
HOUSE BILL 1170

State of Washington 58th Legislature 2003 Regular Session

By Representatives Romero, Hunt, Cooper, Simpson and Chase

Read first time 01/20/2003. Referred to Committee on Local Government.

1 AN ACT Relating to day-care facility location restrictions;
2 amending RCW 35.63.185, 35A.63.215, and 36.70A.450; adding a new
3 section to chapter 35.21 RCW; and adding a new section to chapter 36.70
4 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW
7 to read as follows:

8 (1) Except as provided in subsections (2) and (3) of this section,
9 no city or town may enact, enforce, or maintain an ordinance,
10 development regulation, zoning regulation, or official control, policy,
11 or administrative practice that prohibits the use of a residential
12 dwelling, located in an area zoned for residential or commercial use,
13 as a family day-care provider's facility serving twelve or fewer
14 children.

15 (2) A city or town may require that the facility: (a) Comply with
16 all building, fire, safety, health code, and business licensing
17 requirements; (b) conform to lot size, building size, setbacks, and lot
18 coverage standards applicable to the zoning district except if the
19 structure is a legal nonconforming structure; (c) is certified by the

1 office of child care policy licensor as providing a safe passenger
2 loading area; (d) include signage, if any, that conforms to applicable
3 regulations; and (e) limit hours of operations to facilitate
4 neighborhood compatibility, while also providing appropriate
5 opportunity for persons who use family day-care who work a nonstandard
6 work shift.

7 (3) A city or town may also require that the family day-care
8 provider, before state licensing, require proof of written notification
9 by the provider that the immediately adjoining property owners have
10 been informed of the intent to locate and maintain such a facility. If
11 a dispute arises between neighbors and the day-care provider over
12 licensing requirements, the licensor may provide a forum to resolve the
13 dispute.

14 (4) This section may not be construed to prohibit a city or town
15 from imposing zoning conditions on the establishment and maintenance of
16 a family day-care provider's home serving twelve or fewer children in
17 an area zoned for residential or commercial use, if the conditions are
18 no more restrictive than conditions imposed on other residential
19 dwellings in the same zone and the establishment of such facilities is
20 not precluded. As used in this section, "family day-care provider" is
21 as defined in RCW 74.15.020.

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

24 (1) Except as provided in subsections (2) and (3) of this section,
25 no county may enact, enforce, or maintain an ordinance, development
26 regulation, zoning regulation, or official control, policy, or
27 administrative practice that prohibits the use of a residential
28 dwelling, located in an area zoned for residential or commercial use,
29 as a family day-care provider's facility serving twelve or fewer
30 children.

31 (2) A county may require that the facility: (a) Comply with all
32 building, fire, safety, health code, and business licensing
33 requirements; (b) conform to lot size, building size, setbacks, and lot
34 coverage standards applicable to the zoning district except if the
35 structure is a legal nonconforming structure; (c) is certified by the
36 office of child care policy licensor as providing a safe passenger
37 loading area; (d) include signage, if any, that conforms to applicable

1 regulations; and (e) limit hours of operations to facilitate
2 neighborhood compatibility, while also providing appropriate
3 opportunity for persons who use family day-care who work a nonstandard
4 work shift.

5 (3) A county may also require that the family day-care provider,
6 before state licensing, require proof of written notification by the
7 provider that the immediately adjoining property owners have been
8 informed of the intent to locate and maintain such a facility. If a
9 dispute arises between neighbors and the day-care provider over
10 licensing requirements, the licensor may provide a forum to resolve the
11 dispute.

12 (4) This section may not be construed to prohibit a county from
13 imposing zoning conditions on the establishment and maintenance of a
14 family day-care provider's home serving twelve or fewer children in an
15 area zoned for residential or commercial use, if the conditions are no
16 more restrictive than conditions imposed on other residential dwellings
17 in the same zone and the establishment of such facilities is not
18 precluded. As used in this section, "family day-care provider" is as
19 defined in RCW 74.15.020.

20 **Sec. 3.** RCW 35.63.185 and 1995 c 49 s 1 are each amended to read
21 as follows:

22 (1) Except as provided in subsections (2) and (3) of this section,
23 no city may enact, enforce, or maintain an ordinance, development
24 regulation, zoning regulation, or official control, policy, or
25 administrative practice (~~(which)~~) that prohibits the use of a
26 residential dwelling, located in an area zoned for residential or
27 commercial use, as a family day-care provider's home facility.

28 (2) A city may require that the facility: (~~(+1)~~) (a) Comply with
29 all building, fire, safety, health code, and business licensing
30 requirements; (~~(+2)~~) (b) conform to lot size, building size, setbacks,
31 and lot coverage standards applicable to the zoning district except if
32 the structure is a legal nonconforming structure; (~~(+3)~~) (c) is
33 certified by the office of child care policy licensor as providing a
34 safe passenger loading area; (~~(+4)~~) (d) include signage, if any, that
35 conforms to applicable regulations; and (~~(+5)~~) (e) limit hours of
36 operations to facilitate neighborhood compatibility, while also

1 providing appropriate opportunity for persons who use family day-care
2 and who work a nonstandard work shift.

