

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1199**

68th Legislature  
2023 Regular Session

Passed by the House April 14, 2023  
Yeas 96 Nays 0

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**Speaker of the House of  
Representatives**

Passed by the Senate April 6, 2023  
Yeas 37 Nays 11

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1199** 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 1199**

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AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

**State of Washington                      68th Legislature                      2023 Regular Session**

**By** Representatives Senn, Eslick, Leavitt, Berry, Bateman, Kloba, Reed, Simmons, Tharinger, Ramel, Doglio, Goodman, Macri, Callan, Fosse, and Pollet

Read first time 01/10/23. Referred to Committee on Housing.

1            AN ACT Relating to licensed child care in common interest  
2 communities; adding a new section to chapter 64.32 RCW; adding a new  
3 section to chapter 64.34 RCW; adding a new section to chapter 64.38  
4 RCW; adding a new section to chapter 64.90 RCW; prescribing  
5 penalties; and declaring an emergency.

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

7            NEW SECTION.    **Sec. 1.** A new section is added to chapter 64.32  
8 RCW to read as follows:

9            (1) An association of apartment owners may not adopt or enforce a  
10 restriction, covenant, condition, bylaw, rule, regulation, provision  
11 of a governing document, or master deed provision that effectively  
12 prohibits, unreasonably restricts, or limits, directly or indirectly,  
13 the use of an apartment as a licensed family home child care operated  
14 by a family day care provider or as a licensed child day care center,  
15 except as provided in subsection (2) of this section.

16            (2)(a) Nothing in this section prohibits an association of  
17 apartment owners from imposing reasonable regulations on a family  
18 home child care or a child day care center including, but not limited  
19 to, architectural standards, as long as those regulations are  
20 identical to those applied to all other apartments within the same

1 association as the family home child care or the child day care  
2 center.

3 (b) An association may require that only an apartment with direct  
4 access may be used as a family home child care or child day care  
5 center. Direct access must be either from the outside of the building  
6 or through publicly accessible common areas and facilities.

7 (c) An association may adopt or enforce a restriction, covenant,  
8 condition, bylaw, rule, regulation, provision of a governing  
9 document, or master deed provision that requires a family home child  
10 care or a child day care center operating out of an apartment within  
11 the association to:

12 (i) Be licensed under chapter 43.216 RCW;

13 (ii) Indemnify and hold harmless the association against all  
14 claims, whether brought by judicial or administrative action,  
15 relating to the operation of the family home child care or the child  
16 day care center, excluding claims arising in common areas and  
17 facilities that the association is solely responsible for maintaining  
18 under the governing documents;

19 (iii) Obtain a signed waiver of liability releasing the  
20 association from legal claims directly related to the operation of  
21 the family home child care or the child day care center from the  
22 parent, guardian, or caretaker of each child being cared for by the  
23 family home child care or the child day care center. However, an  
24 association may not require that a waiver of liability under this  
25 subsection be notarized; and

26 (iv) Obtain day care insurance as defined in RCW 48.88.020 or  
27 provide self-insurance pursuant to chapter 48.90 RCW, consistent with  
28 the requirements in RCW 43.216.700.

29 (3) An association of apartment owners that willfully violates  
30 this section is liable to the family day care provider or the child  
31 day care center for actual damages, and shall pay a civil penalty to  
32 the family day care provider or the child day care center in an  
33 amount not to exceed \$1,000.

34 (4) For the purposes of this section, the terms "family day care  
35 provider" and "child day care center" have the same meanings as in  
36 RCW 43.216.010.

37 NEW SECTION. **Sec. 2.** A new section is added to chapter 64.34  
38 RCW to read as follows:

1 (1) A unit owners' association may not adopt or enforce a  
2 restriction, covenant, condition, bylaw, rule, regulation, provision  
3 of a governing document, or master deed provision that effectively  
4 prohibits, unreasonably restricts, or limits, directly or indirectly,  
5 the use of a unit as a licensed family home child care operated by a  
6 family day care provider or as a licensed child day care center,  
7 except as provided in subsection (2) of this section.

8 (2)(a) Nothing in this section prohibits a unit owners'  
9 association from imposing reasonable regulations on a family home  
10 child care or a child day care center including, but not limited to,  
11 architectural standards, as long as those regulations are identical  
12 to those applied to all other units within the same association as  
13 the family home child care or the child day care center.

14 (b) An association may require that only a unit with direct  
15 access may be used as a family home child care or child day care  
16 center. Direct access must be either from the outside of the building  
17 or through publicly accessible common elements.

18 (c) An association may adopt or enforce a restriction, covenant,  
19 condition, bylaw, rule, regulation, provision of a governing  
20 document, or master deed provision that requires a family home child  
21 care or a child day care center operating out of a unit within the  
22 association to:

23 (i) Be licensed under chapter 43.216 RCW;

24 (ii) Indemnify and hold harmless the association against all  
25 claims, whether brought by judicial or administrative action,  
26 relating to the operation of the family home child care or the child  
27 day care center, excluding claims arising in common elements that the  
28 association is solely responsible for maintaining under the governing  
29 documents;

30 (iii) Obtain a signed waiver of liability releasing the  
31 association from legal claims directly related to the operation of  
32 the family home child care or the child day care center from the  
33 parent, guardian, or caretaker of each child being cared for by the  
34 family home child care or the child day care center. However, an  
35 association may not require that a waiver of liability under this  
36 subsection be notarized; and

37 (iv) Obtain day care insurance as defined in RCW 48.88.020 or  
38 provide self-insurance pursuant to chapter 48.90 RCW, consistent with  
39 the requirements in RCW 43.216.700.

