
SENATE BILL 5351

State of Washington

54th Legislature

1995 Regular Session

By Senators Wojahn, Winsley, Haugen, McCaslin and Drew

Read first time 01/20/95. Referred to Committee on Government Operations.

1 AN ACT Relating to requirements of cities regarding certification
2 of family day-care provider's home facilities; and amending RCW
3 35.63.---, 35A.63.---, and 36.70A.---.

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

5 **Sec. 1.** RCW 35.63.--- and 1994 c 273 s 14 are each amended to read
6 as follows:

7 No city may enact, enforce, or maintain an ordinance, development
8 regulation, zoning regulation, or official control, policy, or
9 administrative practice which prohibits the use of a residential
10 dwelling, located in an area zoned for residential or commercial use,
11 as a family day-care provider's home facility.

12 A city may require that the facility: (1) Comply with all
13 building, fire, safety, health code, and business licensing
14 requirements; (2) conform to lot size, building size, setbacks, and lot
15 coverage standards applicable to the zoning district except if the
16 structure is a legal nonconforming structure; (3) is certified by the
17 (~~state department of licensing~~) office of child care policy licensor
18 as providing a safe passenger loading area; (4) include signage, if
19 any, that conforms to applicable regulations; and (5) limit hours of

1 operations to facilitate neighborhood compatibility, while also
2 providing appropriate opportunity for persons who use family day-care
3 and who work a nonstandard work shift.

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

10 Nothing in this section shall be construed to prohibit a city from
11 imposing zoning conditions on the establishment and maintenance of a
12 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. 2.** RCW 35A.63.--- and 1994 c 273 s 16 are each amended to
18 read as follows:

19 No city may enact, enforce, or maintain an ordinance, development
20 regulation, zoning regulation, or official control, policy, or
21 administrative practice which prohibits the use of a residential
22 dwelling, located in an area zoned for residential or commercial use,
23 as a family day-care provider's home facility.

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

35 A city may also require that the family day-care provider, before
36 state licensing, require proof of written notification by the provider
37 that the immediately adjoining property owners have been informed of
38 the intent to locate and maintain such a facility. If a dispute arises

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

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

10 **Sec. 3.** RCW 36.70A.--- and 1994 c 273 s 17 are each amended to
11 read as follows:

12 No city that plans or elects to plan under this chapter may enact,
13 enforce, or maintain an ordinance, development regulation, zoning
14 regulation, or official control, policy, or administrative practice
15 which prohibits the use of a residential dwelling, located in an area
16 zoned for residential or commercial use, as a family day-care
17 provider's home facility.

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

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

35 Nothing in this section shall be construed to prohibit a city that
36 plans or elects to plan under this chapter from imposing zoning
37 conditions on the establishment and maintenance of a family day-care
38 provider's home in an area zoned for residential or commercial use, so

1 long as such conditions are no more restrictive than conditions imposed
2 on other residential dwellings in the same zone and the establishment
3 of such facilities is not precluded. As used in this section, "family
4 day-care provider" is as defined in RCW 74.15.020.

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