
HOUSE BILL 1199

State of Washington

68th Legislature

2023 Regular Session

By Representatives Senn, Eslick, Leavitt, Berry, Bateman, Kloba, Reed, Simmons, Tharinger, Ramel, Doglio, Goodman, Macri, Callan, Fosse, and Pollet

Read first time 01/10/23. Referred to Committee on Housing.

1 AN ACT Relating to licensed child care in common interest
2 communities; adding a new section to chapter 64.32 RCW; adding a new
3 section to chapter 64.34 RCW; adding a new section to chapter 64.38
4 RCW; adding a new section to chapter 64.90 RCW; and prescribing
5 penalties.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 64.32
8 RCW to read as follows:

9 (1) An association of apartment owners may not adopt or enforce a
10 restriction, covenant, condition, bylaw, rule, regulation, provision
11 of a governing document, or master deed provision that effectively
12 prohibits, unreasonably restricts, or limits, directly or indirectly,
13 the use of an apartment as a licensed family home child care operated
14 by a family day care provider or as a licensed child day care center.

15 (2) Nothing in this section prohibits an association from
16 imposing reasonable regulations on a family home child care or a
17 child day care center including, but not limited to, architectural
18 standards, as long as those regulations are identical to those
19 applied to all other apartments within the same association as the
20 family home child care or the child day care center.

1 (3) An association of apartment owners that willfully violates
2 this section is liable to the family day care provider or the child
3 day care center for actual damages, and shall pay a civil penalty to
4 the family day care provider or the child day care center in an
5 amount not to exceed \$1,000.

6 (4) For the purposes of this section, the terms "family day care
7 provider" and "child day care center" have the same meanings as in
8 RCW 43.216.010.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 64.34
10 RCW to read as follows:

11 (1) A unit owners' association may not adopt or enforce a
12 restriction, covenant, condition, bylaw, rule, regulation, provision
13 of a governing document, or master deed provision that effectively
14 prohibits, unreasonably restricts, or limits, directly or indirectly,
15 the use of a unit as a licensed family home child care operated by a
16 family day care provider or as a licensed child day care center.

17 (2) Nothing in this section prohibits an association from
18 imposing reasonable regulations on a family home child care or a
19 child day care center including, but not limited to, architectural
20 standards, as long as those regulations are identical to those
21 applied to all other units within the same association as the family
22 home child care or the child day care center.

23 (3) A unit owners' association that willfully violates this
24 section is liable to the family day care provider or the child day
25 care center for actual damages, and shall pay a civil penalty to the
26 family day care provider or the child day care center in an amount
27 not to exceed \$1,000.

28 (4) For the purposes of this section, the terms "family day care
29 provider" and "child day care center" have the same meanings as in
30 RCW 43.216.010.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 64.38
32 RCW to read as follows:

33 (1) A homeowners' association may not adopt or enforce a
34 restriction, covenant, condition, bylaw, rule, regulation, provision
35 of a governing document, or master deed provision that effectively
36 prohibits, unreasonably restricts, or limits, directly or indirectly,
37 the use of a lot as a licensed family home child care operated by a
38 family day care provider or as a licensed child day care center.

1 (2) Nothing in this section prohibits an association from
2 imposing reasonable regulations on a family home child care or a
3 child day care center including, but not limited to, architectural
4 standards, as long as those regulations are identical to those
5 applied to all other lots within the same association as the family
6 home child care or the child day care center.

7 (3) A homeowners' association that willfully violates this
8 section is liable to the family day care provider or the child day
9 care center for actual damages, and shall pay a civil penalty to the
10 family day care provider or the child day care center in an amount
11 not to exceed \$1,000.

12 (4) For the purposes of this section, the terms "family day care
13 provider" and "child day care center" have the same meanings as in
14 RCW 43.216.010.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 64.90
16 RCW to read as follows:

17 (1) A unit owners association may not adopt or enforce a
18 restriction, covenant, condition, bylaw, rule, regulation, provision
19 of a governing document, or master deed provision that effectively
20 prohibits, unreasonably restricts, or limits, directly or indirectly,
21 the use of a unit as a licensed family home child care operated by a
22 family day care provider or as a licensed child day care center.

23 (2) Nothing in this section prohibits an association from
24 imposing reasonable regulations on a family home child care or a
25 child day care center including, but not limited to, architectural
26 standards, as long as those regulations are identical to those
27 applied to all other units within the same association as the family
28 home child care or the child day care center.

29 (3) A unit owners association that willfully violates this
30 section is liable to the family day care provider or the child day
31 care center for actual damages, and shall pay a civil penalty to the
32 family day care provider or the child day care center in an amount
33 not to exceed \$1,000.

34 (4) For the purposes of this section, the terms "family day care
35 provider" and "child day care center" have the same meanings as in
36 RCW 43.216.010.

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