3 (3) A city may also require that the family day-care provider,
4 before state licensing, require proof of written notification by the
5 provider that the immediately adjoining property owners have been
6 informed of the intent to locate and maintain such a facility. If a
7 dispute arises between neighbors and the family day-care provider over
8 licensing requirements, the licensor may provide a forum to resolve the
9 dispute.

10 (4) Nothing in this section shall be construed to prohibit a city
11 from imposing zoning conditions on the establishment and maintenance of
12 a family day-care provider's home in an area zoned for residential or
13 commercial use, so long as such conditions are no more restrictive than
14 conditions imposed on other residential dwellings in the same zone and
15 the establishment of such facilities is not precluded. As used in this
16 section, "family day-care provider" is as defined in RCW 74.15.020.

17 **Sec. 4.** RCW 35A.63.215 and 1995 c 49 s 2 are each amended to read
18 as follows:

19 (1) Except as provided in subsections (2) and (3) of this section,
20 no city may enact, enforce, or maintain an ordinance, development
21 regulation, zoning regulation, or official control, policy, or
22 administrative practice (~~(which)~~) that prohibits the use of a
23 residential dwelling, located in an area zoned for residential or
24 commercial use, as a family day-care provider's home facility.

25 (2) A city may require that the facility: ~~((+1+))~~ (a) Comply with
26 all building, fire, safety, health code, and business licensing
27 requirements; ~~((+2+))~~ (b) conform to lot size, building size, setbacks,
28 and lot coverage standards applicable to the zoning district except if
29 the structure is a legal nonconforming structure; ~~((+3+))~~ (c) is
30 certified by the office of child care policy licensor as providing a
31 safe passenger loading area; ~~((+4+))~~ (d) include signage, if any, that
32 conforms to applicable regulations; and ~~((+5+))~~ (e) limit hours of
33 operations to facilitate neighborhood compatibility, while also
34 providing appropriate opportunity for persons who use family day-care
35 and who work a nonstandard work shift.

36 (3) A city may also require that the family day-care provider,
37 before state licensing, require proof of written notification by the

1 provider that the immediately adjoining property owners have been
2 informed of the intent to locate and maintain such a facility. If a
3 dispute arises between neighbors and the family day-care provider over
4 licensing requirements, the licensor may provide a forum to resolve the
5 dispute.

6 (4) Nothing in this section shall be construed to prohibit a city
7 from imposing zoning conditions on the establishment and maintenance of
8 a family day-care provider's home in an area zoned for residential or
9 commercial use, so long as such conditions are no more restrictive than
10 conditions imposed on other residential dwellings in the same zone and
11 the establishment of such facilities is not precluded. As used in this
12 section, "family day-care provider" is as defined in RCW 74.15.020.

13 **Sec. 5.** RCW 36.70A.450 and 1995 c 49 s 3 are each amended to read
14 as follows:

15 (1) Except as provided in subsections (2) and (3) of this section,
16 no county or city (~~((that plans or elects to plan under this chapter))~~)
17 may enact, enforce, or maintain an ordinance, development regulation,
18 zoning regulation, or official control, policy, or administrative
19 practice (~~((which))~~) that prohibits the use of a residential dwelling,
20 located in an area zoned for residential or commercial use, as a family
21 day-care provider's home facility.

22 (2) A county or city may require that the facility: (~~((+1))~~) (a)
23 Comply with all building, fire, safety, health code, and business
24 licensing requirements; (~~((+2))~~) (b) conform to lot size, building size,
25 setbacks, and lot coverage standards applicable to the zoning district
26 except if the structure is a legal nonconforming structure; (~~((+3))~~) (c)
27 is certified by the office of child care policy licensor as providing
28 a safe passenger loading area; (~~((+4))~~) (d) include signage, if any,
29 that conforms to applicable regulations; and (~~((+5))~~) (e) limit hours of
30 operations to facilitate neighborhood compatibility, while also
31 providing appropriate opportunity for persons who use family day-care
32 and who work a nonstandard work shift.

33 (3) A county or city may also require that the family day-care
34 provider, before state licensing, require proof of written notification
35 by the provider that the immediately adjoining property owners have
36 been informed of the intent to locate and maintain such a facility. If

1 a dispute arises between neighbors and the family day-care provider
2 over licensing requirements, the licensor may provide a forum to
3 resolve the dispute.

4 (4) Nothing in this section shall be construed to prohibit a county
5 or city (~~(that plans or elects to plan under this chapter)~~) from
6 imposing zoning conditions on the establishment and maintenance of a
7 family day-care provider's home in an area zoned for residential or
8 commercial use, so long as such conditions are no more restrictive than
9 conditions imposed on other residential dwellings in the same zone and
10 the establishment of such facilities is not precluded. As used in this
11 section, "family day-care provider" is as defined in RCW 74.15.020.

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