonstandard work shift.

18       (3) A city may also require that the family day-care provider,  
19 before state licensing, require proof of written notification by the  
20 provider that the immediately adjoining property owners have been  
21 informed of the intent to locate and maintain such a facility. If a  
22 dispute arises between neighbors and the family day-care provider over  
23 licensing requirements, the licensor may provide a forum to resolve the  
24 dispute.

25       (4) Nothing in this section shall be construed to prohibit a city  
26 from imposing zoning conditions on the establishment and maintenance of  
27 a family day-care provider's home in an area zoned for residential or  
28 commercial use, so long as such conditions are no more restrictive than  
29 conditions imposed on other residential dwellings in the same zone and  
30 the establishment of such facilities is not precluded. As used in this  
31 section, "family day-care provider" is as defined in RCW 74.15.020.

32       **Sec. 5.** RCW 36.70A.450 and 1995 c 49 s 3 are each amended to read  
33 as follows:

34       (1) Except as provided in subsections (2) and (3) of this section,  
35 no county or city (~~(that plans or elects to plan under this chapter)~~)  
36 may enact, enforce, or maintain an ordinance, development regulation,  
37 zoning regulation, or official control, policy, or administrative  
38 practice (~~(which)~~) that prohibits the use of a residential dwelling,

1 located in an area zoned for residential or commercial use, as a family  
2 day-care provider's home facility.

3 (2) A county or city may require that the facility: ~~((+1))~~ (a)  
4 Comply with all building, fire, safety, health code, and business  
5 licensing requirements; ~~((+2))~~ (b) conform to lot size, building size,  
6 setbacks, and lot coverage standards applicable to the zoning district  
7 except if the structure is a legal nonconforming structure; ~~((+3))~~ (c)  
8 is certified by the office of child care policy licensor as providing  
9 a safe passenger loading area; ~~((+4))~~ (d) include signage, if any,  
10 that conforms to applicable regulations; and ~~((+5))~~ (e) limit hours of  
11 operations to facilitate neighborhood compatibility, while also  
12 providing appropriate opportunity for persons who use family day-care  
13 and who work a nonstandard work shift.

14 (3) A county or city may also require that the family day-care  
15 provider, before state licensing, require proof of written notification  
16 by the provider that the immediately adjoining property owners have  
17 been informed of the intent to locate and maintain such a facility. If  
18 a dispute arises between neighbors and the family day-care provider  
19 over licensing requirements, the licensor may provide a forum to  
20 resolve the dispute.

21 (4) Nothing in this section shall be construed to prohibit a county  
22 or city ~~((that plans or elects to plan under this chapter))~~ from  
23 imposing zoning conditions on the establishment and maintenance of a  
24 family day-care provider's home in an area zoned for residential or  
25 commercial use, so long as such conditions are no more restrictive than  
26 conditions imposed on other residential dwellings in the same zone and  
27 the establishment of such facilities is not precluded. As used in this  
28 section, "family day-care provider" is as defined in RCW 74.15.020."

29 **EHB 2328** - S COMM AMD  
30 By Committee on State & Local Government

31  
32 On page 1, line 1 of the title, after "restrictions;" strike the  
33 remainder of the title and insert "amending RCW 35.63.185, 35A.63.215,  
34 and 36.70A.450; adding a new section to chapter 35.21 RCW; and adding  
35 a new section to chapter 36.70 RCW."

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