

Introduced by Senator SkinnerFebruary 7, 2019

An act to amend Sections 1596.72, 1596.73, 1596.78, 1597.30, 1597.45, and 1597.54 of, to add Sections 1597.41, 1597.42, and 1597.455 to, to repeal Section 1597.47 of, and to repeal and add Sections 1597.40, 1597.46, and 1597.543 of, the Health and Safety Code, relating to family daycare homes.

LEGISLATIVE COUNSEL'S DIGEST

SB 234, as introduced, Skinner. Family daycare homes.

Under existing law, the California Child Day Care Facilities Act, the State Department of Social Services licenses and regulates family daycare homes. Under existing law, a small family daycare home, which may provide care for up to 8 children, is considered a residential use of property for purposes of all local ordinances. Existing law authorizes a city, county, or city and county to either classify a large family daycare home, which may provide care for up to 14 children, as residential use of the property or to provide a process for applying for a permit to use the property as a large family daycare home.

This bill would instead require a large family daycare home to be treated as a residential use of property for purposes of all local ordinances.

Existing law makes void every provision in a written instrument entered into relating to real property that purports to forbid or restrict the conveyance, encumbrance, leasing, or mortgaging of the real property for use or occupancy as a family daycare home for children and every restriction or prohibition in a written instrument as to the use or occupancy of the property as a family daycare home.

This bill would also make void an attempt to deny, restrict, or encumber the conveyance, leasing, or mortgaging of real property for use or occupancy as a family daycare home and a restriction related to the use or occupancy of the property as a family daycare home. The bill would prohibit a property owner or manager from refusing to sell or rent, or refusing to negotiate for the sale or rental of, or otherwise making unavailable or denying, a dwelling to a person because that person is a family daycare provider. The bill would require the department to notify licensees that specified housing discrimination remedies are available to a family daycare home provider, family daycare home provider applicant, or person who is claiming that any of these protections have been denied.

Existing law prohibits a local jurisdiction from imposing a business license, fee, or tax for the privilege of operating a small family daycare home.

This bill would extend that prohibition to large family daycare homes.

Existing law requires the State Fire Marshal to adopt building standards and regulations relating to the fire and life safety systems in family daycare provider homes.

This bill would require the State Fire Marshal to update those regulations on or before August 1, 2022, and every 3 years thereafter to conform to changes in these provisions. The bill would also require the State Fire Marshal to issue guidance on implementing the provisions prior to the publication of regulations, but not later than July 1, 2020, and annually thereafter in years when regulations are not published.

The bill would also make technical and conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1596.72 of the Health and Safety Code
- 2 is amended to read:
- 3 1596.72. The Legislature finds all of the following:
- 4 (a) That ~~child-day-care~~ *daycare* facilities can contribute
- 5 positively to a child’s emotional, cognitive, and educational
- 6 development.
- 7 (b) That it is the intent of this state to provide a comprehensive,
- 8 quality system for licensing ~~child-day-care~~ *daycare* facilities to
- 9 ensure a quality ~~day-care~~ *childcare* environment.

1 (c) That this system of licensure requires a special understanding
2 of the unique characteristics and needs of the children served by
3 ~~child-day-care~~ *daycare* facilities.

4 (d) That it is the intent of the Legislature to establish within the
5 State Department of Social Services an organizational structure to
6 separate licensing of ~~child-day-care~~ *daycare* facilities from those
7 facility types administered under Chapter 3 (commencing with
8 Section 1500).

9 (e) That good quality ~~child-day-care~~ *childcare* services are an
10 essential service for working parents.

11 (f) *California has a tremendous shortage of regulated childcare,*
12 *and only a small fraction of families who need childcare have it.*
13 *Parents should be able to support their families without having to*
14 *sacrifice their child's well-being.*

15 (g) *With childcare, families have more options for jobs and*
16 *education to improve their prospects. Good, affordable childcare*
17 *gives children a strong start and creates opportunities for families*
18 *and communities.*

19 SEC. 2. Section 1596.73 of the Health and Safety Code is
20 amended to read:

21 1596.73. The purposes of this act are to:

22 (a) Streamline the administration of ~~child-care~~ *childcare*
23 licensing and thereby increase the efficiency and effectiveness of
24 this system.

