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**SENATE BILL 5351**

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**State of Washington****54th Legislature****1995 Regular Session****By** Senators Wojahn, Winsley, Haugen, McCaslin and Drew

Read first time 01/20/95. Referred to Committee on Government Operations.

1       AN ACT Relating to requirements of cities regarding certification  
2 of family day-care provider's home facilities; and amending RCW  
3 35.63.---, 35A.63.---, and 36.70A.---.

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

5       **Sec. 1.** RCW 35.63.--- and 1994 c 273 s 14 are each amended to read  
6 as follows:

7       No city 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 city 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 department of licensing~~) office of child care policy licensor  
18 as providing a safe passenger loading area; (4) include signage, if  
19 any, that conforms to applicable regulations; and (5) limit hours of

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

4 A city 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 city from  
11 imposing zoning conditions on the establishment and maintenance of a  
12 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 35A.63.--- and 1994 c 273 s 16 are each amended to  
18 read as follows:

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

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

35 A city may also require that the family day-care provider, before  
36 state licensing, require proof of written notification by the provider  
37 that the immediately adjoining property owners have been informed of  
38 the intent to locate and maintain such a facility. If a dispute arises

1 between neighbors and the family day-care provider over licensing  
2 requirements, the licensor may provide a forum to resolve the dispute.

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

10       **Sec. 3.** RCW 36.70A.--- and 1994 c 273 s 17 are each amended to  
11 read as follows:

12       No city that plans or elects to plan under this chapter may enact,  
13 enforce, or maintain an ordinance, development regulation, zoning  
14 regulation, or official control, policy, or administrative practice  
15 which prohibits the use of a residential dwelling, located in an area  
16 zoned for residential or commercial use, as a family day-care  
17 provider's home facility.

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

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

35       Nothing in this section shall be construed to prohibit a city that  
36 plans or elects to plan under this chapter from imposing zoning  
37 conditions on the establishment and maintenance of a family day-care  
38 provider's home in an area zoned for residential or commercial use, so

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

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