

Know the Law about Senate Bill 234: The Keeping Kids Close to Home Act

1. What does Senate Bill 234 (SB 234) do?

SB 234 makes clear that:

- You do not need a zoning permit or business license for use of a large or small family child care home. It does not matter if you live in an incorporated or unincorporated area.¹
 - All family child care homes² are allowed in:
 - Single-family homes and duplexes;
 - Apartments, condominiums, townhomes; **and**
 - Residential units within other types of multi-family buildings.³
 - Cities, counties, landlords, property managers, Homeowners Associations (HOAs), insurance companies, and other housing providers cannot stop you from having a family child care home just because you live in any of the homes listed above.⁴
 - Just because you have or plan to have a small or large family child care home, landlords, property managers, HOAs, mortgage companies, realtors, and other housing providers **cannot**:
 - Refuse to rent to you,
 - Evict or threaten to evict you, **or**
 - Refuse to sell you a home.⁵
 - Insurance companies **cannot** cancel or refuse to renew your or your landlord's homeowners insurance policy just because you provide or plan to provide family child care in your home.⁶
- If someone violates your housing rights as a family child care provider or family child care license-applicant, you can [file a complaint](#) with the California Civil Rights Department at: <https://calcivilrights.ca.gov/ComplaintProcess/>.
 - In civil court, you can also sue whoever violates your housing rights as a family child care provider.⁷

SB 234 applies to all licensed small and large family child care homes **in California**. You can read the [full text of SB 234 here](#).⁸

2. When did SB 234 become a law?

SB 234 became a law on January 1, 2020. It is a state law, which means it applies to everyone in California.⁹ This law does not apply outside of California.

3. 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. You usually have to apply for a zoning permit and pay the city or county for it.

Your city or county may call a zoning permit by a different name, such as:

- Conditional use permit,
- Administrative use permit,
- Minor use permit,
- Use permit, **or**
- Home Occupation Permit.

Under SB 234, a city or county **cannot** require a zoning permit to run a family child care home.¹⁰

4. 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, **or**
- Local business tax.

Under SB 234, a city or county **cannot** require a business license or payment of a business fee or business tax to run a family child care home.¹¹

5. Can my city or county have special rules for large family child care homes, even if they do not require a zoning permit?

No. Cities and counties **cannot** have special rules for small **or** large family child care homes.¹² Small and large family child care homes must be treated as a residential use of property and a use by right under all local laws.¹³

All family child care providers must follow the same laws that apply to other homes without a child care.

- Example: If you make physical or structural changes to your home, you must follow local zoning and building requirements that apply to all other homes.¹⁴

6. Do I need to go to my city or county office before opening a small or large family child care home?

No. You do not need to contact, submit paperwork to, or get permission from your city or county office to open a family child care home. [The California Department of Social Services, Community Care Licensing Division](#) licenses, regulates, and inspects family child care homes.

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

You have the right to run a licensed small or large family child care home in neighborhoods zoned for residential use. You can also do so in any area where the underlying zoning allows for residential use.¹⁵

You can have a small or large family child care home in a:

- Single-family home and duplex;
- Apartment, condominium, townhome; **and**
- Residential unit within other types of multi-family buildings.

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

Yes. Landlords, property managers, Homeowners' Associations (HOAs), insurance companies, and other housing providers **cannot**:

- Stop you from renting only because you plan to have or have a licensed family child care home,
- Evict or threaten to evict you only because you plan to have or have a licensed family child care home,
- Refuse to rent to you only because you plan to have or have a family child care home, **or**
- Harass you or create special rules for you only because you plan to have or have a family child care home.¹⁶

9. 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 must still:

- Meet the fire requirements to get and keep your family child care license, **and**
- Pass a fire clearance inspection to get a large family child care license.

Cities and counties cannot enforce local fire safety rules that go beyond what the Office of the State Fire Marshal requires of family child care homes.¹⁷ SB 234 requires the Office of the State Fire Marshal to issue this [guidance on family child care home fire requirements](#).¹⁸

10. Does SB 234 change any of the state health and safety requirements for my family child care license?

No. You must still meet all the state health and safety, and fire requirements to get and keep your family child care license.

For more information on getting a family child care license, contact:

- Your local Child Care Resource and Referral Agency at www.rnnetwork.org, or
- Community Care Licensing at <https://www.cdss.ca.gov/inforesources/community-care-licensing>.

11. How does SB 234 create more child care?

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

become large family child care homes to care for more children.

12. What if my rights are being violated under SB 234?

If someone is violating your rights under SB 234,

- Show them this fact sheet.
- Contact the [Child Care Law Center](#), through our [website](#) or by phone at, (415) 558-8005 extension 101.
- If you are a Los Angeles County resident, contact [Public Counsel](#), through its [website](#) or by phone at (213) 385-2977 extension 300.
- [File a complaint](#) with the California Civil Rights Department at <https://calcivilrights.ca.gov/ComplaintProcess/>. We suggest you contact the Child Care Law Center so we can explain the complaint process.
- Sue whoever is violating your housing rights as a family child care home provider in civil court.¹⁹
- [File a complaint](#) with the California Department of Insurance, at <https://www.insurance.ca.gov/01-consumers/101-help/index.cfm>, if an insurance company is threatening to cancel your or your landlord's homeowner's insurance just because you have a child care.

For more information and resources, visit the Child Care Law Center's Housing Rights webpage, at <https://www.childcarelaw.org/child-care-providers/housing-rights/>

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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 See Cal. Health & Safety Code §§ [1597.40\(b\)](#), [1597.41\(a\)-\(c\)](#), [1597.42](#), [1597.43\(a\)](#), [1597.45\(a\)](#).
- ² [Cal. Health & Safety Code § 1596.78\(a\)-\(d\)](#) (A family child care home is a “facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away...”).
- ³ Cal. Health & Safety Code §§ [1596.78](#), [1597.45\(f\)](#).
- ⁴ See Cal. Health & Safety Code §§ [1597.40\(b\)](#), [1597.41\(a\)-\(c\)](#).
- ⁵ See [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).
- ⁶ See [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).
- ⁷ [Cal. Health & Safety Code § 1597.41\(e\)](#).
- ⁸ [Cal. Health & Safety Code §§ 1596.70 et seq.](#)
- ⁹ [Cal. Health & Safety Code §§ 1596.70 et seq.](#)
- ¹⁰ See Cal. Health & Safety Code §§ [1597.40\(b\)](#), [1597.41\(a\)-\(c\)](#), [1597.42](#), [1597.43\(a\)](#), [1597.45\(a\)](#).
- ¹¹ [Cal. Health & Safety Code § 1597.45\(b\)](#).
- ¹² [Cal. Health & Safety Code § 1597.45\(e\)](#).
- ¹³ Cal. Health & Safety Code §§ [1597.42](#), [1597.45\(a\)](#). (SB 234 deleted the requirements that once allowed cities and counties to regulate in the areas of spacing & concentration, traffic control, parking, and noise control).
- ¹⁴ See [Cal. Health & Safety Code § 1597.45\(e\)](#).
- ¹⁵ Cal. Health & Safety Code §§ [1597.42](#), [1597.43](#).
- ¹⁶ See Cal. Health & Safety Code §§ [1597.41\(a\)-\(c\)](#), [1597.45 \(e\)](#); [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).
- ¹⁷ [Cal. Health & Safety Code § 1597.46\(c\)](#).
- ¹⁸ See [Cal. Health & Safety Code § 1597.46\(c\)](#).
- ¹⁹ [Cal. Health & Safety Code § 1597.41\(e\)](#).