

HOUSE BILL NO. 918

INTRODUCED BY A. BUCKLEY, R. MARSHALL, E. BUTTREY, S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT THAT A DAY-CARE HOME BE REGISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO QUALIFY AS A RESIDENTIAL USE OF PROPERTY FOR PURPOSES OF ZONING; PROVIDING AN APPROPRIATION; AMENDING SECTION 76-2-412, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-2-412, MCA, is amended to read:

"76-2-412. Relationship of foster homes, kinship foster homes, youth shelter care facilities, youth group homes, community residential facilities, and day-care homes to zoning. (1) A foster home, kinship foster home, youth shelter care facility, or youth group home operated under the provisions of 52-2-621 through 52-2-623 or a community residential facility serving eight or fewer persons is considered a residential use of property for purposes of zoning if the home provides care on a 24-hour-a-day basis.

(2) A family day-care home or a group day-care home ~~registered by the department of public health and human services under Title 52, chapter 2, part 7, as defined in 52-2-703,~~ is considered a residential use of property for purposes of zoning.

(3) The facilities listed in subsections (1) and (2) are a permitted use in all residential zones, including but not limited to residential zones for single-family dwellings. Any safety or sanitary regulation of the department of public health and human services or any other agency of the state or a political subdivision of the state that is not applicable to residential occupancies in general may not be applied to a community residential facility serving 8 or fewer persons or to a day-care home serving ~~12~~ 15 or fewer children.

(4) This section may not be construed to prohibit a city or county from requiring a conditional use permit in order to maintain a home pursuant to the provisions of subsection (1) if the home is licensed by the department of public health and human services. A city or county may not require a conditional use permit in order to maintain a day-care home ~~registered by the department of public health and human services.~~"

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2 NEW SECTION. **Section 2. Appropriation.** There is appropriated \$500 from the general fund to the

3 department of public health and human services for the biennium beginning July 1, 2023, to pay for costs

4 associated with notifying local governments about the change in law regarding a family day-care home or a

5 group day-care home zoning in [section 1].

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7 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2023.

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