

**SENATE BILL REPORT**

**SHB 2464**

**AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS,  
FEBRUARY 25, 1994**

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

**SPONSORS:** House Committee on Local Government (originally sponsored by 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)

**HOUSE COMMITTEE ON LOCAL GOVERNMENT**

**SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

**Majority Report:** Do pass as amended.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke and Owen.

**Staff:** Eugene Green (786-7405)

**Hearing Dates:** February 24, 1994; February 25, 1994

**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 in 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:**

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.

**SUMMARY OF PROPOSED COMMITTEE AMENDMENT:**

Cities and counties are allowed to: (1) restrict hours of operation; and (2) require notification by provider to adjoining property owners.

Cities and counties are exempt if on the effective date of this act they are in substantive compliance with the act.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

Some cities just will not allow any day-care under any conditions.

**TESTIMONY AGAINST:**

Cities need some flexibility in this matter to protect neighbors and the public.

**TESTIFIED:** Julie Nelson, WA Family Child Care Assn. (pro); Kim Kelley; Sheri Loll, Kitsap County Child Care Assn. (pro); Mary Boston, WAEYC (pro); David Williams, AWC (concerns); Pat Dickason, DSHS (pro)