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**Local Government Committee**

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**HB 1170**

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

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

**Brief Summary of Bill**

- Prohibits counties, cities, and towns from prohibiting the use of residential dwellings as family day-care provider facilities for twelve or fewer children in areas zoned for residential or commercial use.

**Hearing Date:** 1/29/03

**Staff:** Ethan Moreno (786-7386).

**Background:**

Cities may be classified as code cities or non-code cities and towns. Code cities have broad statutory home rule authority in matters of local concern. Code cities and non-code cities and towns have separate statutory requirements for governance and operation.

Code and non-code cities and towns, including cities planning under the Growth Management Act (GMA), may not prohibit the use of residential dwellings as family day-care provider facilities for twelve or fewer children 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 twelve children in the provider's home in the family living quarters.

Cities 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 day-care opportunities for day-care users with nonstandard work shifts.

Cities 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 licensor 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 in a residentially or commercially zoned area. Any conditions must not be more restrictive than those imposed on other residential dwellings in the same zone and cannot preclude establishing such facilities.

**Summary of Bill:**

Counties, as well as cities and towns may not prohibit the use of residential dwellings as family day-care provider facilities for twelve or fewer children in areas zoned for residential or commercial use. The same conditional zoning and regulatory requirements that cities may presently apply are extended to counties. Existing statutory provisions for cities 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.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.