
HOUSE BILL 2023

State of Washington

54th Legislature

1995 Regular Session

By Representatives Costa, Voloria, Radcliff, R. Fisher, Tokuda, Hatfield, Romero, Thibaudeau, Scott and Wolfe

Read first time 02/22/95. Referred to Committee on Government Operations.

1 AN ACT Relating to family day-care providers; amending RCW
2 36.70A.450, 35.63.185, and 35A.63.215; and adding a new section to
3 chapter 36.70 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70 RCW
6 to read as follows:

7 No county may enact, enforce, or maintain an ordinance, development
8 regulation, zoning regulation, or official control, policy, or
9 administrative practice which prohibits the use of a residential
10 dwelling, located in an area zoned for residential or commercial use,
11 as a family day-care provider's home facility.

12 A county may require that the facility: (1) Comply with all
13 building, fire, safety, health code, and business licensing
14 requirements; (2) conform to lot size, building size, setbacks, and lot
15 coverage standards applicable to the zoning district except if the
16 structure is a legal nonconforming structure; (3) is certified by the
17 state office of child care policy licenser as providing a safe
18 passenger loading area; (4) include signage, if any, that conforms to
19 applicable regulations; and (5) limit hours of operations to facilitate

1 neighborhood compatibility, while also providing appropriate
2 opportunity for persons who use family day-care and who work a
3 nonstandard work shift.

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

10 Nothing in this section shall be construed to prohibit a county
11 from imposing zoning conditions on the establishment and maintenance of
12 a family day-care provider's home in an area zoned for residential or
13 commercial use, so long as such conditions are no more restrictive than
14 conditions imposed on other residential dwellings in the same zone and
15 the establishment of such facilities is not precluded. As used in this
16 section, "family day-care provider" is as defined in RCW 74.15.020.

17 **Sec. 2.** RCW 36.70A.450 and 1994 c 273 s 17 are each amended to
18 read as follows:

19 No city or county that plans or elects to plan under this chapter
20 may enact, enforce, or maintain an ordinance, development regulation,
21 zoning regulation, or official control, policy, or administrative
22 practice which prohibits the use of a residential dwelling, located in
23 an area zoned for residential or commercial use, as a family day-care
24 provider's home facility.

25 A city or county may require that the facility: (1) Comply with
26 all building, fire, safety, health code, and business licensing
27 requirements; (2) conform to lot size, building size, setbacks, and lot
28 coverage standards applicable to the zoning district except if the
29 structure is a legal nonconforming structure; (3) is certified by the
30 state (~~department of licensing~~) office of child care policy licensor
31 as providing a safe passenger loading area; (4) include signage, if
32 any, that conforms to applicable regulations; and (5) limit hours of
33 operations to facilitate neighborhood compatibility, while also
34 providing appropriate opportunity for persons who use family day-care
35 and who work a nonstandard work shift.

36 A city or county may also require that the family day-care
37 provider, before state licensing, require proof of written notification
38 by the provider that the immediately adjoining property owners have

1 been informed of the intent to locate and maintain such a facility. If
2 a dispute arises between neighbors and the family day-care provider
3 over licensing requirements, the licensor may provide a forum to
4 resolve the dispute.

5 Nothing in this section shall be construed to prohibit a city or
6 county that plans or elects to plan under this chapter from imposing
7 zoning conditions on the establishment and maintenance of a family day-
8 care provider's home in an area zoned for residential or commercial
9 use, so long as such conditions are no more restrictive than conditions
10 imposed on other residential dwellings in the same zone and the
11 establishment of such facilities is not precluded. As used in this
12 section, "family day-care provider" is as defined in RCW 74.15.020.

13 **Sec. 3.** RCW 35.63.185 and 1994 c 273 s 14 are each amended to read
14 as follows:

15 No city may enact, enforce, or maintain an ordinance, development
16 regulation, zoning regulation, or official control, policy, or
17 administrative practice which prohibits the use of a residential
18 dwelling, located in an area zoned for residential or commercial use,
19 as a family day-care provider's home facility.

20 A city may require that the facility: (1) Comply with all
21 building, fire, safety, health code, and business licensing
22 requirements; (2) conform to lot size, building size, setbacks, and lot
23 coverage standards applicable to the zoning district except if the
24 structure is a legal nonconforming structure; (3) is certified by the
25 (~~state department of licensing~~) office of child care policy licensor
26 as providing a safe passenger loading area; (4) include signage, if
27 any, that conforms to applicable regulations; and (5) limit hours of
28 operations to facilitate neighborhood compatibility, while also
29 providing appropriate opportunity for persons who use family day-care
30 and who work a nonstandard work shift.

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

37 Nothing in this section shall be construed to prohibit a city from
38 imposing zoning conditions on the establishment and maintenance of a

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

6 **Sec. 4.** RCW 35A.63.215 and 1994 c 273 s 16 are each amended to
7 read as follows:

8 No city may enact, enforce, or maintain an ordinance, development
9 regulation, zoning regulation, or official control, policy, or
10 administrative practice which prohibits the use of a residential
11 dwelling, located in an area zoned for residential or commercial use,
12 as a family day-care provider's home facility.

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

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

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

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