

SENATE BILL REPORT

HB 1170

As Reported By Senate Committee On:
Government Operations & Elections, April 4, 2003

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

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

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

Brief History:

Committee Activity: Government Operations & Elections: 3/28/03, 4/4/03 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Staff: Mac Nicholson (786-7445)

Background: Cities cannot zone or otherwise regulate against the use of a residential dwelling as a family day-care provider's facility if the dwelling is located in a residential or commercial zone. Cities may, however, require compliance with safety, licensing, zoning and certification regulations. Prior to state licensing, cities may also require the family day-care provider to provide proof of written notification to immediately adjoining owners of the intent to operate the facility. A city is not prohibited from imposing zoning conditions on the facility that are imposed on other residential dwellings in the same zone, provided the establishment of a facility is not precluded.

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

Summary of Bill: Counties may not 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 can require the facility to comply with safety, licensing, zoning and certification regulations. Counties can also require proof of notice to neighbors prior to state licensing. A county is not prohibited from imposing zoning conditions on the facility that are imposed on other residential dwellings in the same zone, provided the establishment of a facility is not precluded.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Counties should be subject to the same prohibitions as cities and towns. Home day-care facilities are an important part of child care and the facilities should not be overregulated.

Testimony Against: None.

Testified: PRO: Representative Romero, prime sponsor; Linda Tyner, WA State Family Child Care Assn.; Jean Wessman, WA State Assn. of Counties.