25 (b) Encourage the development of licensing staff with
26 knowledge and understanding of children and ~~child-care~~ *childcare*
27 needs.

28 (c) Provide providers of ~~child-care~~ *childcare* with technical
29 assistance about licensing requirements.

30 (d) Enhance consumer awareness of licensing requirements and
31 the benefits of licensed ~~child-care~~ *childcare*.

32 (e) Recognize that affordable, quality licensed ~~child-care~~
33 *childcare* is critical to the well-being of parents and children in
34 this state.

35 (f) *Promote the development and expansion of regulated*
36 *childcare.*

37 SEC. 3. Section 1596.78 of the Health and Safety Code is
38 amended to read:

39 1596.78. (a) "Family ~~day-care~~ *daycare* home" means a ~~home~~
40 *facility* that regularly provides care, protection, and supervision

1 for 14 or fewer children, in the provider's ~~own home,~~ *personal*
 2 *residence*, for periods of less than 24 hours per day, while the
 3 parents or guardians are away, and is either a large family ~~day care~~
 4 *daycare* home or a small family ~~day care~~ *daycare* home.

5 (b) "Large family ~~day care~~ *daycare* home" means a ~~home facility~~
 6 that provides ~~family day care~~ *care, protection, and supervision* for
 7 7 to 14 children, inclusive, including children under ~~the age of 10~~
 8 *years of age* who reside ~~at the home,~~ *in the personal residence*, as
 9 set forth in Section 1597.465 and as defined in regulations.

10 (c) "*Personal residence*" includes a single-family home or a
 11 *dwelling unit within a multifamily building that the underlying*
 12 *zoning allows for residential uses*. A *personal residence* is where
 13 *the family daycare provider resides, and includes a home or a unit*
 14 *that is rented, leased, or owned.*

15 (e)

16 (d) "Small family ~~day care~~ *daycare* home" means a ~~home facility~~
 17 that provides ~~family day care~~ *care, protection, and supervision* for
 18 eight or fewer children, including children under ~~the age of 10~~
 19 *years of age* who reside ~~at the home,~~ *personal residence*, as set
 20 forth in Section 1597.44 and as defined in regulations.

21 SEC. 4. Section 1597.30 of the Health and Safety Code is
 22 amended to read:

23 1597.30. The Legislature finds and ~~declares:~~ *declares all of*
 24 *the following:*

25 (a) ~~It~~ *The Legislature* has a responsibility to ensure the health
 26 and safety of children in family homes that provide ~~day care:~~
 27 *daycare.*

28 (b) ~~That there are insufficient numbers of~~ *There is an extreme*
 29 *shortage of regulated family day care daycare homes in California.*
 30 *California, and the number has decreased significantly since 2008.*

31 (c) ~~There will continue to be~~ *There is a growing need for child day care*
 32 *daycare facilities due to the increase in increased number of*
 33 *working parents. Parents need childcare so they can work and*
 34 *attend school, and so their children can thrive.*

35 (d) Many parents prefer ~~child day care~~ *childcare* located in their
 36 neighborhoods in family homes.

37 (e) There should be a variety of ~~child care~~ *childcare* settings,
 38 including regulated family ~~day care~~ *daycare* homes, as suitable
 39 ~~alternatives choices~~ *alternatives choices* for parents.

1 (f) ~~That the~~ *The licensing* program to be operated by the state
2 should be cost effective, streamlined, and simple to administer in
3 order to ensure adequate care for children placed in family-day
4 care *daycare* homes, while not placing undue burdens on the
5 providers.

6 (g) ~~That the~~ *The* state should maintain an efficient program of
7 regulating family-day-care *daycare* homes that ensures the
8 provision of adequate protection, supervision, and guidance to
9 children in their homes.

