



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 ~~4~~ 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.~~"

Section 2. Appropriation. There is appropriated \$500 from the general fund to the department of public health and human services for the biennium beginning July 1, 2023, to pay for costs associated with notifying local governments about the change in law regarding a family day-care home or a group day-care home zoning in [section 1].

Section 3. Effective date. [This act] is effective July 1, 2023.

- END -

I hereby certify that the within bill,
HB 918, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2023.

President of the Senate

Signed this _____ day
of _____, 2023.

HOUSE BILL NO. 918

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

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