
SUBSTITUTE HOUSE BILL 2464

State of Washington

53rd Legislature

1994 Regular Session

By 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)

Read first time 02/04/94.

1 AN ACT Relating to child care zoning; amending RCW 74.15.020;
2 adding a new section to chapter 35.63 RCW; adding a new section to
3 chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and
4 adding a new section to chapter 36.70A RCW.

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

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

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

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

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

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

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

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

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

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

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

11 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
12 otherwise clearly indicated by the context thereof, the following terms
13 shall mean:

14 (1) "Department" means the state department of social and health
15 services;

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

17 (3) "Agency" means any person, firm, partnership, association,
18 corporation, or facility which receives children, expectant mothers, or
19 persons with developmental disabilities for control, care, or
20 maintenance outside their own homes, or which places, arranges the
21 placement of, or assists in the placement of children, expectant
22 mothers, or persons with developmental disabilities for foster care or
23 placement of children for adoption, and shall include the following
24 irrespective of whether there is compensation to the agency or to the
25 children, expectant mothers or persons with developmental disabilities
26 for services rendered:

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

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

32 (c) "Maternity service" means an agency which provides or arranges
33 for care or services to expectant mothers, before or during
34 confinement, or which provides care as needed to mothers and their
35 infants after confinement;

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

1 (e) "Family day-care provider" means a licensed day-care provider
2 who regularly provides day care for not more than twelve children in
3 the provider's home in the family living quarters;

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

10 (~~(f)~~) (g) "Crisis residential center" means an agency which is a
11 temporary protective residential facility operated to perform the
12 duties specified in chapter 13.32A RCW, in the manner provided in RCW
13 74.13.032 through 74.13.036.

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

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

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

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

26 (d) A person, partnership, corporation, or other entity that
27 provides placement or similar services to exchange students or
28 international student exchange visitors;

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

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

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

38 (h) Hospitals licensed pursuant to chapter 70.41 RCW when
39 performing functions defined in chapter 70.41 RCW, nursing homes

1 licensed under chapter 18.51 RCW and boarding homes licensed under
2 chapter 18.20 RCW;

3 (i) Licensed physicians or lawyers;

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

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

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

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

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

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

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

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