



CHILD CARE LAW CENTER

Family Child Care for Healthy Families and Communities

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The Child Care Law Center

About the Child Care Law Center

The Child Care Law Center breaks down the legal barriers standing between families in need and good, affordable child care. We educate parents and child care providers, advise advocates and policymakers, provide legal information and referrals, and litigate high-impact cases.

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This publication is intended to provide general information about the topic covered. It is made available with the understanding that the Child Care Law Center is not engaged in rendering legal or other professional advice. We believe it is current as of October 2016, but the law changes often. If you need legal advice, you should consult an attorney who can specifically advise or represent you.

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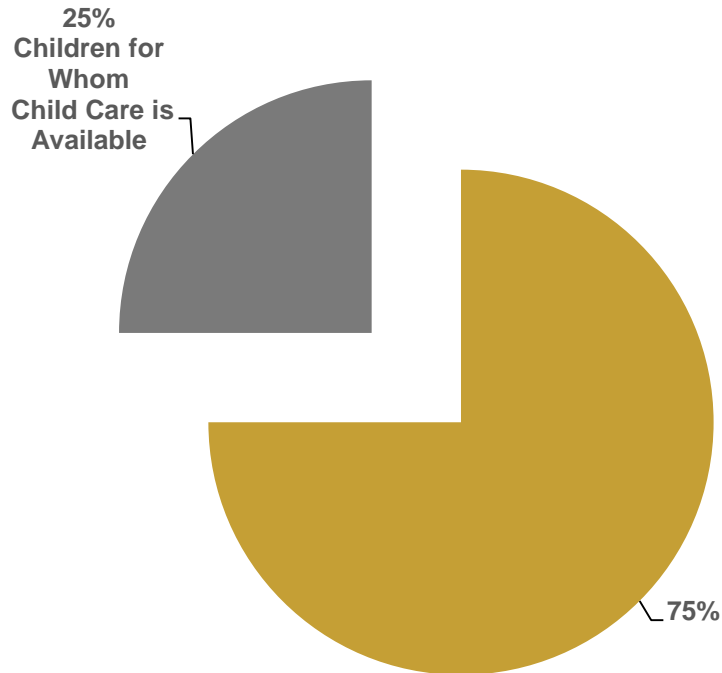
Family Child Care Supports Healthy, Sustainable Communities

Who Benefits?

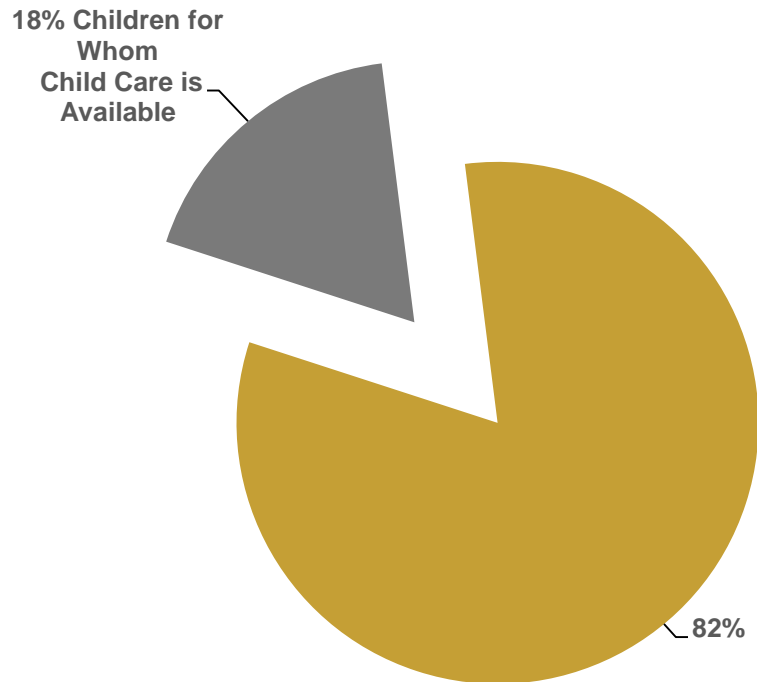
- Parents
- Children
- Child Care Providers
- Employers
- Community