10 (h) *The state has a responsibility to promote the development*
11 *and expansion of regulated family daycare homes to care for*
12 *children in residential settings.*

13 SEC. 5. Section 1597.40 of the Health and Safety Code is
14 repealed.

15 ~~1597.40. (a) It is the intent of the Legislature that family day~~
16 ~~care homes for children should be situated in normal residential~~
17 ~~surroundings so as to give children the home environment which~~
18 ~~is conducive to healthy and safe development. It is the public policy~~
19 ~~of this state to provide children in a family day care home the same~~
20 ~~home environment as provided in a traditional home setting.~~

21 ~~The Legislature declares this policy to be of statewide concern~~
22 ~~with the purpose of occupying the field to the exclusion of~~
23 ~~municipal zoning, building and fire codes and regulations~~
24 ~~governing the use or occupancy of family day care homes for~~
25 ~~children, except as specifically provided for in this chapter, and~~
26 ~~to prohibit any restrictions relating to the use of single-family~~
27 ~~residences for family day care homes for children except as~~
28 ~~provided by this chapter.~~

29 ~~(b) Every provision in a written instrument entered into relating~~
30 ~~to real property which purports to forbid or restrict the conveyance,~~
31 ~~encumbrance, leasing, or mortgaging of the real property for use~~
32 ~~or occupancy as a family day care home for children, is void and~~
33 ~~every restriction or prohibition in any such written instrument as~~
34 ~~to the use or occupancy of the property as a family day care home~~
35 ~~for children is void.~~

36 ~~(c) Except as provided in subdivision (d), every restriction or~~
37 ~~prohibition entered into, whether by way of covenant, condition~~
38 ~~upon use or occupancy, or upon transfer of title to real property,~~
39 ~~which restricts or prohibits directly, or indirectly limits, the~~

1 acquisition, use, or occupancy of such property for a family day
2 care home for children is void.

3 (d) (1) A prospective family day care home provider, who
4 resides in a rental property, shall provide 30 days' written notice
5 to the landlord or owner of the rental property prior to the
6 commencement of operation of the family day care home.

7 (2) For family day care home providers who have relocated an
8 existing licensed family day care home program to a rental property
9 on or after January 1, 1997, less than 30 days' written notice may
10 be provided in cases where the department approves the operation
11 of the new location of the family day care home in less than 30
12 days, or the home is licensed in less than 30 days, in order that
13 service to the children served in the former location not be
14 interrupted.

15 (3) A family day care home provider in operation on rental or
16 leased property as of January 1, 1997, shall notify the landlord or
17 property owner in writing at the time of the annual license fee
18 renewal, or by March 31, 1997, whichever occurs later.

19 (4) Notwithstanding any other provision of law, upon
20 commencement of, or knowledge of, the operation of a family day
21 care home on his or her property, the landlord or property owner
22 may require the family day care home provider to pay an increased
23 security deposit for operation of the family day care home. The
24 increase in deposit may be required notwithstanding that a lesser
25 amount is required of tenants who do not operate family day care
26 homes. In no event, however, shall the total security deposit
27 charged exceed the maximum allowable under existing law.

28 (5) Section 1596.890 shall not apply to this subdivision.

29 SEC. 6. Section 1597.40 is added to the Health and Safety
30 Code, to read:

31 1597.40. (a) It is the intent of the Legislature that family
32 daycare homes for children should be situated in normal residential
33 surroundings so as to give children the home environment that is
34 conducive to healthy and safe development. It is the public policy
35 of this state to provide children in a family daycare home the same
36 home environment as provided in a traditional home setting.

37 (b) The Legislature declares this policy to be of statewide
38 concern with the purpose of occupying the field. This act, the state
39 building code, and the fire code, and regulations promulgated
40 pursuant to those provisions, shall preempt local laws, regulations,

1 and rules governing the use and occupancy of family daycare
2 homes. Local laws, regulations, or rules shall not directly or
3 indirectly prohibit or restrict the use of a facility as a family daycare
4 home, including, but not limited to, precluding the operation of a
5 family daycare home.

6 SEC. 7. Section 1597.41 is added to the Health and Safety
7 Code, to read:

8 1597.41. (a) Every provision in a written instrument relating
9 to real property that purports to restrict the conveyance,
10 encumbrance, leasing, or mortgaging of the real property for use
11 or occupancy as a family daycare home is void, and every
12 restriction in that written instrument as to the use or occupancy of
13 the property as a family daycare home is void.

