

Know the Law about Family Child Care Homes in California Rental Property

Rules Renters Must Know

Can renters provide child care in their home?

Yes. Renters and members of homeowner associations can provide family child care (home-based child care) from their homes.¹

You can provide care for

- Up to 6 children with a small family child care license, **or**
- Up to 12 children with a large family child care license.²

What if my landlord says my rental agreement does not allow family child care homes?

If your rental or “lease” agreement says you cannot

- provide child care at home, **or**
- have a business or commercial activity in your home –

you can ignore those parts of your lease because they do not apply to family child care homes.³

If you have a family child care license, you can provide child care from your

- Single-family home or duplex;
- Apartment, condominium, townhome; **or**
- Residential rental unit within other types of multi-family building.⁴

Under California law, you can have a licensed family child care home in your rental home. This is because – legally – family child care is not a “business” or “commercial” use of property.⁵

Can my landlord evict me because of my family child care home?

No. It is illegal for your landlord to evict you *just* because you have or plan to have a licensed family child care home.⁶

But your landlord *can* evict you for other legal reasons, like not paying rent on time or damaging the property. You still need to follow all other rules in your lease.

What if my landlord evicts me for a different reason, but the real reason is my family child care home?

It is illegal for your landlord to evict you for other reasons *if* the real reason is that you have a licensed family child care home.

If this happens:

- Save copies of all letters, notes, and notices from your landlord or other person in charge of your rental home.
- Keep written notes about all conversations with your landlord. Write down the dates and places of these conversations.

Can a landlord refuse to rent to me because I *plan* to have a family child care home?

No. It is illegal for a landlord to refuse to rent to you because you have or plan to have a licensed family child care home.⁷

Do I have to tell my landlord that I am a family child care provider?

Yes. You must tell your landlord *in writing* that you plan to provide licensed family child care in the home.⁸

Send your landlord a copy of the [Property Owner/Landlord Notification Family Child Care Home form](#) (LIC 9151).

Find Form LIC 9151 on Community Care Licensing Division's website:

- In English:
<https://www.cdss.ca.gov/cdssweb/entres/forms/English/LIC9151.pdf>.
- In Spanish:
<https://www.cdss.ca.gov/cdssweb/entres/forms/spanish/lic9151sp.pdf>.

When should I tell my landlord that I am a family child care provider?

If you are *starting* a family child care home, you must tell your landlord in writing **at least 30 days before** you start providing child care.⁹

If you *already* have a family child care home and move to a new home, ask your Licensing Program Analyst (LPA) about the deadline to notify your landlord.

Warning! When you transfer your license to a new address, the deadline to tell your landlord may be less than 30 days.¹⁰

Limits on Children You Care For

Can renters care for more than 6 children in their small family child care home?

Maybe. If you are a small family child care provider, you may care for **up to 8 children** if these requirements are met:

- Your landlord signs the [Property Owner/Landlord Consent Form](#) (LIC 9149) and checks the box that says you care for more than 6 and up to 8 children;
- The 2 additional children must be:
 - Attending Transitional Kindergarten, Kindergarten, or elementary school, **and**
 - 1 or both children must be at least 6 years old;
- When you care for more than 6 children, you must not care for more than 2 infants at the same time; **and**

- You notify the families of all the children in your care that you are going to add 1 or 2 more school-age children.¹¹

Use this form to notify the families: [Parent Notification – Additional Children in Care Form](#) (LIC 9150). You complete the top part; the parent or guardian fills out the bottom part.

Find the [Property Owner/Landlord Consent Form \(LIC 9149\)](#) on Community Care Licensing Division's website:

- In English:
<https://www.cdss.ca.gov/cdssweb/entres/forms/English/LIC9149.pdf>
- In Spanish:
<https://www.cdss.ca.gov/cdssweb/entres/forms/Spanish/LIC9149SP.pdf>.

What if my landlord says I *cannot* care for more than 6 children in my small family child care home?

You have 2 options:

1. Limit the number of children you care for to 6, **or**
2. Get a license to run a large family child care home. This option allows you to care for up to 12 children without your landlord's permission.

Can renters care for more than 12 children in their large family child care home?

Maybe. If you are a large family child care provider, you can care for **up to 14 children** if all these requirements are met:

- Your landlord signs the [Property Owner/Landlord Consent Form](#) (LIC 9149) and checks the box that says you care for more than 12 and up to 14 children;
- The 2 additional children must be:
 - Attending Transitional Kindergarten, Kindergarten, or elementary school, **and**
 - 1 or both children must be at least 6 years old;

- When you care for more than 12 children, you must not care for more than 3 infants at the same time; **and**
- You notify the families of all the children in your care that you are going to add 1 or 2 more school-age children.¹²

Use this form to notify the families: [Parent Notification – Additional Children in Care Form](#) (LIC 9150). You complete the top part; the parent or guardian fills out the bottom part.

