

SENATE BILL REPORT

SB 5655

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 18, 2025

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

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

Sponsors: Senators Krishnadasan, Nobles, Slatter and Wellman.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/12/25, 2/18/25 [DPS].

Brief Summary of First Substitute Bill

- Requires that when a child care center is operated in a dedicated space within an existing building that has more than one use the occupancy load of the child care center must be based only on the areas in the building where the child care services are provided.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5655 be substituted therefor, and the substitute bill do pass.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Harris, Ranking Member; Cortes, Dozier, Hansen, Krishnadasan and McCune.

Staff: Alex Fairfortune (786-7416)

Background: Washington State Building Code. The purpose of the Washington State Building Code is to promote the health, safety and welfare of the occupants or users of buildings and structures and the general public by the provision of building codes throughout the state.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The codes set minimum requirements for safety, design, construction, quality of materials, and maintenance of building systems to protect life, health, property, and public welfare. These minimum code standards are first adopted at the state level, and then required to be adopted and enforced locally by counties and cities. Local adoption of the State Building Code can include amendments, but local amendments cannot be less strict than the State Code.

Washington State building codes, as well as most other state building codes in the United States, are based on the International Code Council (ICC) model codes. The ICC operates under a consensus development process that is supported by jurisdiction and industry professionals. The code development process generally occurs every three years so that code updates reflect new approaches and materials used in the construction industry.

The ICC contains a chapter of defined terms that provide meaning to the code's requirements. The term "occupant load" is defined as the number of persons for which the means of egress of a building or portion thereof is designed. "Means of egress" is defined as a continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. A means of egress consists of three separate and distinct parts: the exit access, the exit, and the exit discharge.

Child Care Centers. A child care center is an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than 24 hours. The secretary of the Department of Children, Youth, and Families (DCYF) has the duty to develop licensing requirements for child care centers and issue, revoke, or deny licenses pursuant to state law.

The chief of the Washington State Patrol, through the director of Fire Protection, has a duty to consult with DCYF to adopt minimum standards for child care agencies to protect building residents from fire hazards. The chief is also responsible for inspecting child care agencies as necessary and issuing certificates of compliance for those agencies seeking child care licenses. Child care license applicants must provide a certificate of compliance to DCYF before a child care license may be issued.

Summary of Bill (First Substitute): When a child care center is operated in a dedicated space within an existing building that has more than one use, the building official must calculate the occupancy load of the child care center based only on the areas in the building where the child care services are provided.

Statutes pertaining to the chief of the Washington State Patrol are updated to reflect this requirement.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):

- Specifies that the underlying bill provisions apply when a child care center is operated in a dedicated space within an existing building.
- Clarifies that the occupancy load being calculated is specific to the child care center.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Finding child care is a major challenge for many families across the state, as cost and availability are a struggle. In many cases it is financially prohibitive to operate services. This bill ensures that space is regulated based on the area occupied rather than the total building so that safety protocols align with actual center use. It gives flexibility to convert spaces while maintaining safety and reliability. Ongoing annual fire inspections ensure that standards are being maintained. When buildings are evaluated occupant load is only one factor. Local building officials have the ability to reduce occupancy load but that usually isn't received well by the fire marshals. This clarifies who sets the occupancy load. The bill will remove unnecessary and unintentional bureaucratic barriers that inhibit child care facility development and contribute to child care deserts across the state. Child care could easily be co-occupied in civic space with no impact to child safety. In Key Peninsula there hasn't been a child care center in the past 40 years. They were awarded a grant and wanted to use it to establish a child care center in a church but realized that the fire code would require adding a giant sprinkler system that would cost \$500,000 and require new water infrastructure. Currently there is just a forest school because there aren't any buildings that can house a child care center, but children must be at least 2.5 years old to attend. There are benefits to having quality, affordable child care. Without it, student development is being inhibited because kids aren't able to regularly play with other children. It took four years to establish an infant and toddler center in Lake Bay and it filled up in 24 hours.

Persons Testifying: PRO: Senator Deborah Krishnadasan, Prime Sponsor; Ken Rice, Pierce County Fire Prevention Bureau; KIMBERLY SHAW, Key Peninsula Preschool; Tricia Bennon, Pierce County; Maria Tobin, South Sound Military and Communities Partnership; Christine Luna, Key peninsula preschool.

Persons Signed In To Testify But Not Testifying: PRO: Kate Landon.