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**SUBSTITUTE HOUSE BILL 2674**

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**State of Washington                      52nd Legislature                      1992 Regular Session**

**By** House Committee on Housing (originally sponsored by Representatives Jones, Anderson, Prentice and Fraser)

Read first time 02/07/92.

1            AN ACT Relating to child care zoning; amending RCW 74.15.020;  
2 adding a new section to chapter 74.15 RCW; and declaring an emergency.

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

4            **Sec. 1.** RCW 74.15.020 and 1991 c 128 s 14 are each amended to read  
5 as follows:

6            For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
7 otherwise clearly indicated by the context thereof, the following terms  
8 shall mean:

9            (1) "Department" means the state department of social and health  
10 services;

11            (2) "Secretary" means the secretary of social and health services;

12            (3) "Agency" means any person, firm, partnership, association,  
13 corporation, or facility which receives children, expectant mothers, or  
14 persons with developmental disabilities for control, care, or

1 maintenance outside their own homes, or which places, arranges the  
2 placement of, or assists in the placement of children, expectant  
3 mothers, or persons with developmental disabilities for foster care or  
4 placement of children for adoption, and shall include the following  
5 irrespective of whether there is compensation to the agency or to the  
6 children, expectant mothers or persons with developmental disabilities  
7 for services rendered:

8 (a) "Group-care facility" means an agency, other than a foster-  
9 family home, which is maintained and operated for the care of a group  
10 of children on a twenty-four hour basis;

11 (b) "Child-placing agency" means an agency which places a child or  
12 children for temporary care, continued care, or for adoption;

13 (c) "Maternity service" means an agency which provides or arranges  
14 for care or services to expectant mothers, before or during  
15 confinement, or which provides care as needed to mothers and their  
16 infants after confinement;

17 (d) "Day-care center" means an agency which regularly provides care  
18 for a group of children for periods of less than twenty-four hours;

19 (e) "Foster-family home" means an agency which regularly provides  
20 care on a twenty-four hour basis to one or more children, expectant  
21 mothers, or persons with developmental disabilities in the family abode  
22 of the person or persons under whose direct care and supervision the  
23 child, expectant mother, or person with a developmental disability is  
24 placed;

25 (f) "Crisis residential center" means an agency which is a  
26 temporary protective residential facility operated to perform the  
27 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
28 74.13.032 through 74.13.036((~~-~~));

29 (4) "Agency" shall not include the following:

1 (a) Persons related by blood or marriage to the child, expectant  
2 mother, or persons with developmental disabilities in the following  
3 degrees: Parent, grandparent, brother, sister, stepparent,  
4 stepbrother, stepsister, uncle, aunt, and/or first cousin;

5 (b) Persons who are legal guardians of the child, expectant mother,  
6 or persons with developmental disabilities;

7 (c) Persons who care for a neighbor's or friend's child or  
8 children, with or without compensation, where the person does not  
9 engage in such activity on a regular basis, or where parents on a  
10 mutually cooperative basis exchange care of one another's children, or  
11 persons who have the care of an exchange student in their own home;

12 (d) A person, partnership, corporation, or other entity that  
13 provides placement or similar services to exchange students or  
14 international student exchange visitors;

15 (e) Nursery schools or kindergartens which are engaged primarily in  
16 educational work with preschool children and in which no child is  
17 enrolled on a regular basis for more than four hours per day;

18 (f) Schools, including boarding schools, which are engaged  
19 primarily in education, operate on a definite school year schedule,  
20 follow a stated academic curriculum, accept only school-age children  
21 and do not accept custody of children;

22 (g) Seasonal camps of three months' or less duration engaged  
23 primarily in recreational or educational activities;

24 (h) Hospitals licensed pursuant to chapter 70.41 RCW when  
25 performing functions defined in chapter 70.41 RCW, nursing homes  
26 licensed under chapter 18.51 RCW and boarding homes licensed under  
27 chapter 18.20 RCW;

28 (i) Licensed physicians or lawyers;

1 (j) Facilities providing care to children for periods of less than  
2 twenty-four hours whose parents remain on the premises to participate  
3 in activities other than employment;

4 (k) Facilities approved and certified under chapter 71A.22 RCW;

5 (l) Any agency having been in operation in this state ten years  
6 prior to June 8, 1967, and not seeking or accepting moneys or  
7 assistance from any state or federal agency, and is supported in part  
8 by an endowment or trust fund;

9 (m) Persons who have a child in their home for purposes of  
10 adoption, if the child was placed in such home by a licensed child-  
11 placing agency, an authorized public or tribal agency or court or if a  
12 replacement report has been filed under chapter 26.33 RCW and the  
13 placement has been approved by the court;

14 (n) An agency operated by any unit of local, state, or federal  
15 government or an agency, located within the boundaries of a federally  
16 recognized Indian reservation, licensed by the Indian tribe;

17 (o) An agency located on a federal military reservation, except  
18 where the military authorities request that such agency be subject to  
19 the licensing requirements of this chapter((~~-~~));

20 (5) "Family day-care provider" means a licensed day-care provider  
21 who regularly provides day care for not more than twelve children in  
22 the provider's home in the family living quarters;

23 (6) "Requirement" means any rule, regulation or standard of care to  
24 be maintained by an agency.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.15 RCW  
26 to read as follows:

27 (1) A family day-care provider's home shall be a permitted use in  
28 all areas zoned for residential or commercial purposes, including areas  
29 zoned for single-family dwellings. No town, city, or county shall

1 enact or enforce zoning ordinances prohibiting the use of a residential  
2 dwelling, located in an area zoned for residential or commercial use,  
3 as a family day-care provider's home facility.

4 (2) A town, city, or county may impose zoning conditions on the  
5 establishment and maintenance of a family day-care provider's home in  
6 an area zoned for residential or commercial use, provided that such  
7 conditions are no more restrictive than conditions imposed on other  
8 residential dwellings in the same zone.

9 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and shall take  
12 effect immediately.