

Supporting Child Care Family Home Expansion

Implementation of SB 234 (Skinner), Chapter 244, Statutes of 2019



The Governor's Office of Planning and Research (OPR) serves as the state's comprehensive planning agency and delivers guidance to state, and local partners and communities on topics related to land use planning and development.

The purpose of this factsheet is to remind local jurisdictions that per SB 234, all family daycare homes are considered a by-right residential use for the purposes of local ordinances, including zoning ordinances, and requiring a business license for family daycare operations is prohibited (Skinner, 2019).

BACKGROUND

Family daycare homes provide critical services vital to California's economy and to families requiring help to care for infants and toddlers. These facilities offer a safe and healthy environment where children can thrive, provide flexible hours that enable parents to work, and are conveniently located in neighborhoods close to home and businesses. Despite the high demand for these services, California's limited supply of family daycare homes shrank during the pandemic due to mass closures.

[SB 234 \(Skinner\), Chapter 244, Statutes of 2019](#) was passed to address the supply shortage and increase the accessibility and variety of child-care options available by simplifying the regulatory process. The Act does the following:

1. Makes void written provisions relating to real property that restrict the conveyance, encumbrance, leasing or mortgaging of real property for use or occupancy as a family daycare home. (HSC section 1597.41 (a).)
2. Forbids any attempt to deny or restrict the leasing, renting, or mortgaging to family daycare homes. (HSC section 1597.41 (b).)

3. Requires that the use of a home as a family daycare home, operated under the standards of state law, in a residentially zoned area shall be considered a residential use of property for the purposes of all local ordinances, regulations, and rules, and shall not fundamentally alter the nature of the underlying residential use. (HSC section 1597.42.)
4. Prohibits local jurisdictions from requiring a business license, fee, or tax for the use of all family daycare homes. (HSC section 1597.45(b).)
5. Protects all family home types (small to large) by requiring that large family daycare homes (caring for up to 14 children) be treated as residential uses just as small family daycare homes (caring for up to 8 children) are under existing law. (HSC sections 1596.78 (b), 1596.78 (c), 1597.45 (a).)
6. Requires that local ordinances or nuisance abatements shall not distinguish family daycare homes from other homes with the same zoning designation, except as otherwise provided in the bill. (HSC section 1597.45 (e).)

In summary, the bill reduces burdens on family daycare homes in California. Family daycare home providers must still apply for a license and follow any other procedures required by the State Department of Social Services in California under existing law.

IMPLEMENTATION OF SB 234

This legislation may require your city and county to update its zoning and other municipal codes, as well as its zoning permit forms, business license forms, and other supportive materials to come into compliance with SB 234.

If not already implemented, all jurisdictions are encouraged to complete the following as soon as possible:

1. Make necessary code changes expeditiously to align with current state law.
2. Pending the adoption of such changes, ensure that city/county staff suspend requirements that are no longer applicable for the operation of large family child care homes. Update public information (e.g. on websites) to reflect these changes.
3. Share the Office of the State Fire Marshal Guidance listed below with your local planning, finance, and fire departments as applicable.

It is important for these barriers to be immediately addressed to increase the availability of child care in communities and to ensure compliance with state law.

AVAILABLE RESOURCES

For more information and resources, please review the resources listed below.

- » [Child Care Law Center SB 234 webpage](#) (Child Care Law Center): This resource provides fact sheets in multiple languages and has an FAQ about SB 234.
- » [Fair Housing Law Protects Child Care Providers – Fact Sheet in 8 different languages](#) (Cal. Dept. of Fair Employment & Housing)
- » [Guidance for Family Child Care Homes](#) (Cal. Office of the State Fire Marshal)