

# HOUSE BILL REPORT

## HB 2464

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As Reported By House Committee On:  
Local Government

**Title:** An act relating to child care zoning.

**Brief Description:** Limiting zoning regulation of family day-care providers' home facilities.

**Sponsors:** Representatives H. Myers, Edmondson, Jones, Brown, Springer, Wolfe, Shin, Kessler, Ogden, Leonard, Thibaudeau, Flemming, J. Kohl, Dunshee, Reams, R. Fisher, Romero, Wood, Morris, Sommers, Zellinsky, Orr, Mastin, Kremen, Appelwick, Wang, Peery, Cooke, Wineberry, Karahalios, Brough, Caver, King, Eide and L. Johnson.

**Brief History:**

Reported by House Committee on:  
Local Government, February 4, 1994, DPS.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives H. Myers, Chair; Springer, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Moak; Rayburn; Van Luven and Zellinsky.

**Minority Report:** Do not pass. Signed by 1 member: Representative Horn.

**Staff:** Bill Lynch (786-7092).

**Background:** In 1989, the Legislature directed each city and county to review the need and demand for child care facilities and report the findings to the Department of Community Development. The department issued a report of its findings to the Legislature on January 1991.

The department's report concluded that the need and demand for family day-care services far exceeds the available supply. The report also cited restrictive zoning practices as a barrier to the establishment of day-care facilities.

**Summary of Substitute Bill:** Cities, towns, and counties are prohibited from enacting or enforcing a zoning ordinance,

development regulation, official control, policy, or administrative practice that prohibits the use of a residential dwelling located in a residential or commercial zone as a family day-care provider's home facility. A city, town, or county may, however, impose conditions on the establishment and maintenance of a family day-care provider's home facility so long as the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded.

A "family day-care provider" is defined as a licensed day-care provider who regularly provides day-care for not more than 12 children in the family living quarters of the provider's home.

**Substitute Bill Compared to Original Bill:** Code cities are added to the provisions of the bill. A local government cannot totally preclude these facilities.

**Fiscal Note:** Not requested.

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

**Testimony For:** The lack of child care programs has reached crisis proportions. One very major problem plaguing child care expansion efforts are the restrictive conditions imposed by local governments.

**Testimony Against:** This is a business in residential areas. On a continual daily basis, this can have an impact on the neighborhood. It is appropriate that local governments have some flexibility in siting these facilities.

**Witnesses:** Pro: Kay Smith and Pam Maradik, family home child care; Wilma Clark, parent; Sonja Hammond, parent; Sheri Lott, Kitsap County Family Child Care Association; Nancy McFarland, parent; Julie Nelson, Washington State Family Child Care Association; Karen Tvedt, Department of Social and Health Services; Laura Farris, child care provider; Laurie Lippold, Children's Alliance; Mike Ryherd, Housing Congress; and Lonnie Johns-Brown, Washington State Organization for Women.

Con: Dave Williams, Association of Washington Cities.