14 (b) An attempt to deny, restrict, or encumber the conveyance,
15 leasing, or mortgaging of real property for use or occupancy as a
16 family daycare home is void. A restriction related to the use or
17 occupancy of the property as a family daycare home is void. A
18 property owner or manager shall not refuse to sell or rent, or refuse
19 to negotiate for the sale or rental of, or otherwise make unavailable
20 or deny, a personal residence to a person because that person is a
21 family daycare provider.

22 (c) Except as provided in subdivision (d), a restriction, whether
23 by way of covenant, contract, condition upon use or occupancy,
24 or by transfer of title to real property, that restricts directly or
25 indirectly limits the acquisition, use, or occupancy of the personal
26 residence for a family daycare home is void.

27 (d) (1) A prospective family daycare home provider who resides
28 in a rental property shall provide 30 days' written notice to the
29 landlord or owner of the rental property prior to the commencement
30 of operation of the family daycare home.

31 (2) A family daycare home provider who has relocated an
32 existing licensed family daycare home program to a rental property
33 on or after January 1, 1997, may provide less than 30 days' written
34 notice in cases where the department approves the operation of
35 the new location of the family daycare home in less than 30 days,
36 or the home is licensed in less than 30 days, so that service to the
37 children served in the former location not be interrupted.

38 (3) A family daycare home provider in operation on rental or
39 leased property as of January 1, 1997, shall notify the landlord or

1 property owner in writing at the time of the annual license fee
2 renewal, or by March 31, 1997, whichever occurs later.

3 (4) Notwithstanding any other law, upon commencement of, or
4 knowledge of, the operation of a family daycare home on an
5 individual’s property, the landlord or property owner may require
6 the family daycare home provider to pay an increased security
7 deposit for operation of the family daycare home. The increase in
8 deposit may be required notwithstanding that a lesser amount is
9 required of tenants who do not operate family daycare homes. The
10 total security deposit charged shall not exceed the maximum
11 allowable under existing law.

12 (5) Section 1596.890 does not apply to this subdivision.

13 (e) When issuing a license to a small or large family daycare
14 home, the department shall notify the licensee that the remedies
15 and procedures in Article 2 (commencing with Section 12980) of
16 Chapter 7 of Part 2.8 of Division 3 of Title 3 of the Government
17 Code relating to fair housing are available to family daycare home
18 providers, family daycare home provider applicants, and
19 individuals who claim that any of the protections provided by this
20 section or Section 1597.40, 1597.42, 1597.43, 1597.45, 1597.455,
21 or 1597.46 have been denied.

22 (f) For the purpose of this section, “restriction” means a
23 restriction imposed orally, in writing, or by conduct and includes
24 prohibition.

25 SEC. 8. Section 1597.42 is added to the Health and Safety
26 Code, to read:

27 1597.42. The use of a personal residence as a family daycare
28 home, operated under the standards of state law, in a residentially
29 zoned area shall be considered a residential use of property for the
30 purposes of all local ordinances, regulations, and rules, and shall
31 not fundamentally alter the nature of the underlying residential
32 use.

33 SEC. 9. Section 1597.45 of the Health and Safety Code is
34 amended to read:

35 ~~1597.45. All of the following shall apply to small family day~~
36 ~~care homes:~~

37 ~~(a)–~~

38 1597.45. (a) The use of a ~~single-family~~ *personal* residence as
39 a ~~small or large family day care~~ *daycare* home shall be considered

1 a residential use of property for the purposes of all local ~~ordinances.~~
2 *ordinances, including, but not limited to, zoning ordinances.*

3 (b) ~~No~~ A local jurisdiction shall *not* impose a business license,
4 fee, or tax for the privilege of operating a small *or large* family
5 ~~day-care daycare~~ home.

6 (c) Use of a ~~single-family dwelling~~ *personal residence* for
7 purposes of a small *or large* family ~~day-care daycare~~ home shall
8 not constitute a change of occupancy for purposes of Part 1.5
9 (commencing with Section 17910) of Division 13 (State Housing
10 Law) or for purposes of local building codes.