Find the [Property Owner/Landlord Consent Form](#) (LIC 9149) on Community Care Licensing Division’s website:

- In English:
<https://www.cdss.ca.gov/cdssweb/entres/forms/English/LIC9149.pdf>
- In Spanish:
<https://www.cdss.ca.gov/cdssweb/entres/forms/Spanish/LIC9149SP.pdf>.

What if my landlord says I *cannot* care for more than 12 children in my large family child care home?

You can limit the number of children you care for to 12, without your landlord’s permission.

Can my landlord tell me what days and hours I can run my family child care home?

No. Landlords cannot restrict or set the days and hours of your licensed family child care home.¹³ You may choose any hours, including day, evening, and weekends.

But you must follow the rules in your rental agreement, such as paying your rent on time.

Insurance and Money Issues

Can my landlord raise my rent because of my family child care home?

No. Landlords cannot raise your rent *just* because you have a licensed family child care home.¹⁴

But landlords can raise your rent for other reasons, as long as they follow state and local rent control laws.

Can landlords demand a larger security deposit because of my family child care home?

Yes. A landlord can increase your security deposit because you run a licensed family child care home. They can do this when you first start renting, or when they find out you have a family child care home.¹⁵

But landlords cannot charge you more than:

- 2 months’ rent for an unfurnished unit, **or**
- 3 months’ rent for a furnished unit.¹⁶

Starting July 1, 2024, landlords can only charge renters a security deposit equal to 1 month’s rent, for both unfurnished *and* furnished units.¹⁷

Landlords can make family child care providers pay the *maximum* security deposit – even if other renters pay less than the maximum.

Do I have to get child care liability insurance to have a family child care home?

No. The law does not require child care liability insurance for a family child care home.¹⁸

But if you do not get liability insurance, all families in your program *must* sign the [Affidavit Regarding Liability Insurance for Family Child Care Homes](#) (LIC 282).¹⁹ This form says they know:

- You don’t have liability insurance, **and**
- Your landlord’s insurance does not cover child care-related claims.²⁰

You must keep the signed LIC 282 forms in each child’s file.

Warning! These are private documents. You may share them with Community Care

Licensing, but do not show or give them to your landlord.

Can landlords demand renters get child care liability insurance?

No. Your landlord cannot demand you get child care liability insurance. It is illegal for a landlord to tell you how to run your licensed family child care home.²¹

What if my landlord says their homeowners insurance could get canceled or not renewed because of my family child care home?

It is illegal for insurance companies to cancel or refuse to renew a homeowners insurance policy *just* because a licensed family child care home is on the property.²² Tell your landlord about this law.

Can I get child care liability insurance if I want to?

Yes. In fact, the Child Care Law Center *strongly* recommends you get liability insurance because:

- Form LIC 282 *does not* protect you from being sued. It only means the parent or guardian knows you do not have liability insurance.
- A landlord's homeowners insurance policy *will not* cover claims related to family child care homes.²³

Can my landlord or Homeowner Association (HOA) demand that I add them to my child care liability policy?

Yes, but *only if* all these conditions are met:

- You already have or are getting child care liability insurance;
- Your landlord or HOA asks in *writing* to be added to your policy;
- Your policy will not be canceled if you add your landlord or HOA; **and**
- Your landlord or HOA will pay any extra cost to add them to your policy.²⁴

Working with Landlords and Neighbors

What if my landlord tries to evict me or raise my rent because I have a family child care home?

It is illegal for your landlord to evict you or raise your rent *just* because you have or plan to have a licensed family child care home.²⁵

If this happens to you:

- Find and talk to a lawyer at [LawHelpCA](#), or find one using the Lawyer Referral Service at [your county's bar association](#) or the [California State Bar Association](#), before you respond to your landlord;
- Contact your local tenant's rights organization;
- Consider [filing a housing complaint](#) with the Civil Rights Department; **and**
- Act quickly. Cases about eviction and rent increases have strict deadlines. Depending on the reason, you may have only **3 or 5 days** to respond.

Warning! If you miss the deadline to respond to an eviction, you may lose your case.

What if my landlord interferes with my family child care home or tries to make me close down?

You have rights. A landlord is not allowed to tell you how to run your family child care home or try to close you down.

If this happens, you should contact us right away.

Child Care Law Center

www.childcarelaw.org/help, 415-558-8005 extension 1.

How can I build good relationships with my landlord and neighbors?

Some landlords or neighbors may think you are running a *child care center*, not a family child care home. You can explain that:

- Family child care providers must keep their homes clean and safe while running

their child care. This tends to make them very good renters.

- Family child care providers offer an important and much-needed service to local families.
- Family child care homes care for a limited number of children.
- Family child care providers are the eyes and ears of the neighborhood.
- Community Care Licensing monitors family child care homes and makes a surprise visit to inspect family child care homes once a year.

Tell your landlord you will:

- Limit the wear and tear on your rental home and they can use your security deposit to cover any excessive wear and tear when you move out;
- Keep the number of children within the legal limits of your license;
- Respect noise concerns, for example keeping the children indoors in the early morning and late evening;
- Will not cause extra traffic because you will only care for a limited number of children, and drop-off/pick-up times are usually staggered;
- Do your best to conserve water and energy; **and**

- Never leave the children alone. This is a rule you must follow to keep your license.²⁶

Where can I find legal help for family child care providers?

