

FREQUENTLY ASKED QUESTIONS

SB 234: The Keeping Kids Close to Home Act

1. What does SB 234 do?

SB 234 makes clear that:

- A city or county government cannot require you to get a zoning permit or business license for your large or small family child care home. This applies whether or not you live in an incorporated or unincorporated area.
- All family child care homes are allowed in:
 - Single-family homes
 - Apartments
 - Condominiums
 - Townhomes
 - Duplexes
 - All other multi-family buildings.

You cannot be stopped from opening or running a family child care home just because you live in one of these types of buildings.

Landlords cannot refuse to rent to you or cannot evict you only because you have a family child care home (small or large).

You can file a complaint with the California Department of Fair Employment & Housing by going to www.dfeh.ca.gov. You can also sue whoever is violating your rights as a family child care home provider under the new law.

This new law applies to all licensed small and large family child care homes in California. You can look up the language of SB 234 by going to www.leginfo.ca.gov.

2. When does SB 234 become the law?

SB 234 becomes the law on January 1, 2020. It is a state law, which means it applies to everyone in California.

You can tell your city or county about this new law and ask them to stop requiring zoning permits and business licenses now. They do not need to wait until January 1, 2020 to start following the new law.

3. How does SB 234 create more child care?

Under this new law, cities and counties cannot require licensed small and large family child care homes to:

- Get a zoning permit, or
- Get a business license.

They also cannot create special rules that only apply to family child care homes.

The new law also clarifies that landlords cannot refuse to rent to you or cannot evict you only because you have a family child care home.

Before SB 234, unnecessary local requirements and unfair treatment by landlords made it very difficult and expensive for small family child care homes to become large family child care homes. With SB 234 taking away some of these barriers, more family child care providers can now open and become large family child care homes.

You still must meet the state child care licensing and state fire requirements for family child care homes. See FAQ 7.

4. What is a zoning permit?

A zoning permit is a paper given to you by your city or county that allows you to use your home or property for a specific reason. For example, your city or county may call it a:

- Conditional use permit
- Administrative use permit
- Minor use permit
- Use permit

Your city or county may also call a zoning permit by a different name. Under SB 234, you are no longer required to get a zoning permit.

5. What is a business license?

A business license is permission from your city or county to have a business. Your city or county may also call it a:

- Business fee
- Local business tax
- Home occupation permit

Your city or county may also call a business license by a different name. Under SB 234, you are no longer required to get a business license.

6. Can my city or county still have special rules and requirements for large family child care homes, even if they don't require a zoning permit?

No. SB 234 deleted the language in the law that allowed cities and counties to have "reasonable requirements" just for large family child care homes in the areas of spacing & concentration, traffic control, parking, and noise control.

Starting January 1, 2020, large family child care homes must be treated the same as small family child care homes under all local laws. Cities and counties must treat all small and large family child care homes as a by right, residential use of property.

Small and large family child care homes must follow the same laws as any other residential home, but cities and counties cannot make special rules that only apply to family child care homes.

7. What do small family child care homes have to do to become large now?

There is no longer a reason to contact your city or county planning or finance department just because you are getting your license to become a large family child care provider. However:

- Your licensed large or small family child care home must meet the same requirements as any other person living in your neighborhood.
- If you are making physical changes to your home, then you need to comply with your city's or county's zoning or building requirements, just like any other person living in your neighborhood.
- To be licensed, you must meet all state health and safety requirements, and fire safety requirements. Small and large family child care homes are licensed by the Community Care Licensing Division under the California Department of Social Services.

You can find out how to get licensed at your local Child Care Resource and Referral Agency by going to www.rrnetwork.org.

8. Where can I have my family child care home?

Licensed large and small family child care homes must be allowed in any residentially zoned neighborhood. Your family child care home can be located in a:

- Single-family home
- Apartment
- Condominium
- Townhome
- Duplex
- Any other type of multi-family building

9. Can I rent the place where I run my family child care home?

Yes. Landlords, HOAs (Homeowners' Associations), and property managers cannot stop you from renting a home only because you have a licensed family child care home. They also cannot evict you only because you have a licensed family child care home.

You still must get your landlord's permission in these situations:

- If you have a small family child care home (up to 6 kids) and you want to care for 7-8 kids, or
- If you have a large family child care home (up to 12 kids) and you want to care for 13-14 kids

SB 234 does not change your duty to tell your landlord in writing that you have or plan to open a family child care home. Your landlord cannot prohibit you from having a family child care home.

If you are a small family child care provider caring for up to 6 children, or a large family child care provider caring for up to 12 children, you must still get permission from your landlord to care for 2 more children. If your landlord does not allow you to care for 2 more children, you still have the right to care for six children with a small family child care license or twelve children with a large family child care license.

10. Can my landlord or HOA create special rules for my family child care home?

No. Your landlord or HOA must treat your small or large family child care home the same as any other home.

A landlord or HOA cannot stop you from having a licensed family child care home. It is illegal for a landlord or HOA to restrict or limit the use of your family child care home.

11. What can I do if I'm being prevented from having a family child care home?

You can:

- Show them this FAQ and the text of the new law
- Contact the Child Care Law Center or Public Counsel (if you live in Los Angeles County) for help
- File a complaint with the California Department of Fair Employment and Housing (DFEH) by going to www.dfeh.ca.gov. If you file a complaint with the DFEH, please contact the Child Care Law Center so we can help make sure your complaint is correctly handled by the DFEH.

12. What should I do if I started the process of getting my zoning permit in 2019 for my large family child care home?

If you are currently going through the zoning permit process, you can:

- Tell your city or county about SB 234 and ask them to apply the new law now. Remind them about the importance of child care and that they do not need to wait until January 1, 2020.

- Cancel your zoning application now and wait until January 1, 2020 to open your large family day care home without a zoning permit.

If you have already paid a deposit for your zoning permit application and you cancel it, ask your city or county how they will refund you for the part of the deposit they have not used.

13. Does SB 234 change any of the fire requirements for family child care homes?

No. SB 234 does not change any of the fire requirements for family child care homes. You still must meet the fire requirements to get and keep your family child care license.

You are still required to pass your fire clearance to get a large family child care license. The fire clearance certificate required by the Community Care Licensing Division to get a large family child care license is not the same as a business license or zoning permit.

14. What is a licensed family child care home?

A licensed family child care home is located in the provider's home.

- A small family child care home can care for up to 6-8 children
- A large family child care home can care for up to 12-14 children

15. What if I have more questions about SB 234?

- Call the Child Care Law Center, 415-558-8005 or Public Counsel, 213-385-2977, extension 300.
 - Fill out the Child Care Law Center's online form with your legal question. Go to: www.childcarelaw.org/help
 - For more information and resources, check out the Child Care Law Center's SB 234 Resource Page, at: www.childcarelaw.org/sb234-resources/
 - Please also see the Child Care Law Center's publication, [Know the Law About Business Licenses and Zoning Permits for Family Child Care Homes in California](#).
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