11 (d) ~~A small family day care home shall not be subject to Article~~
12 ~~1 (commencing with Section 13100) or Article 2 (commencing~~
13 ~~with Section 13140) of Chapter 1 of Part 2 of Division 12, except~~
14 ~~that a small family day care home shall contain a fire extinguisher~~
15 ~~and smoke detector device that meet standards established by the~~
16 ~~State Fire Marshal and one or more functioning carbon monoxide~~
17 ~~detectors that meet the requirements of Chapter 8 (commencing~~
18 ~~with Section 13260) of Part 2 of Division 12. The department shall~~
19 ~~account for the presence of the carbon monoxide detectors during~~
20 ~~inspections.~~

21 (d) *A small or large family daycare home shall not be subject*
22 *to the provisions of Division 13 (commencing with Section 21000)*
23 *of the Public Resources Code.*

24 (e) *The provisions of this chapter do not preclude a city, county,*
25 *or other local public entity from placing restrictions on building*
26 *heights, setback, or lot dimensions of a family daycare home, as*
27 *long as those restrictions are identical to those applied to all other*
28 *residences with the same zoning designation as the family daycare*
29 *home. This chapter does not preclude a local ordinance that deals*
30 *with health and safety, building standards, environmental impact*
31 *standards, or any other matter within the jurisdiction of a local*
32 *public entity, as long as the local ordinance is identical to those*
33 *applied to all other residences with the same zoning designation*
34 *as the family daycare home. This chapter also does not prohibit*
35 *or restrict the abatement of nuisances by a city, county, or city*
36 *and county. However, the ordinance or nuisance abatement shall*
37 *not distinguish family daycare homes from other homes with the*
38 *same zoning designation, except as otherwise provided in this*
39 *chapter.*

1 (f) For purposes of this chapter, “personal residence” includes
 2 a single-family home or a dwelling unit within a multifamily
 3 building in which the underlying zoning allows for residential uses
 4 . A personal residence is where the family daycare provider resides,
 5 and includes a home or a unit that is rented, leased, or owned.

6 SEC. 10. Section 1597.455 is added to the Health and Safety
 7 Code, to read:

8 1597.455. (a) A small family daycare home shall not be subject
 9 to Article 1 (commencing with Section 13100) or Article 2
 10 (commencing with Section 13140) of Chapter 1 of Part 2 of
 11 Division 12, except that a small family daycare home shall contain
 12 a fire extinguisher and smoke detector device that meet standards
 13 established by the State Fire Marshal.

14 (b) A small family daycare home for children shall have one or
 15 more carbon monoxide detectors in the facility that meet the
 16 standards established in Chapter 8 (commencing with Section
 17 13260) of Part 2 of Division 12. The department shall account for
 18 the presence of these detectors during inspections.

19 SEC. 11. Section 1597.46 of the Health and Safety Code is
 20 repealed.

21 ~~1597.46. All of the following shall apply to large family day~~
 22 ~~care homes:~~

23 ~~(a) A city, county, or city and county shall not prohibit large~~
 24 ~~family day care homes on lots zoned for single-family dwellings,~~
 25 ~~but shall do one of the following:~~

26 ~~(1) Classify these homes as a permitted use of residential~~
 27 ~~property for zoning purposes.~~

28 ~~(2) Grant a nondiscretionary permit to use a lot zoned for a~~
 29 ~~single-family dwelling to a large family day care home that~~
 30 ~~complies with local ordinances prescribing reasonable standards,~~
 31 ~~restrictions, and requirements concerning spacing and~~
 32 ~~concentration, traffic control, parking, and noise control relating~~
 33 ~~to those homes, and complies with subdivision (c) and regulations~~
 34 ~~adopted by the State Fire Marshal pursuant to that subdivision.~~
 35 ~~Noise standards shall be consistent with local noise ordinances~~
 36 ~~implementing the noise element of the general plan and shall take~~
 37 ~~into consideration the noise level generated by children. The permit~~
 38 ~~issued pursuant to this paragraph shall be granted by the zoning~~
 39 ~~administrator or, if there is no zoning administrator, by the person~~

1 or persons designated by the planning agency to grant these
2 permits, upon the certification without a hearing.

