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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.63 RCW
8 to read as follows:

9 No city may enact, enforce, or maintain an ordinance, development
10 regulation, zoning regulation, or official control, policy, or
11 administrative practice which prohibits the use of a residential
12 dwelling, located in an area zoned for residential or commercial use,
13 as a family day-care provider's home facility.

14 A city may restrict the hours of operation of a family day-care
15 provider and may require proof of written notification by the family
16 day-care provider that the adjoining property owners have been informed
17 of the intent to locate and maintain such a facility.

18 This section has no application to a city that as of the effective
19 date of this section has adopted regulations or ordinances that
20 substantially accomplish the purpose of this section.

21 Nothing in this section shall be construed to prohibit a city from
22 imposing zoning conditions on the establishment and maintenance of a
23 family day-care provider's home in an area zoned for residential or
24 commercial use, so long as such conditions are no more restrictive than
25 conditions imposed on other residential dwellings in the same zone and
26 the establishment of such facilities is not precluded. As used in this
27 section, "family day-care provider" is as defined in RCW 74.15.020.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.63 RCW
29 to read as follows:

30 No city may enact, enforce, or maintain an ordinance, development
31 regulation, zoning regulation, or official control, policy, or
32 administrative practice which prohibits the use of a residential
33 dwelling, located in an area zoned for residential or commercial use,
34 as a family day-care provider's home facility.

1 A city may restrict the hours of operation of a family day-care
2 provider and may require proof of written notification by the family
3 day-care provider that the adjoining property owners have been informed
4 of the intent to locate and maintain such a facility.

5 This section has no application to a city that as of the effective
6 date of this section has adopted regulations or ordinances that
7 substantially accomplish the purpose of this section.

8 Nothing in this section shall be construed to prohibit a city from
9 imposing zoning conditions on the establishment and maintenance of a
10 family day-care provider's home in an area zoned for residential or
11 commercial use, so long as such conditions are no more restrictive than
12 conditions imposed on other residential dwellings in the same zone and
13 the establishment of such facilities is not precluded. As used in this
14 section, "family day-care provider" is as defined in RCW 74.15.020.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70 RCW
16 to read as follows:

17 No county may enact, enforce, or maintain an ordinance, development
18 regulation, zoning regulation, or official control, policy, or
19 administrative practice which prohibits the use of a residential
20 dwelling, located in an area zoned for residential or commercial use,
21 as a family day-care provider's home facility.

22 A county may restrict the hours of operation of a family day-care
23 provider and may require proof of written notification by the family
24 day-care provider that the adjoining property owners have been informed
25 of the intent to locate and maintain such a facility.

26 This section has no application to a county that as of the
27 effective date of this section has adopted regulations or ordinances
28 that substantially accomplish the purpose of this section.

29 Nothing in this section shall be construed to prohibit a county
30 from imposing zoning conditions on the establishment and maintenance of
31 a family day-care provider's home in an area zoned for residential or
32 commercial use, so long as such conditions are no more restrictive than
33 conditions imposed on other residential dwellings in the same zone and
34 the establishment of such facilities is not precluded. As used in this
35 section, "family day-care provider" is as defined in RCW 74.15.020.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A RCW
37 to read as follows:

1 No city or county that plans or elects to plan under this chapter
2 may enact, enforce, or maintain an ordinance, development regulation,
3 zoning regulation, or official control, policy, or administrative
4 practice which prohibits the use of a residential dwelling, located in
5 an area zoned for residential or commercial use, as a family day-care
6 provider's home facility.

7 A city or county may restrict the hours of operation of a family
8 day-care provider and may require proof of written notification by the
9 family day-care provider that the adjoining property owners have been
10 informed of the intent to locate and maintain such a facility.

11 This section has no application to a city or county that as of the
12 effective date of this section has adopted regulations or ordinances
13 that substantially accomplish the purpose of this section.

14 Nothing in this section shall be construed to prohibit a city or
15 county that plans or elects to plan under this chapter from imposing
16 zoning conditions on the establishment and maintenance of a family day-
17 care provider's home in an area zoned for residential or commercial
18 use, so long as such conditions are no more restrictive than conditions
19 imposed on other residential dwellings in the same zone and the
20 establishment of such facilities is not precluded. As used in this
21 section, "family day-care provider" is as defined in RCW 74.15.020.

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

24 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
25 otherwise clearly indicated by the context thereof, the following terms
26 shall mean:

27 (1) "Department" means the state department of social and health
28 services;

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

30 (3) "Agency" means any person, firm, partnership, association,
31 corporation, or facility which receives children, expectant mothers, or
32 persons with developmental disabilities for control, care, or
33 maintenance outside their own homes, or which places, arranges the
34 placement of, or assists in the placement of children, expectant
35 mothers, or persons with developmental disabilities for foster care or
36 placement of children for adoption, and shall include the following
37 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) "Family day-care provider" means a licensed day-care provider
15 who regularly provides day care for not more than twelve children in
16 the provider's home in the family living quarters;

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

23 ((+f)) (g) "Crisis residential center" means an agency which is a
24 temporary protective residential facility operated to perform the
25 duties specified in chapter 13.32A RCW, in the manner provided in RCW
26 74.13.032 through 74.13.036.

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

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

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

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

1 (d) A person, partnership, corporation, or other entity that
2 provides placement or similar services to exchange students or
3 international student exchange visitors;

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

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

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

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

17 (i) Licensed physicians or lawyers;

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

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

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

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

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

34 (o) An agency located on a federal military reservation, except
35 where the military authorities request that such agency be subject to
36 the licensing requirements of this chapter.

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

1 **SHB 2464** - S COMM AMD
2 By Committee on Government Operations

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4 On page 1, line 1 of the title, after "zoning;" strike the
5 remainder of the title and insert "amending RCW 74.15.020; adding a new
6 section to chapter 35.63 RCW; adding a new section to chapter 35A.63
7 RCW; adding a new section to chapter 36.70 RCW; and adding a new
8 section to chapter 36.70A RCW."

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