

FINAL BILL REPORT

HB 1170

C 286 L 03

Synopsis as Enacted

Brief Description: Limiting restrictions on residential day-care facilities.

Sponsors: By Representatives Romero, Hunt, Cooper, Simpson and Chase.

House Committee on Local Government

Senate Committee on Government Operations & Elections

Background:

Cities and towns may not prohibit the use of residential dwellings as family day-care provider facilities in areas zoned for residential or commercial use. "Family day-care provider" is defined as a child day-care provider who regularly provides child day care for not more than 12 children in the provider's home in the family living quarters.

Cities and towns may, however, require specific conditions to be met by the facility, including:

- conformity with building, fire, safety, health code, business licensing, and signage requirements;
- compliance with lot and building conditions applicable to the zone;
- requiring specific certification for a safe passenger loading area; and
- limiting hours of operation to facilitate neighborhood compatibility, while providing appropriate opportunities for day-care users with nonstandard work shifts.

Cities and towns also may require the family day-care provider, prior to state licensing, to provide written proof indicating that immediately adjoining property owners have been notified of the intent to locate and maintain a family day-care provider facility. The day-care licenser may provide a forum for resolving disputes over licensing requirements between neighbors and the day-care provider.

Cities and towns also may impose zoning conditions on the establishment and maintenance of a family day-care provider's home. Establishment and maintenance conditions must not be more restrictive than those imposed on other residential dwellings in the same zone and cannot preclude establishing such facilities.

Summary:

Counties, as well as cities and towns, may not prohibit the use of residential dwellings as

family day-care provider facilities for 12 or fewer children in areas zoned for residential or commercial use. The same conditional zoning and regulatory requirements that cities and towns may apply are extended to counties. Existing statutory provisions for cities and towns permitting adjacent property owner notification requirements, providing for dispute resolution forums, and the imposing of specific, non-preclusive zoning conditions for day-care providers are also extended to counties.

Votes on Final Passage:

House 92 5

Senate 48 0

Effective: July 27, 2003