3 (3) Require a large family day care home to apply for a permit
4 to use a lot zoned for single-family dwellings. The zoning
5 administrator or, if there is no zoning administrator, the person or
6 persons designated by the planning agency to handle the use
7 permits, shall review and decide the applications. The use permit
8 shall be granted if the large family day care home complies with
9 local ordinances, if any, prescribing reasonable standards,
10 restrictions, and requirements concerning the following factors:
11 spacing and concentration, traffic control, parking, and noise
12 control relating to those homes, and complies with subdivision (c)
13 and regulations adopted by the State Fire Marshal pursuant to that
14 subdivision. Noise standards shall be consistent with local noise
15 ordinances implementing the noise element of the general plan
16 and shall take into consideration the noise levels generated by
17 children. The local government shall process a required permit as
18 economically as possible.

19 Fees charged for review shall not exceed the costs of the review
20 and permit process. An applicant may request a verification of
21 fees, and the city, county, or city and county shall provide the
22 applicant with a written breakdown within 45 days of the request.
23 Beginning July 1, 2007, the application form for large family day
24 care home permits shall include a statement of the applicant's right
25 to request the written fee verification.

26 Not less than 10 days prior to the date on which the decision
27 will be made on the application, the zoning administrator or person
28 designated to handle the use permits shall give notice of the
29 proposed use by mail or delivery to all owners shown on the last
30 equalized assessment roll as owning real property within a 100-foot
31 radius of the exterior boundaries of the proposed large family day
32 care home. A hearing on the application for a permit issued
33 pursuant to this paragraph shall not be held before a decision is
34 made unless a hearing is requested by the applicant or other
35 affected person. The applicant or other affected person may appeal
36 the decision. The appellant shall pay the cost, if any, of the appeal.

37 (b) In connection with an action taken pursuant to paragraph
38 (2) or (3) of subdivision (a), a city, county, or city and county shall
39 do all of the following:

1 ~~(1) Upon the request of an applicant, provide a list of the permits~~
 2 ~~and fees that are required by the city, county, or city and county,~~
 3 ~~including information about other permits that may be required~~
 4 ~~by other departments in the city, county, or city and county, or by~~
 5 ~~other public agencies. The city, county, or city and county shall,~~
 6 ~~upon request of an applicant, also provide information about the~~
 7 ~~anticipated length of time for reviewing and processing the permit~~
 8 ~~application.~~

9 ~~(2) Upon the request of an applicant, provide information on~~
 10 ~~the breakdown of any individual fees charged in connection with~~
 11 ~~the issuance of the permit.~~

12 ~~(3) If a deposit is required to cover the cost of the permit,~~
 13 ~~provide information to the applicant about the estimated final cost~~
 14 ~~to the applicant of the permit, and procedures for receiving a refund~~
 15 ~~from the portion of the deposit not used.~~

16 ~~(e) A large family day care home shall not be subject to the~~
 17 ~~provisions of Division 13 (commencing with Section 21000) of~~
 18 ~~the Public Resources Code.~~

19 ~~(d) Use of a single-family dwelling for the purposes of a large~~
 20 ~~family day care home shall not constitute a change of occupancy~~
 21 ~~for purposes of Part 1.5 (commencing with Section 17910) of~~
 22 ~~Division 13 (State Housing Law), or for purposes of local building~~
 23 ~~and fire codes.~~

24 ~~(e) A large family day care home shall have one or more~~
 25 ~~functioning carbon monoxide detectors that meet the requirements~~
 26 ~~of Chapter 8 (commencing with Section 13260) of Part 2 of~~
 27 ~~Division 12. The department shall account for the presence of the~~
 28 ~~carbon monoxide detectors during inspections.~~

29 ~~(f) Large family day care homes shall be considered as~~
 30 ~~single-family residences for the purposes of the State Uniform~~
 31 ~~Building Standards Code and local building and fire codes, except~~
 32 ~~with respect to any additional standards specifically designed to~~
 33 ~~promote the fire and life safety of the children in these homes~~
 34 ~~adopted by the State Fire Marshal pursuant to this subdivision.~~
 35 ~~The State Fire Marshal shall adopt separate building standards~~
 36 ~~specifically relating to the subject of fire and life safety in large~~
 37 ~~family day care homes, which shall be published in Title 24 of the~~
 38 ~~California Code of Regulations. These standards shall apply~~
 39 ~~uniformly throughout the state and shall include, but not be limited~~
 40 ~~to: (1) the requirement that a large family day care home contain~~

1 a fire extinguisher or smoke detector device, or both, that meets
2 standards established by the State Fire Marshal; (2) specification
3 as to the number of required exits from the home; and (3)
4 specification as to the floor or floors on which day care may be
5 provided. Enforcement of these provisions shall be in accordance
6 with Sections 13145 and 13146. No city, county, city and county,
7 or district shall adopt or enforce a building ordinance or local rule
8 or regulation relating to the subject of fire and life safety in large
9 family day care homes that is inconsistent with those standards
10 adopted by the State Fire Marshal, except to the extent the building
11 ordinance or local rule or regulation applies to single-family
12 residences in which day care is not provided.

