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BILL ANALYSIS

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Senate Bill 177

Sponsor: Senator Jack Faxon

Committee: Human Resources and Senior Citizens

Date Completed: 4-14-89

SUMMARY OF SENATE BILL 177 as introduced 2-28-89:

The bill would amend Public Act 207 of 1921, which provides for the establishment of city and village zoning regulations, to require that a licensed or registered "family day-care home" be considered a residential use of property for zoning purposes, and be permitted in all residential zones including those zoned for single family dwellings. Such day-care homes could not be subject to a special use or conditional use permit or procedure different from that required of other dwellings of similar density in a zone. A licensed or registered "group day-care home" would have to be issued a special use permit, conditional use permit, or other similar permit if the home:

- Were located not closer than 1,500 feet to another licensed group day-care home, adult foster care home, substance abuse treatment facility, or inmate housing facility. Subsequent establishment of any of these facilities within 1,500 feet of the day-care home, however, would not affect renewal of the home's permit. (The distance between facilities would have to be measured along a road, street, or place--not including an alley--maintained by the State or a political subdivision and generally open to public use for vehicular traffic.)
- Had appropriate fencing for the safety of the children in the home as determined by the city or village.
- Maintained the property consistent with the visible characteristics of the neighborhood.
- Did not exceed 16 hours of operation during a 24-hour period. (The city or village could limit but not prohibit the operation of a group day-care home between the hours of 10:00 p.m. and 6:00 a.m.)
- Met any regulations requiring off-street parking accommodations for day-care home employees, and governing signs used to identify a group day-care home.

The bill, however, would not prevent a city or village from issuing a special use permit, conditional use permit, or other similar permit to a licensed or registered group day-care home that did not meet the specified standards.

A licensed or registered family or group day-care home in operation prior to the effective date of the bill would not have to comply with the bill.

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The bill would not prevent a city or village from inspecting a day-care home for compliance with, and enforcing, a local ordinance if the ordinance were not more restrictive than the provisions of Public Act 116 of 1973, which regulates child care organizations.

"Family day-care home" would be defined with reference to the Child Care Licensing Act, i.e., a private home where between one and six children receive care, unattended by their parent or legal guardian, for periods less than 24 hours per day. "Group day-care home" is defined in that Act the same as "family day-care home" except that a group home is registered to care for between seven and 12 children. Under the bill, both terms would apply only to the bona fide private residence of the operator of the family or group day-care home.

Proposed MCL 125.583c

Legislative Analyst: L. Burghardt

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: W. Griffieth

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