
SENATE BILL 6531

State of Washington

53rd Legislature

1994 Regular Session

By Senators Wojahn, Moore, Deccio, Moyer, Spanel, M. Rasmussen and Winsley

Read first time 01/26/94. Referred to Committee on Government Operations.

1 AN ACT Relating to child care zoning; amending RCW 74.15.020;
2 adding a new section to chapter 74.15 RCW; and declaring an emergency.

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

4 **Sec. 1.** RCW 74.15.020 and 1991 c 128 s 14 are each amended to read
5 as follows:

6 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
7 otherwise clearly indicated by the context thereof, the following terms
8 shall mean:

9 (1) "Department" means the state department of social and health
10 services;

11 (2) "Secretary" means the secretary of social and health services;

12 (3) "Agency" means any person, firm, partnership, association,
13 corporation, or facility which receives children, expectant mothers, or
14 persons with developmental disabilities for control, care, or
15 maintenance outside their own homes, or which places, arranges the
16 placement of, or assists in the placement of children, expectant
17 mothers, or persons with developmental disabilities for foster care or
18 placement of children for adoption, and shall include the following
19 irrespective of whether there is compensation to the agency or to the

1 children, expectant mothers or persons with developmental disabilities
2 for services rendered:

3 (a) "Group-care facility" means an agency, other than a foster-
4 family home, which is maintained and operated for the care of a group
5 of children on a twenty-four hour basis;

6 (b) "Child-placing agency" means an agency which places a child or
7 children for temporary care, continued care, or for adoption;

8 (c) "Maternity service" means an agency which provides or arranges
9 for care or services to expectant mothers, before or during
10 confinement, or which provides care as needed to mothers and their
11 infants after confinement;

12 (d) "Day-care center" means an agency which regularly provides care
13 for a group of children for periods of less than twenty-four hours;

14 (e) "Foster-family home" means an agency which regularly provides
15 care on a twenty-four hour basis to one or more children, expectant
16 mothers, or persons with developmental disabilities in the family abode
17 of the person or persons under whose direct care and supervision the
18 child, expectant mother, or person with a developmental disability is
19 placed;

20 (f) "Crisis residential center" means an agency which is a
21 temporary protective residential facility operated to perform the
22 duties specified in chapter 13.32A RCW, in the manner provided in RCW
23 74.13.032 through 74.13.036((-))i

24 (4) "Agency" shall not include the following:

25 (a) Persons related by blood or marriage to the child, expectant
26 mother, or persons with developmental disabilities in the following
27 degrees: Parent, grandparent, brother, sister, stepparent,
28 stepbrother, stepsister, uncle, aunt, and/or first cousin;

29 (b) Persons who are legal guardians of the child, expectant mother,
30 or persons with developmental disabilities;

31 (c) Persons who care for a neighbor's or friend's child or
32 children, with or without compensation, where the person does not
33 engage in such activity on a regular basis, or where parents on a
34 mutually cooperative basis exchange care of one another's children, or
35 persons who have the care of an exchange student in their own home;

36 (d) A person, partnership, corporation, or other entity that
37 provides placement or similar services to exchange students or
38 international student exchange visitors;

1 (e) Nursery schools or kindergartens which are engaged primarily in
2 educational work with preschool children and in which no child is
3 enrolled on a regular basis for more than four hours per day;

4 (f) Schools, including boarding schools, which are engaged
5 primarily in education, operate on a definite school year schedule,
6 follow a stated academic curriculum, accept only school-age children
7 and do not accept custody of children;

8 (g) Seasonal camps of three months' or less duration engaged
9 primarily in recreational or educational activities;

10 (h) Hospitals licensed pursuant to chapter 70.41 RCW when
11 performing functions defined in chapter 70.41 RCW, nursing homes
12 licensed under chapter 18.51 RCW and boarding homes licensed under
13 chapter 18.20 RCW;

14 (i) Licensed physicians or lawyers;

15 (j) Facilities providing care to children for periods of less than
16 twenty-four hours whose parents remain on the premises to participate
17 in activities other than employment;

18 (k) Facilities approved and certified under chapter 71A.22 RCW;

19 (l) Any agency having been in operation in this state ten years
20 prior to June 8, 1967, and not seeking or accepting moneys or
21 assistance from any state or federal agency, and is supported in part
22 by an endowment or trust fund;

23 (m) Persons who have a child in their home for purposes of
24 adoption, if the child was placed in such home by a licensed child-
25 placing agency, an authorized public or tribal agency or court or if a
26 replacement report has been filed under chapter 26.33 RCW and the
27 placement has been approved by the court;

28 (n) An agency operated by any unit of local, state, or federal
29 government or an agency, located within the boundaries of a federally
30 recognized Indian reservation, licensed by the Indian tribe;

31 (o) An agency located on a federal military reservation, except
32 where the military authorities request that such agency be subject to
33 the licensing requirements of this chapter((~~-~~));

34 (5) "Family day-care provider" means a licensed day-care provider
35 who regularly provides day care for not more than twelve children in
36 the provider's home in the family living quarters;

37 (6) "Requirement" means any rule, regulation or standard of care to
38 be maintained by an agency.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.15 RCW
2 to read as follows:

3 (1) A family day-care provider's home shall be a permitted use in
4 all areas zoned for residential or commercial purposes, including areas
5 zoned for single-family dwellings. No town, city, or county shall
6 enact or enforce zoning ordinances prohibiting the use of a residential
7 dwelling, located in an area zoned for residential or commercial use,
8 as a family day-care provider's home facility.

9 (2) A town, city, or county may impose zoning conditions on the
10 establishment and maintenance of a family day-care provider's home in
11 an area zoned for residential or commercial use, provided that such
12 conditions are no more restrictive than conditions imposed on other
13 residential dwellings in the same zone.

14 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and shall take
17 effect immediately.

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