

SENATE BILL REPORT

SB 6237

As of January 17, 2020

Title: An act relating to authorizing and encouraging cities to notify the department of children, youth, and families of conditions at family day-care provider facilities that could cause harm to a child's health, welfare, or safety.

Brief Description: Authorizing and encouraging cities to notify the department of children, youth, and families of conditions at family day-care provider facilities that could cause harm to a child's health, welfare, or safety.

Sponsors: Senators Kuderer, Darneille, Hunt and Wilson, C.

Brief History:

Committee Activity: Local Government: 1/16/20.

Brief Summary of Bill

- Authorizes and encourages cities to notify the Department of Children, Youth, and Families when a family day-care provider becomes out of compliance with code or licensing requirements when the violation may cause harm to a child's health, welfare, or safety.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Staff: Greg Vogel (786-7413)

Background: Department of Children, Youth, and Families. The Department of Children, Youth, and Families (DCYF) is the lead agency for state-funded services supporting children and families to build resilience and health, and to improve education outcomes. Created in 2017, DCYF oversees several services previously offered through the state Department of Social and Health Services (DSHS) and the Department of Early Learning (DEL). These include all programs from the Children's Administration in DSHS such as Child Protective Services' investigations and Family Assessment Response, licensed foster care, and adoption support. Also included are DEL services, such as the Early Childhood Education and Assistance Program for preschoolers, Working Connections Child Care, and Home Visiting.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Family Day-Care Providers. Family day-care providers are child care providers who regularly provide early childhood education and early learning services for not more than 12 children in the provider's home in the family living quarters. As with child day care centers, family day-care providers are licensed and regulated by DCYF. License requirements include meeting health and safety standards, staff qualification levels, and other standards related to quality.

Subject to certain provisions, no city may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice that prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.

A city may require the facility to:

- comply with all building, fire, safety, health code, and business licensing requirements;
- conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure;
- be certified by the DCYF licensor as providing a safe passenger loading area;
- include signage, if any, that conforms to applicable regulations; and
- limit hours of operations to facilitate neighborhood compatibility, while also providing appropriate opportunity for persons who use family day-care and who work a nonstandard work shift.

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

Summary of Bill: Cities are authorized and strongly encouraged to notify DCYF when a family day-care provider becomes out of compliance with building, fire, safety, health code, or business licensing requirements when the violation may cause harm to a child's health, welfare, or safety.

Appropriation: None.

Fiscal Note: Requested on January 11, 2020.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: Constituents raised a concern about daycare in their neighborhood. The issue had do with the location of three separate in-home daycare facilities on the same block owned by the same person. There are concerns about safety for children and traffic congestion. It was discovered that a municipal code violation had occurred. The bill is intended to open and encourage lines of communication when there is a code violation endangering safety or welfare of children.

OTHER: There were questions concerning potential liability of code officials reporting and about how they would know if a home is being used for child care. It has been clarified that there is no liability imposed on the local jurisdictions, so the issues have been resolved.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor.

OTHER: Amy Brackenbury, Washington Association of Building Officials.

Persons Signed In To Testify But Not Testifying: No one.