

---

HOUSE BILL 2464

---

State of Washington

53rd Legislature

1994 Regular Session

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 01/14/94. Referred to Committee on Local Government.

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 36.70 RCW; and adding a new section to chapter 36.70A RCW.

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

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

7 (1) No city may enact, enforce, or maintain an ordinance,  
8 development regulation, zoning regulation, or official control, policy,  
9 or administrative practice which prohibits the use of a residential  
10 dwelling, located in an area zoned for residential or commercial use,  
11 as a family day-care provider's home facility. As used in this  
12 section, "family day-care provider" is as defined in RCW 74.15.020.

13 (2) Nothing in this section shall be construed to prohibit a city  
14 from imposing zoning conditions on the establishment and maintenance of  
15 a family day-care provider's home in an area zoned for residential or  
16 commercial use, provided that such conditions are no more restrictive  
17 than conditions imposed on other residential dwellings in the same  
18 zone.

1        NEW SECTION.    **Sec. 2.** A new section is added to chapter 36.70 RCW  
2 to read as follows:

3        (1) No county may enact, enforce, or maintain an ordinance,  
4 development regulation, zoning regulation, or official control, policy,  
5 or 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. As used in this  
8 section, "family day-care provider" is as defined in RCW 74.15.020.

9        (2) Nothing in this section shall be construed to prohibit a county  
10 from imposing zoning conditions on the establishment and maintenance of  
11 a family day-care provider's home in an area zoned for residential or  
12 commercial use, provided that such conditions are no more restrictive  
13 than conditions imposed on other residential dwellings in the same  
14 zone.

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

17        (1) No city or county that plans or elects to plan under this  
18 chapter may enact, enforce, or maintain an ordinance, development  
19 regulation, zoning regulation, or official control, policy, or  
20 administrative practice which prohibits the use of a residential  
21 dwelling, located in an area zoned for residential or commercial use,  
22 as a family day-care provider's home facility. As used in this  
23 section, "family day-care provider" is as defined in RCW 74.15.020.

24        (2) Nothing in this section shall be construed to prohibit a city  
25 or county that plans or elects to plan under this chapter from imposing  
26 zoning conditions on the establishment and maintenance of a family day-  
27 care provider's home in an area zoned for residential or commercial  
28 use, provided that such conditions are no more restrictive than  
29 conditions imposed on other residential dwellings in the same zone.

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

32        For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
33 otherwise clearly indicated by the context thereof, the following terms  
34 shall mean:

35        (1) "Department" means the state department of social and health  
36 services;

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

1 (3) "Agency" means any person, firm, partnership, association,  
2 corporation, or facility which receives children, expectant mothers, or  
3 persons with developmental disabilities for control, care, or  
4 maintenance outside their own homes, or which places, arranges the  
5 placement of, or assists in the placement of children, expectant  
6 mothers, or persons with developmental disabilities for foster care or  
7 placement of children for adoption, and shall include the following  
8 irrespective of whether there is compensation to the agency or to the  
9 children, expectant mothers or persons with developmental disabilities  
10 for services rendered:

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

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

16 (c) "Maternity service" means an agency which provides or arranges  
17 for care or services to expectant mothers, before or during  
18 confinement, or which provides care as needed to mothers and their  
19 infants after confinement;

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

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

28 (f) "Crisis residential center" means an agency which is a  
29 temporary protective residential facility operated to perform the  
30 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
31 74.13.032 through 74.13.036.

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

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

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

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

6 (d) A person, partnership, corporation, or other entity that  
7 provides placement or similar services to exchange students or  
8 international student exchange visitors;

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

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

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

18 (h) Hospitals licensed pursuant to chapter 70.41 RCW when  
19 performing functions defined in chapter 70.41 RCW, nursing homes  
20 licensed under chapter 18.51 RCW and boarding homes licensed under  
21 chapter 18.20 RCW;

22 (i) Licensed physicians or lawyers;

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

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

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

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

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

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

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

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

--- END ---