

HOUSE BILL REPORT

HB 1170

As Passed Legislature

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

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

Sponsors: By Representatives Romero, Hunt, Cooper, Simpson and Chase.

Brief History:

Committee Activity:

Local Government: 1/29/03, 2/6/03 [DP].

Floor Activity:

Passed House: 2/12/03, 92-5.

Passed Senate: 4/16/03, 48-0.

Passed Legislature.

<h3>Brief Summary of Bill</h3>

- Prohibits counties, cities, and towns from prohibiting the use of residential dwellings as family day-care provider facilities for 12 or fewer children in areas zoned for residential or commercial use.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 11 members: Representatives Romero, Chair; Upthegrove, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Berkey, Clibborn, Edwards, Ericksen, Mielke and Moeller.

Staff: Ethan Moreno (786-7386).

Background:

Cities may be classified as code cities or non-code cities and towns. Code cities have broad statutory home rule authority in matters of local concern. Code cities and non-code cities and towns have separate statutory requirements for governance and operation.

Code and non-code cities and towns, including cities planning under the Growth Management Act (GMA), may not prohibit the use of residential dwellings as family day-care provider facilities for 12 or fewer children in areas zoned for residential or commercial use. "Family day-care provider" is defined as a child day-care provider who regularly provides child day care for not more than 12 children in the provider's home in the family living quarters.

Cities may, however, require specific conditions to be met by the facility, including:

- conformity with building, fire, safety, health code, business licensing, and signage requirements;
- compliance with lot and building conditions applicable to the zone;
- requiring specific certification for a safe passenger loading area; and
- limiting hours of operation to facilitate neighborhood compatibility, while providing day-care opportunities for day-care users with nonstandard work shifts.

Cities also may require the family day-care provider, prior to state licensing, to provide written proof indicating that immediately adjoining property owners have been notified of the intent to locate and maintain a family day-care provider facility. The day-care licensor may provide a forum for resolving disputes over licensing requirements between neighbors and the day-care provider.

Cities and towns also may impose zoning conditions on the establishment and maintenance of a family day-care provider's home in a residentially or commercially zoned area. Establishment and maintenance conditions must not be more restrictive than those imposed on other residential dwellings in the same zone and cannot preclude establishing such facilities.

Summary of Bill:

Counties, as well as cities and towns, may not prohibit the use of residential dwellings as family day-care provider facilities for 12 or fewer children in areas zoned for residential or commercial use. The same conditional zoning and regulatory requirements that cities may presently apply are extended to counties. Existing statutory provisions for cities permitting adjacent property owner notification requirements, providing for dispute resolution forums, and the imposing of specific, non-preclusive zoning conditions for day-care providers are also extended to counties.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.

Testimony For: Kids enjoy going to day-care facilities close to their homes. Local governments should not preclude the siting of such facilities. More than 7,000 child day-care homes exist in the state, with more than 30 percent of children in day-care attending those facilities. Home day-care facilities are an important part of the day-care system. Child day-care facilities should not be over regulated.

Testimony Against: None.

Testified: Representative Romero, prime sponsor; Susan Kavanaugh, Child Care Action Council; and Dave Williams, Association of Washington Cities.