

## Local Government Committee

---

### BILL ANALYSIS HB 1733

**TITLE OF THE BILL:** Limiting restrictions on residential day-care facilities.

**WHAT THIS BILL DOES:** *Applies prohibition related to regulating against family day care uses to counties as well as to cities and towns.*

**SPONSORS:** Representatives Romero, Campbell, Scott, Wolfe, Hatfield, Dickerson, Gombosky, Tokuda, Boldt, Mielke, D. Schmidt, Mitchell, Talcott, Ogden, Kenney, Wood, Santos, and McIntire

**HEARING DATE:** Monday, February 15, 1999

**FISCAL NOTE:** Not requested.

**ANALYSIS PREPARED BY:** Caroleen Dineen (786-7156)

---

### BACKGROUND:

A family day care provider— is defined in child care statutes as a provider who regularly provides child day care for not more than twelve children in the family living quarters of the provider's home. A family day care home— is defined in the local planning statutes as a person who regularly provides child day care during part of the day for six or fewer children in the person's family home.

In 1989 counties, cities and towns not providing for siting of family day care homes in residential zones were required to study the need and demand for child care facilities and to report their findings by September 1990. These local governments were also required to adopt ordinances to implement their findings by June 30, 1991.

Legislation enacted in 1994 prohibited cities from zoning or otherwise regulating against use of a residential dwelling as a family day care provider's home facility if the residential dwelling is located in a residential or commercial zone. Cities may:

- require compliance with building, safety, sign, licensing and other requirements;
- require compliance with development regulations applicable to the zone (e.g., setbacks, lot size) unless the facility is a legal nonconforming structure;
- impose zoning conditions on facility establishment and maintenance that are no more restrictive than conditions imposed on other residential dwellings in the same zone; and
- limit hours of operations for neighborhood compatibility purposes while allowing for the facility to serve persons working nonstandard shifts.

Cities may also require the family day care provider to provide proof of written notification to immediately adjoining property owners of intent to operate the facility before state licensing occurs. The licensor may provide a dispute resolution forum for any disputes between neighbors and day care providers.

## **SUMMARY:**

Cities, towns and counties are prohibited from zoning or otherwise regulating against use of a residential dwelling as a family day care provider's facility serving twelve or fewer children if the residential dwelling is located in a residential or commercial zone. The provisions regarding allowed regulations on these facilities previously applied to cities now apply to cities, towns and counties.

The current statutes prohibiting cities from imposing such regulations are repealed.