- If you are a renter with a low income and receive an eviction notice or an illegal rent increase from your landlord, visit LawHelpCA at <https://www.lawhelpca.org/> to find a housing attorney and other legal housing resources.
- If you are a renter living in Los Angeles County, contact Public Counsel at 213-385-2977 extension 300, or <https://publiccounsel.org/services/child-care-day-care/>.
- California has many community housing rights organizations that can help. Search the Internet for “tenant rights organization near you.”
- Private lawyers and low- and no-cost legal services can also help. Contact [your county's bar association](#) or the [California State Bar Association](#) for a referral.
- California’s Department of Consumer Affairs has a Guide to help renters. Look for “California Tenants” at www.dca.ca.gov.



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Legal Information – Not Legal Advice. This publication is meant to give you legal information; it is not legal advice. The Child Care Law Center is not your lawyer. The law changes often. For advice about your particular situation, contact a lawyer.

Endnotes: The citations below are linked to the California laws and your rights on this topic. Read them and/or contact your local law library. They can help you understand the laws.

Endnotes:

¹ [Cal. Health & Safety Code § 1597.41\(a\)-\(c\)](#).

² [Cal. Health & Safety Code § 1596.78\(a\)-\(d\)](#).

³ [Cal. Health & Safety Code § 1597.41\(a\)-\(c\)](#).

⁴ [Cal. Health & Safety Code § 1597.43\(a\)](#).

⁵ [Cal. Health & Safety Code § 1597.43\(a\)](#).

⁶ [Cal. Health & Safety Code § 1597.41\(a\)-\(c\)](#), [Cal. Civil Code § 1942.5\(a\)](#) (An eviction or threat of eviction in retaliation for a renter’s lawful and peaceable exercise of any legal right is a violation of law).

⁷ [Cal. Health & Safety Code § 1597.41\(a\)-\(d\)](#).

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- ⁸ [Cal. Health & Safety Code § 1597.41\(d\)\(1\)](#). (An applicant for a family child care home license must certify under penalty of perjury that they have given notice to their landlord. See “Application For A Family Child Care Home License (LIC 279)”: <http://www.cdss.ca.gov/cdssweb/entres/forms/English/LIC279.pdf>).
- ⁹ [Cal. Health & Safety Code § 1597.41\(d\)\(1\)](#).
- ¹⁰ [Cal. Health & Safety Code § 1597.41\(d\)\(2\)](#).
- ¹¹ [Cal. Health & Safety Code § 1597.44\(a\)-\(d\)](#).
- ¹² [Cal. Health & Safety Code § 1597.465\(a\)-\(d\)](#).
- ¹³ [Cal. Health & Safety Code § 1597.41\(a\)-\(c\)](#).
- ¹⁴ [Cal. Health & Safety Code § 1597.41\(b\)-\(c\)](#).
- ¹⁵ [Cal. Health & Safety Code § 1597.41\(d\)\(4\)](#).
- ¹⁶ [Cal. Civil Code § 1950.5\(c\)](#).
- ¹⁷ [Cal. Civil Code § 1950.5\(c\)](#).
- ¹⁸ [Cal. Health & Safety Code § 1597.531\(a\)](#).
- ¹⁹ [Cal. Health & Safety Code § 1597.531\(a\)](#).
- ²⁰ [Cal. Health & Safety Code § 1597.531\(a\)](#).
- ²¹ [Cal. Health & Safety Code § 1597.41](#).
- ²² [Cal. Health & Safety Code § 1597.41\(a\)-\(c\)](#); [Cal. Ins. Code §§ 676](#) (family child care homes are not listed as a permissible reason to cancel an insurance policy), [676.1](#) (stating that insurance companies cannot arbitrarily fail to renew a policy because the policyholder has a family child care home and homeowner's insurance policies cannot cover liability arising out of or in connection with a family child care home), [679.74](#) (prohibiting insurance companies from canceling or refusing an application of residential policy based on source of income).
- ²³ [Cal. Ins. Code § 676.1\(c\)](#). (“It shall be against public policy for a residential property insurance policy to provide coverage for liability for losses arising out of, or in connection with, the operation of a family day care home. This coverage shall only be provided by a separate endorsement or insurance policy for which premiums have been assessed and collected.”).
- ²⁴ [Cal. Health & Safety Code § 1597.531\(b\)](#). (These same liability insurance rules apply when a family child care home is operating on premises which share common space that is governed by a homeowner association).
- ²⁵ [Cal. Health & Safety Code § 1597.41\(a\)-\(c\)](#), [Cal. Civil Code § 1942.5\(a\)](#) (An eviction or threat of eviction in retaliation for a renter's lawful and peaceable exercise of any legal right is a violation of law).
- ²⁶ [Cal. Health & Safety Code § 1596.78](#).