

1 HOUSE BILL NO. 918

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

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

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

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

12 **"76-2-412. Relationship of foster homes, kinship foster homes, youth shelter care facilities,**  
13 **youth group homes, community residential facilities, and day-care homes to zoning.** (1) A foster home,  
14 kinship foster home, youth shelter care facility, or youth group home operated under the provisions of 52-2-621  
15 through 52-2-623 or a community residential facility serving eight or fewer persons is considered a residential  
16 use of property for purposes of zoning if the home provides care on a 24-hour-a-day basis.

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

20 (3) The facilities listed in subsections (1) and (2) are a permitted use in all residential zones,  
21 including but not limited to residential zones for single-family dwellings. Any safety or sanitary regulation of the  
22 department of public health and human services or any other agency of the state or a political subdivision of the  
23 state that is not applicable to residential occupancies in general may not be applied to a community residential  
24 facility serving 8 or fewer persons or to a day-care home serving ~~42~~ 15 or fewer children.

25 (4) This section may not be construed to prohibit a city or county from requiring a conditional use  
26 permit in order to maintain a home pursuant to the provisions of subsection (1) if the home is licensed by the  
27 department of public health and human services. A city or county may not require a conditional use permit in  
28 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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