13 (g) The State Fire Marshal shall adopt the building standards
14 required in subdivision (d) and any other regulations necessary to
15 implement this section.

16 SEC. 12. Section 1597.46 is added to the Health and Safety
17 Code, to read:

18 1597.46. (a) A large family daycare home shall abide by all
19 standards, in addition to the requirements of the State Uniform
20 Building Standards Code, that are specifically designed to promote
21 fire and life safety in large family daycare homes. The State Fire
22 Marshal shall adopt separate building standards specifically relating
23 to the subject of fire and life safety in family daycare homes, which
24 shall be published in Title 24 of the California Code of Regulations.
25 These standards shall apply uniformly throughout the state and
26 shall include, but not be limited to, all of the following:

27 (1) The requirement that a large family daycare home contain
28 a fire extinguisher or smoke detector device, or both, that meets
29 childcare standards established by the State Fire Marshal.

30 (2) Specification as to the number of required exits from the
31 home.

32 (3) Specification as to the floor or floors on which childcare
33 may be provided and the number of required exits on each floor.

34 (b) A large family daycare home for children shall have one or
35 more carbon monoxide detectors in the facility that meet the
36 standards established in Chapter 8 (commencing with Section
37 13260) of Part 2 of Division 12. The department shall account for
38 the presence of these detectors during inspections.

39 (c) Enforcement of this section shall be in accordance with
40 Sections 13145 and 13146. A city, county, city and county, or

1 district shall not adopt or enforce a building ordinance or local
 2 rule or regulation relating to the subject of fire and life safety in
 3 large family daycare homes that is inconsistent with those standards
 4 adopted by the State Fire Marshal, except to the extent the building
 5 ordinance or local rule or regulation applies to all residences with
 6 the same zoning designation in which childcare is provided.

7 SEC. 13. Section 1597.47 of the Health and Safety Code is
 8 repealed.

9 ~~1597.47. The provisions of this chapter shall not be construed~~
 10 ~~to preclude any city, county, or other local public entity from~~
 11 ~~placing restrictions on building heights, setback, or lot dimensions~~
 12 ~~of a family day care facility as long as such restrictions are identical~~
 13 ~~to those applied to other single-family residences. The provisions~~
 14 ~~of this chapter shall not be construed to preclude the application~~
 15 ~~to a family day care facility for children of any local ordinance~~
 16 ~~which deals with health and safety, building standards,~~
 17 ~~environmental impact standards, or any other matter within the~~
 18 ~~jurisdiction of a local public entity. The provisions of this chapter~~
 19 ~~also shall not be construed to prohibit or restrict the abatement of~~
 20 ~~nuisances by a city, county, or city and county. However, such~~
 21 ~~ordinance or nuisance abatement shall not distinguish family day~~
 22 ~~care facilities from other single-family dwellings, except as~~
 23 ~~otherwise provided in this chapter.~~

24 SEC. 14. Section 1597.54 of the Health and Safety Code is
 25 amended to read:

26 1597.54. (a) All family-day-care *daycare* homes for children,
 27 shall apply for a license under this chapter, except that any home
 28 ~~which that~~, on June 28, 1981, had a valid and unexpired license
 29 to operate as a family-day-care *daycare* home for children under
 30 other provisions of law shall be deemed to have a license under
 31 this chapter for the unexpired term of the ~~license~~ *license*, at which
 32 time a new license may be issued upon fulfilling the requirements
 33 of this chapter.

