

HOUSE BILL REPORT

HB 1582

As Reported by House Committee On:
Early Learning & Human Services

Title: An act relating to child care centers operated in existing buildings.

Brief Description: Concerning child care centers operated in existing buildings.

Sponsors: Representatives Caldier, Richards, Eslick and Nance.

Brief History:

Committee Activity:

Early Learning & Human Services: 2/4/25, 2/14/25 [DP].

Brief Summary of Bill

- Requires, when a child care center is located in an existing building that has more than one use, that building officials and the Washington State Patrol Director of Fire Protection calculate the occupancy load based only on the areas of the building used for child care.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: Do pass. Signed by 9 members: Representatives Bergquist, Chair; Cortes, Vice Chair; Burnett, Assistant Ranking Minority Member; Bernbaum, Dent, Goodman, Hill, Penner and Taylor.

Staff: Omeara Harrington (786-7136).

Background:

The Department of Children, Youth, and Families (DCYF) regulates child care licensing. As part of the licensure process, the DCYF requires early learning spaces to comply with the Washington State Building Code or local building code as enacted at the time of

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licensure. Prior to licensing, an applicant for a child care license must: (1) have a certificate of occupancy issued by the local building, planning, or zoning department, or a local equivalent if the locality does not have the certificate of occupancy; and (2) be inspected and approved by the Washington State Patrol Director of Fire Protection (DFP), also commonly referred to as the State Fire Marshal. The DFP also conducts inspections upon request of the DCYF when there are changes to an existing license or when the DCYF feels there has been a critical change or safety concern.

The State Building Code adopts several uniform codes by reference, including the International Building Code and the International Fire Code. These codes establish guidelines for occupant load, which is the maximum number of people that may occupy a building or a portion of a building at any one time, and is used for ensuring adequate means of egress. Under the codes, the occupant load for child care centers requires 35 square feet of net floor space per occupant. The occupant load is also used in combination with the occupancy classification, which is determined according to primary use, for establishing building requirements such as plumbing fixture count, automatic sprinkler systems, and fire alarm and detection systems. Occupancy classification for child care centers varies depending on the age of children being cared for. If the building has multiple uses, the space being licensed must be clearly identified.

Summary of Bill:

When a child care center is operated in an existing building that has more than one use, the building official and the Washington State Patrol Director of Fire Protection must calculate the occupancy load based only on the areas of the building where child care services are provided.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is addressing an issue brought forth by a rural district that only has one child care. The region has an estimated 800 children in need of care. This particular child care had a church offer facility space that could have been used for the business, but because of bureaucracy, they could not get building approval. Ultimately they had to open an outdoor nature-based child care instead, which can only serve children older than two-

and-a-half years old. The building official looked at the building as a whole and would have required an expensive new sprinkler system, which was cost prohibitive. This bill eliminates a barrier preventing child cares from co-occupying civic spaces. Allowing churches to lend space makes sense because they have space, often have playgrounds, and are trusted community spaces. However, they have a large amount of space which can throw off the occupancy load calculation. Occupancy load should be calculated just on the area being used. The facility will still have the oversight of the fire marshal.

Building officials should be able to make logical decisions on a case-by-case basis. Now, the choice is between adding infrastructure or state funding to bring buildings up to code. Rural areas face a particular challenge in regards to infrastructure and zoning for new buildings. This bill provides consistency in application of code requirements, supports the authority given by the Building Code Council to the building official to determine occupancy, and allows the use and reuse of existing buildings.

There has been discussion that this change would need to go into the building code update in 2029, but this should warrant an emergency exception. Unless child care centers are able to open there will continue to be child care deserts or illegal child cares. This is an equity issue, as children in rural areas cannot access child care in the same way as children in urban areas can. There is a need to serve children in need so families can work and children can be in a safe and supportive environment. Parents are faced with long commutes, unreliable care, or leaving the workforce. The first couple of years are foundational for the rest of a person's life. Today's children will someday be running the state.

(Opposed) None.

Persons Testifying: Representative Michelle Caldier, prime sponsor; Lisa Reaugh, Peninsula School District; Ken Rice, Pierce County Fire Prevention Bureau; Robyn Denson, Pierce County Council; Maria Tobin, South Sound Military and Communities Partnership; Kimberly Shaw, Key Peninsula Preschool; Tricia Bennon, Pierce County; Samantha Henderson; Christine Luna, Key Peninsula Preschool; and Ashley Trevino.

Persons Signed In To Testify But Not Testifying: None.