

SENATE BILL REPORT

EHB 2328

As Reported By Senate Committee On:
State & Local Government, February 27, 2002

Title: An act relating to day-care facility location restrictions.

Brief Description: Limiting restrictions on residential day-care facilities.

Sponsors: Representatives Romero, Dunshee, Miloscia, Ogden and Edwards.

Brief History:

Committee Activity: State & Local Government: 2/25/02, 2/27/02 [DPA, DNPA].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass as amended.

Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser and Kline.

Minority Report: Do not pass as amended.

Signed by Senators Horn and T. Sheldon.

Staff: Mac Nicholson (786-7445)

Background: Cities may not zone or otherwise regulate against the 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, however, require compliance with building, safety, licensing, zoning and development regulations. Prior to state licensing, cities also may require the family day-care provider to provide proof of written notification to immediately adjoining properties owners of the intent to operate the facility.

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

Summary of Amended Bill: Counties, cities, and towns may not zone against or otherwise prohibit the use of a residential dwelling, in an area zoned for residential or commercial use, as a family day-care provider's facility. Counties, cities, and towns may require that the facility comply with licensing and certification requirements, conform to development regulations applicable to the zoning district, and maintain hours of operations that facilitate neighborhood compatibility. A county, city or town may also require that the family day care provider give written notice that the immediately adjoining property owners have been informed of the intent to locate and maintain such a facility. Conditions imposed on other residential dwellings in the same zone may also be imposed by the county, city or town on the family-day care provider facility.

Amended Bill Compared to Original Bill: The amended bill removes the section that prohibits DSHS from counting children of parents visiting a child day-care center to determine whether the capacity of the center has been reached.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Cities cannot zone against family day-care facilities, and counties should not either.

Testimony Against: It is dangerous to allow too many children in a child day-care center, so the prohibition on counting children of parents who are visiting the center should be removed from the bill; otherwise it is a good bill.

Testified: Rachael Langen, DSHS (pro w/concerns); Michelle Sokoloski, WA Family Child Care Assn. (pro w/concerns).