34 ~~An~~

35 (b) An applicant for licensure as a family-day-care *daycare* home
 36 for children shall file with the department, pursuant to its
 37 regulations, an application on forms furnished by the department,
 38 which shall include, but not be limited to, all of the following:

39 (a)

1 (I) A brief statement confirming that the applicant is financially
2 secure to operate a family-day-care *daycare* home for children.
3 The department shall not require any other specific or detailed
4 financial disclosure.

5 ~~(b) (1) Evidence~~

6 (2) (A) *Evidence* that the small family-day-care *daycare* home
7 contains a fire extinguisher or smoke detector device, or both,
8 ~~which~~ *that* meets standards established by the State Fire Marshal
9 under ~~subdivision (d) of Section 1597.45, Section 1597.455,~~ or
10 evidence that the large family-day-care *daycare* home meets the
11 standards established by the State Fire Marshal under subdivision
12 ~~(d)~~ (a) of Section 1597.46.

13 ~~(2)~~

14 (B) Evidence satisfactory to the department that there is a fire
15 escape and disaster plan for the facility and that fire drills and
16 disaster drills will be conducted at least once every six months.
17 The documentation of these drills shall be maintained at the facility
18 on a form prepared by the department and shall include the date
19 and time of the drills.

20 ~~(e)~~

21 (3) The fingerprints of any applicant of a family-day-care
22 *daycare* home license, and any other adult, as required under
23 subdivision (b) of Section 1596.871.

24 ~~(d)~~

25 (4) Evidence of a current tuberculosis clearance, as defined in
26 regulations that the department shall adopt, for any adult in the
27 home during the time that children are under care. This requirement
28 may be satisfied by a current certificate, as defined in subdivision
29 (f) of Section 121525, that indicates freedom from infectious
30 tuberculosis as set forth in Section 121525.

31 ~~(e)~~

32 (5) Commencing September 1, 2016, evidence of current
33 immunity or exemption from immunity, as described in Section
34 1597.622, for the applicant and any other person who provides
35 care and supervision to the children.

36 ~~(f)~~

37 (6) Evidence satisfactory to the department of the ability of the
38 applicant to comply with this chapter and Chapter 3.4 (commencing
39 with Section 1596.70) and the regulations adopted pursuant to
40 those chapters.

1 ~~(g)~~
 2 (7) Evidence satisfactory to the department that the applicant
 3 and all other persons residing in the home are of reputable and
 4 responsible character. The evidence shall include, but not be limited
 5 to, a criminal record clearance pursuant to Section 1596.871,
 6 employment history, and character references.

7 (8) *Other information as required by the department for the*
 8 *proper administration and enforcement of the act.*

9 ~~(h)~~
 10 (c) Failure of the applicant to cooperate with the licensing
 11 agency in the completion of the application shall result in the denial
 12 of the application. Failure to cooperate means that the information
 13 described in this section and in regulations of the department has
 14 not been provided, or not provided in the form requested by the
 15 licensing agency, or both.

16 ~~(i) Other information as may be required by the department for~~
 17 ~~the proper administration and enforcement of the act.~~

18 SEC. 15. Section 1597.543 of the Health and Safety Code is
 19 repealed.

20 ~~1597.543. Every family day care home for children shall have~~
 21 ~~one or more carbon monoxide detectors in the facility that meet~~
 22 ~~the standards established in Chapter 8 (commencing with Section~~
 23 ~~13260) of Part 2 of Division 12. The department shall account for~~
 24 ~~the presence of these detectors during inspections.~~

25 SEC. 16. Section 1597.543 is added to the Health and Safety
 26 Code, to read:

27 1597.543. (a) On or before August 1, 2022, the State Fire
 28 Marshal shall update the building and fire standards necessary to
 29 implement the sections of this chapter relating to life and fire
 30 safety, including, but not limited to, Sections 1597.455 and
 31 1597.46, and shall publish the updates in the California Code of
 32 Regulations.

33 (b) Prior to the publication of the updates required by
 34 subdivision (a), but not later than July 1, 2020, the State Fire
 35 Marshal shall issue guidance on implementing the sections listed
 36 in subdivision (a).

37 (c) The State Fire Marshal shall update the regulations at least
 38 every three years to conform to changes in this chapter. The State

- 1 Fire Marshal shall issue guidance on implementing this chapter
- 2 annually in the years in which the regulations are not updated.

O