

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1474 Session of
2007

INTRODUCED BY EACHUS, GINGRICH, BELFANTI, JAMES, GOODMAN, MYERS,
RAMALEY, SURRA, FABRIZIO, CALTAGIRONE, DePASQUALE, GEORGE,
GERGELY, GIBBONS, MUNDY, WANSACZ, REED, SANTONI, VEREB,
PETRARCA, MUSTIO, KORTZ, DALEY, EVERETT, COX, CAPPELLI,
HORNAMAN, McGEEHAN, BOYD, MAHONEY, BUXTON AND KILLION,
JUNE 5, 2007

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 5, 2007

AN ACT

1 Providing for the location and operation of registered family
2 child day care and certified group child day care in private
3 residential homes and for the issuance of certificates of
4 occupancy for certification and registration purposes.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Family Child
9 Day Care Siting Act.

10 Section 2. Declaration of policy.

11 The General Assembly finds and declares as follows:

12 (1) It is the public policy of this Commonwealth that
13 young children should not be excluded by municipal zoning
14 ordinances from the benefits of child care provided in private
15 residential homes. Registered family child day-care homes and
16 certified group child day-care homes must be located in a normal
17 residence to give young children and their parents the

1 opportunity to have a home environment for child care.

2 (2) This policy is of Statewide concern and thus this
3 act preempts local zoning regulations to the extent local
4 zoning regulations restrict the location of registered family
5 child day-care or certified group child day-care homes
6 operated in the residence of the owner-operator.

7 (3) In order to promote the availability of regulated
8 child care through uniform fees and processes Statewide, the
9 Department of Labor and Industry is the entity charged with
10 the responsibility of issuing certificates of occupancy for
11 family child day-care homes.

12 Section 3. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Department." The Department of Labor and Industry of the
17 Commonwealth.

18 "Family child day-care home." A home in which child day care
19 is provided at any one time to no less than four and no more
20 than six children who are not relatives of the caregiver.

21 "Group child day-care home." A dwelling unit where child
22 day-care services are provided for less than 24 hours for no
23 less than seven and no more than 12 children, where the dwelling
24 unit is used primarily as a private residence and where the
25 provision of day-care services is accessory to the principal use
26 of the dwelling unit as a residence.

27 "Municipality." Includes any city, borough, town, township
28 or home rule municipality of this Commonwealth.

29 Section 4. Construction of act.

30 This act shall not be construed to limit or restrict the

1 authority of appropriate State agencies to approve or license
2 family child day-care homes or group child day-care homes.

3 Section 5. Pennsylvania Construction Code.

4 Any and all family child day-care and group child day-care
5 homes operated in this Commonwealth shall comply with the
6 applicable requirements of the act of November 10, 1999
7 (P.L.491, No.45), known as the Pennsylvania Construction Code
8 Act, which relate to such facilities.

9 Section 6. Status for zoning purposes.

10 (a) Family child day-care home.--A family child day-care
11 home operated in the owner-operator's residence shall be
12 considered a residential or other permissible use of property
13 permitted in all residential zones. The provider shall be
14 responsible for maintaining the facility to ensure that it is
15 similar in appearance and condition to other private residences
16 in the community.

17 (b) Group child day-care home.--A group child day-care home
18 operated in the owner-operator's residence shall be considered a
19 residential or other permissible use of property permitted by
20 right or by special exception in all residential zones. The
21 owner-operator shall be responsible for maintaining the facility
22 to ensure that it is similar in appearance and condition to
23 other private residences in the community.

24 Section 7. Duties of department.

25 (a) Certification.--The department shall issue a certificate
26 of occupancy to any family child day-care home which meets the
27 requirements of this act.

28 (b) Fees.--The department may establish a fee, not to exceed
29 \$100, for the application, processing and issuance of
30 certificates. This fee may be changed by the department through

1 regulations.

2 Section 8. Municipal records.

3 A municipality may maintain appropriate records indicating
4 the location, capacity and owner-operators of family child-day
5 care and group child day-care homes within its jurisdiction.

6 Section 9. Fees.

7 A municipality may not charge fees for permits or inspections
8 or other fees for family child day-care and group child-day care
9 homes in excess of the amounts charged for similarly classified
10 uses in the municipality.

11 Section 10. Supersedure of municipal ordinances.

12 This act shall supersede any local ordinances or regulations
13 that conflict with the provisions of this act.

14 Section 11. Applicability.

15 (a) Municipalities.--This act shall be applicable in any
16 municipality of this Commonwealth.

17 (b) Family child day-care homes and group child day-care
18 homes.--This act shall be applicable to any and all family child
19 day-care homes and group child day-care homes operated in the
20 personal residence of the owner-operator.

21 Section 12. Repeals.

22 All acts and parts of acts are repealed insofar as they are
23 inconsistent with this act.

24 Section 13. Effective date.

25 This act shall take effect in 90 days.