

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1170**

58th Legislature  
2003 Regular Session

Passed by the House February 12, 2003  
Yeas 92 Nays 5

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**Speaker of the House of Representatives**

Passed by the Senate April 16, 2003  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1170** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1170

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Passed Legislature - 2003 Regular Session

State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Romero, Hunt, Cooper, Simpson and Chase

Read first time 01/20/2003.                      Referred to Committee on Local Government.

1            AN ACT Relating to day-care facility location restrictions;  
2 amending RCW 35.63.185, 35A.63.215, and 36.70A.450; adding a new  
3 section to chapter 35.21 RCW; and adding a new section to chapter 36.70  
4 RCW.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 35.21 RCW  
7 to read as follows:

8            (1) Except as provided in subsections (2) and (3) of this section,  
9 no city or town may enact, enforce, or maintain an ordinance,  
10 development regulation, zoning regulation, or official control, policy,  
11 or administrative practice that prohibits the use of a residential  
12 dwelling, located in an area zoned for residential or commercial use,  
13 as a family day-care provider's facility serving twelve or fewer  
14 children.

15            (2) A city or town may require that the facility: (a) Comply with  
16 all building, fire, safety, health code, and business licensing  
17 requirements; (b) conform to lot size, building size, setbacks, and lot  
18 coverage standards applicable to the zoning district except if the  
19 structure is a legal nonconforming structure; (c) is certified by the

1 office of child care policy licensor as providing a safe passenger  
2 loading area; (d) include signage, if any, that conforms to applicable  
3 regulations; and (e) limit hours of operations to facilitate  
4 neighborhood compatibility, while also providing appropriate  
5 opportunity for persons who use family day-care who work a nonstandard  
6 work shift.

7 (3) A city or town may also require that the family day-care  
8 provider, before state licensing, require proof of written notification  
9 by the provider that the immediately adjoining property owners have  
10 been informed of the intent to locate and maintain such a facility. If  
11 a dispute arises between neighbors and the day-care provider over  
12 licensing requirements, the licensor may provide a forum to resolve the  
13 dispute.

14 (4) This section may not be construed to prohibit a city or town  
15 from imposing zoning conditions on the establishment and maintenance of  
16 a family day-care provider's home serving twelve or fewer children in  
17 an area zoned for residential or commercial use, if the conditions are  
18 no more restrictive than conditions imposed on other residential  
19 dwellings in the same zone and the establishment of such facilities is  
20 not precluded. As used in this section, "family day-care provider" is  
21 as defined in RCW 74.15.020.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70 RCW  
23 to read as follows:

24 (1) Except as provided in subsections (2) and (3) of this section,  
25 no county may enact, enforce, or maintain an ordinance, development  
26 regulation, zoning regulation, or official control, policy, or  
27 administrative practice that prohibits the use of a residential  
28 dwelling, located in an area zoned for residential or commercial use,  
29 as a family day-care provider's facility serving twelve or fewer  
30 children.

31 (2) A county may require that the facility: (a) Comply with all  
32 building, fire, safety, health code, and business licensing  
33 requirements; (b) conform to lot size, building size, setbacks, and lot  
34 coverage standards applicable to the zoning district except if the  
35 structure is a legal nonconforming structure; (c) is certified by the  
36 office of child care policy licensor as providing a safe passenger  
37 loading area; (d) include signage, if any, that conforms to applicable

1 regulations; and (e) limit hours of operations to facilitate  
2 neighborhood compatibility, while also providing appropriate  
3 opportunity for persons who use family day-care who work a nonstandard  
4 work shift.

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

12 (4) This section may not be construed to prohibit a county from  
13 imposing zoning conditions on the establishment and maintenance of a  
14 family day-care provider's home serving twelve or fewer children in an  
15 area zoned for residential or commercial use, if the conditions are no  
16 more restrictive than conditions imposed on other residential dwellings  
17 in the same zone and the establishment of such facilities is not  
18 precluded. As used in this section, "family day-care provider" is as  
19 defined in RCW 74.15.020.

20 **Sec. 3.** RCW 35.63.185 and 1995 c 49 s 1 are each amended to read  
21 as follows:

22 (1) Except as provided in subsections (2) and (3) of this section,  
23 no city may enact, enforce, or maintain an ordinance, development  
24 regulation, zoning regulation, or official control, policy, or  
25 administrative practice (~~(which)~~) that prohibits the use of a  
26 residential dwelling, located in an area zoned for residential or  
27 commercial use, as a family day-care provider's home facility.

28 (2) A city may require that the facility: (~~(1)~~) (a) Comply with  
29 all building, fire, safety, health code, and business licensing  
30 requirements; (~~(2)~~) (b) conform to lot size, building size, setbacks,  
31 and lot coverage standards applicable to the zoning district except if  
32 the structure is a legal nonconforming structure; (~~(3)~~) (c) is  
33 certified by the office of child care policy licensor as providing a  
34 safe passenger loading area; (~~(4)~~) (d) include signage, if any, that  
35 conforms to applicable regulations; and (~~(5)~~) (e) limit hours of  
36 operations to facilitate neighborhood compatibility, while also

1 providing appropriate opportunity for persons who use family day-care  
2 and who work a nonstandard work shift.

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

10 (4) Nothing in this section shall be construed to prohibit a city  
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. 4.** RCW 35A.63.215 and 1995 c 49 s 2 are each amended to read  
18 as follows:

19 (1) Except as provided in subsections (2) and (3) of this section,  
20 no city may enact, enforce, or maintain an ordinance, development  
21 regulation, zoning regulation, or official control, policy, or  
22 administrative practice (~~(which)~~) that prohibits the use of a  
23 residential dwelling, located in an area zoned for residential or  
24 commercial use, as a family day-care provider's home facility.

25 (2) A city may require that the facility: (~~(+1)~~) (a) Comply with  
26 all building, fire, safety, health code, and business licensing  
27 requirements; (~~(+2)~~) (b) conform to lot size, building size, setbacks,  
28 and lot coverage standards applicable to the zoning district except if  
29 the structure is a legal nonconforming structure; (~~(+3)~~) (c) is  
30 certified by the office of child care policy licensor as providing a  
31 safe passenger loading area; (~~(+4)~~) (d) include signage, if any, that  
32 conforms to applicable regulations; and (~~(+5)~~) (e) 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 (3) A city may also require that the family day-care provider,  
37 before state licensing, require proof of written notification by the

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

6 (4) Nothing in this section shall be construed to prohibit a city  
7 from imposing zoning conditions on the establishment and maintenance of  
8 a family day-care provider's home in an area zoned for residential or  
9 commercial use, so long as such conditions are no more restrictive than  
10 conditions imposed on other residential dwellings in the same zone and  
11 the 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. 5.** RCW 36.70A.450 and 1995 c 49 s 3 are each amended to read  
14 as follows:

15 (1) Except as provided in subsections (2) and (3) of this section,  
16 no county or city (~~(that plans or elects to plan under this chapter)~~)  
17 may enact, enforce, or maintain an ordinance, development regulation,  
18 zoning regulation, or official control, policy, or administrative  
19 practice (~~(which)~~) that prohibits the use of a residential dwelling,  
20 located in an area zoned for residential or commercial use, as a family  
21 day-care provider's home facility.

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

33 (3) A county or city may also require that the family day-care  
34 provider, before state licensing, require proof of written notification  
35 by the provider that the immediately adjoining property owners have  
36 been informed of the intent to locate and maintain such a facility. If

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

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

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