1 (3) A unit owners' association that willfully violates this  
2 section is liable to the family day care provider or the child day  
3 care center for actual damages, and shall pay a civil penalty to the  
4 family day care provider or the child day care center in an amount  
5 not to exceed \$1,000.

6 (4) For the purposes of this section, the terms "family day care  
7 provider" and "child day care center" have the same meanings as in  
8 RCW 43.216.010.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 64.38  
10 RCW to read as follows:

11 (1) A homeowners' association may not adopt or enforce a  
12 restriction, covenant, condition, bylaw, rule, regulation, provision  
13 of a governing document, or master deed provision that effectively  
14 prohibits, unreasonably restricts, or limits, directly or indirectly,  
15 the use of a lot as a licensed family home child care operated by a  
16 family day care provider or as a licensed child day care center,  
17 except as provided in subsection (2) of this section.

18 (2)(a) Nothing in this section prohibits a homeowners'  
19 association from imposing reasonable regulations on a family home  
20 child care or a child day care center including, but not limited to,  
21 architectural standards, as long as those regulations are identical  
22 to those applied to all other lots within the same association as the  
23 family home child care or the child day care center.

24 (b) An association may require that only a lot with direct access  
25 may be used as a family home child care or child day care center.  
26 Direct access must be through publicly accessible common areas.

27 (c) An association may adopt or enforce a restriction, covenant,  
28 condition, bylaw, rule, regulation, provision of a governing  
29 document, or master deed provision that requires a family home child  
30 care or a child day care center operating out of a lot within the  
31 association to:

32 (i) Be licensed under chapter 43.216 RCW;

33 (ii) Indemnify and hold harmless the association against all  
34 claims, whether brought by judicial or administrative action,  
35 relating to the operation of the family home child care or the child  
36 day care center, excluding claims arising in common areas that the  
37 association is solely responsible for maintaining under the governing  
38 documents;

1 (iii) Obtain a signed waiver of liability releasing the  
2 association from legal claims directly related to the operation of  
3 the family home child care or the child day care center from the  
4 parent, guardian, or caretaker of each child being cared for by the  
5 family home child care or the child day care center. However, an  
6 association may not require that a waiver of liability under this  
7 subsection be notarized; and

8 (iv) Obtain day care insurance as defined in RCW 48.88.020 or  
9 provide self-insurance pursuant to chapter 48.90 RCW, consistent with  
10 the requirements in RCW 43.216.700.

11 (3) A homeowners' association that willfully violates this  
12 section is liable to the family day care provider or the child day  
13 care center for actual damages, and shall pay a civil penalty to the  
14 family day care provider or the child day care center in an amount  
15 not to exceed \$1,000.

16 (4) For the purposes of this section, the terms "family day care  
17 provider" and "child day care center" have the same meanings as in  
18 RCW 43.216.010.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 64.90  
20 RCW to read as follows:

21 (1) A unit owners association may not adopt or enforce a  
22 restriction, covenant, condition, bylaw, rule, regulation, provision  
23 of a governing document, or master deed provision that effectively  
24 prohibits, unreasonably restricts, or limits, directly or indirectly,  
25 the use of a unit as a licensed family home child care operated by a  
26 family day care provider or as a licensed child day care center,  
27 except as provided in subsection (2) of this section.

28 (2)(a) Nothing in this section prohibits a unit owners'  
29 association from imposing reasonable regulations on a family home  
30 child care or a child day care center including, but not limited to,  
31 architectural standards, as long as those regulations are identical  
32 to those applied to all other units within the same association as  
33 the family home child care or the child day care center.

34 (b) An association may require that only a unit with direct  
35 access may be used as a family home child care or child day care  
36 center. Direct access must be either from the outside of the building  
37 if the common interest community is in a building, or through  
38 publicly accessible common elements.

1 (c) An association may adopt or enforce a restriction, covenant,  
2 condition, bylaw, rule, regulation, provision of a governing  
3 document, or master deed provision that requires a family home child  
4 care or a child day care center operating out of a unit within the  
5 association to:

6 (i) Be licensed under chapter 43.216 RCW;

7 (ii) Indemnify and hold harmless the association against all  
8 claims, whether brought by judicial or administrative action,  
9 relating to the operation of the family home child care or the child  
10 day care center, excluding claims arising in common elements that the  
11 association is solely responsible for maintaining under the governing  
12 documents;

13 (iii) Obtain a signed waiver of liability releasing the  
14 association from legal claims directly related to the operation of  
15 the family home child care or the child day care center from the  
16 parent, guardian, or caretaker of each child being cared for by the  
17 family home child care or the child day care center. However, an  
18 association may not require that a waiver of liability under this  
19 subsection be notarized; and

20 (iv) Obtain day care insurance as defined in RCW 48.88.020 or  
21 provide self-insurance pursuant to chapter 48.90 RCW, consistent with  
22 the requirements in RCW 43.216.700.

23 (3) A unit owners association that willfully violates this  
24 section is liable to the family day care provider or the child day  
25 care center for actual damages, and shall pay a civil penalty to the  
26 family day care provider or the child day care center in an amount  
27 not to exceed \$1,000.

28 (4) For the purposes of this section, the terms "family day care  
29 provider" and "child day care center" have the same meanings as in  
30 RCW 43.216.010.

31 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
32 preservation of the public peace, health, or safety, or support of  
33 the state government and its existing public institutions, and takes  
34 effect immediately.

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