Shortage of Available Child Care

California



Fresno County



Number of Family Child Care Homes Has Declined

| California | Number | | | | Percentage decrease in family child care homes from 2008 to 2014 (6 years) |
|----------------------------|--------|--------|--------|--------|---|
| Year | 2008 | 2010 | 2012 | 2014 | |
| Family Child Care Homes | 39,314 | 37,078 | 33,365 | 30,701 | 22%↓ |

Turning Stumbling Blocks into Building Blocks

Goal: Increase availability of family child care

How?

- Collaborate with R&Rs and family child care providers to work with cities
- Remove burdensome, costly, and unlawful local practices

Focusing on Seven Counties

- Butte
- Contra Costa
- Fresno
- Riverside
- San Diego
- San Mateo
- Solano

The Child Day Care Facilities Act

- State policy: encourage family child care in residential areas
- State law “trumps” local laws in conflict
- No regulation of small family child care
- Limited regulation of large family child care

Cal. Health & Safety Code § 1596.70.

The Child Day Care Facilities Act

Three zoning options for regulating large family child care homes:

1. No zoning permit - family child care is a residential use of property
2. Administrative permit
3. Special Use Permit

The Child Day Care Facilities Act

Zoning requirements must be reasonable
& limited to:

1. Space & concentration
2. Traffic control
3. Parking
4. Noise control

The Child Day Care Facilities Act

- **Zoning permit** must be processed as **economically** as possible
 - Breakdown of costs upon request
 - If deposit required, estimated permit cost must be given
 - Cost can only be related to review and processing
- Cannot **prohibit** family child care in residentially zoned areas

Small Family Child Care

ALWAYS considered a residential use of property

- No Zoning permit
- No Business license
- No Fire inspection

The Child Day Care Facilities Act



Other protections:

- Cities must give notice of all other requirements upon request
- Cities must designate family child care as a single-family dwelling for building and fire codes
- Cities must follow the state fire marshal and building code
- Cities cannot subject family child care to CEQA (Cal. Environmental Quality Act)

Business License vs Zoning Permits

- Business license
 - Issued by City or County
 - Certifies large family child care provider can operate
 - Annual fee
 - Check with City or County if required

Zoning Permit

- “Land use permit” or “use permit”
- Permission to use land for a different purpose
- One-time fee

The Child Day Care Facilities Act

QUIZ!!



Can Cities Require...

- Limit the number of children that she can provide care for in her home?
- Restrict the hours of operation, or the hours of outdoor play?
- Require a certain number of parking spaces?
- Require every applicant for a permit to automatically go through a hearing?
- Other requirements we've seen from cities...

Child Care Providers' Reasons for Not Expanding

- Too expensive***
- Don't want to deal with licensing
- Rules keep changing – inconsistent rules
- Too much regulation
- My home is too small
- Don't want to hire an employee
- Don't know the steps to expand

The Child Care Law Center Can Help You



How can CCLC help you?

- Publications
- Call or email attorneys
- Information & Referral Service

Contact

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R&R Child Care Advocates

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Hot Links

- Child care providers can challenge high zoning and business licensing fees
- Know the Law About Business Licenses and Zoning Permits for Family Child Care Homes in California
- Know the Law About Business Licenses and Zoning Permits for Family Child Care Homes in California en Español
- Know the Law About Family Child Care in California Rental Property
- Toolkit: What To Do If Your City Requires Business Licenses or Zoning Permits
- Toolkit: What To Do If Your City Requires Business Licenses or Zoning Permits en Español
- Child Care Providers Overcome Zoning Dispute Video
- Child Care Law Center Legal Information and Referral Intake Form



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