

# HOUSE BILL REPORT

## HB 2674

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*As Reported By House Committee on:  
Housing*

**Title:** An act relating to child care zoning.

**Brief Description:** Concerning family day-care centers.

**Sponsor(s):** Representatives Jones, Anderson, Prentice and Fraser.

**Brief History:**

Reported by House Committee on:  
Housing, February 6, 1992, DPS.

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**HOUSE COMMITTEE ON  
HOUSING**

**Majority Report:** *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 7 members: Representatives Nelson, Chair; Franklin, Vice Chair; Mitchell, Ranking Minority Member; Winsley, Assistant Ranking Minority Member; Ballard; Leonard; and Ogden.

**Staff:** Kenny Pittman (786-7392).

**Background:** The demand for family day-care services has increased in recent years. Barriers to the provision of child care services often come in the form of local regulation. Frequently, local zoning provisions include inconsistent definitions of facilities, restrict child care facilities to certain zones, require conditional use fees, public hearings, and home occupation ordinances. These regulatory barriers to the development and placement of family day-care centers usually result in an increase in the number of unlicensed facilities.

In 1989, the Legislature directed every county and city to review the need and demand for child care facilities and report the results to the Department of Community Development by September 1990. By June 1991, local governments are required to adopt an ordinance designed to alleviate barriers to the placement of child care facilities. The Department of Community Development reported the results of the local government review on the need and demand for child care facilities to the Legislature on January 1991.

**Summary of Substitute Bill:** Family day-care providers are allowed in all areas zoned for single-family and multi-family residential or commercial uses. Counties, cities or towns are prohibited from adopting or enforcing zoning ordinances that prohibit the use of a residential dwelling, located in areas zoned for residential or commercial use, as a family day-care provider's home facility.

A county, city or town may impose zoning conditions on the establishment and maintenance of a family day-care provider's home in an area zoned for residential or commercial use. The zoning conditions imposed on the family day-care provider can not exceed the zoning conditions imposed on other residential dwellings in the same zone.

"Family day-care provider" is defined as a licensed day-care provider who regularly provides day-care for not more than 12 children in the provider's home in the family living quarters.

**Substitute Bill Compared to Original Bill:** The substitute bill defines a family day-care provider as a licensed day-care provider.

**Fiscal Note:** Not Requested.

**Effective Date of Substitute Bill:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** There is a need for family day-care in this state. However, family day-care providers are faced with a variety of restrictions at the local level. Local governments impose restrictive zoning requirements on family day-care facilities. These additional requirements cause problems to the day-care provider that is trying to provide a service.

**Testimony Against:** This legislation is not needed. Only two cities have been identified as having zoning ordinances that prohibit the siting of family day-care facilities. Local governments are allowing the siting of family day-care facilities in residential areas. Local government has moved forward and is working to address this issue.

**Witnesses:** Lonnie Johns-Brown, Child Care Works for Washington (Pro); Julie Hawk and Kim Kelley, Washington State Family Child Care Association (Pro); Lynda Collins, South King County Family Child Care Association (Pro); Julie Nelson, Washington Family Child Care (Pro); Randall Caverly (Pro); Jeanette Burrage (Pro); and Dave Williams, Washington Association of Cities (Con).