

FINAL BILL REPORT

HB 1199

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Synopsis as Enacted

Brief Description: Addressing licensed child care in common interest communities.

Sponsors: Representatives Senn, Eslick, Leavitt, Berry, Bateman, Kloba, Reed, Simmons, Tharinger, Ramel, Doglio, Goodman, Macri, Callan, Fosse and Pollet.

House Committee on Housing
Senate Committee on Law & Justice

Background:

Common Interest Communities.

A common interest community (CIC) is a form of real estate in which each unit owner or homeowner has an exclusive interest in a unit or lot and a shared or undivided interest in common area property. In Washington, several statutes govern residential CICs, such as condominiums, cooperatives, leasehold CICs, miscellaneous communities, and plat communities.

The Washington Uniform Common Interest Ownership Act (WUCIOA) took effect July 1, 2018, and is applicable to CICs created on or after that date. A CIC created prior to July 1, 2018, may choose to opt in to the WUCIOA. Otherwise, CICs created before July 1, 2018, remain subject to the following acts:

- the Horizontal Property Regimes Act, which applies to residential condominiums created on or before July 1, 1990;
- the Washington Condominium Act, which applies to condominiums created after July 1, 1990; and
- the Homeowners' Association Act, which provides a framework for the formation and legal administration of homeowners' associations.

A CIC is administered by a unit owners' association or a homeowners' association. A unit owners' association consists of property owners and homeowners within the CIC and derives its authority from several documents, including the declaration of covenants,

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conditions, and restrictions; the association's bylaws and articles of incorporation; and the deeds to the property within a development.

The primary functions of a unit owners' association include managing and maintaining common areas, such as parks, roads, and community centers, for the benefit of the community; imposing and collecting assessments on unit owners; and enforcing restrictive covenants that govern the community. In addition, a unit owners' association may adopt rules and regulations concerning property use in the community and impose fines for violations of those rules.

Licensed Child Care.

The Department of Children, Youth, and Families (DCYF) regulates child care licensing. Child day care centers, also known as child care centers, regularly provide early childhood education and early learning services for groups of children for periods of less than 24 hours. Family day care providers, also known as family home providers, regularly provide early childhood education and early learning services for up to 12 children in the provider's home. The 12-child limit for family day care providers may be waived by the DCYF. Licensed child day care centers are required to provide proof to the DCYF that the licensee has day care insurance or is self-insured.

Summary:

A unit owners' association in a CIC subject to the WUCIOA, the Homeowners' Association Act, the Washington Condominium Act, and the Horizontal Property Regimes Act may not prohibit, unreasonably restrict, or limit the use of a unit as a licensed family home child care or licensed child day care center.

An association is not prohibited from imposing reasonable regulations on a family home child care or a child day care center as long as the regulations are identical to those applied to all other units within the same association.

An association may require direct access to a unit, either from outside the building or through publicly accessible common elements, in order for the unit to be used as a family home child care or child day care center.

An association may require that a family home child care or child day care center operating out of a unit:

- be licensed by the DCYF;
- indemnify the association and hold it harmless against all claims relating to operation of the family home child care or the child day care center, excluding claims arising in common elements that the association is solely responsible for maintaining under the governing documents;
- obtain a signed waiver of liability releasing the association from legal claims directly related to the operation of the family home child care or the child day care center

- from the parent, guardian, or caretaker of each child being cared for by the family home child care or the child day care center; and
- obtain day care insurance or provide self-insurance.

An association that willfully violates these requirements is liable to the child care provider for actual damages and must pay a civil penalty in an amount not to exceed \$1,000.

Votes on Final Passage:

House	96	0	
Senate	37	11	(Senate amended)
House	96	0	(House concurred)

Effective: May 1, 2023