SENATE BILL NO. 367

INTRODUCED BY HARDING

BY REQUEST OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

IN THE SENATE

- FEBRUARY 18, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
- FEBRUARY 20, 1987 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
- FEBRUARY 21, 1987 PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 23, 1987 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 46; NOES, 4.

TRANSMITTED TO HOUSE.

- IN THE HOUSE
- FEBRUARY 24, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
- MARCH 11, 1987 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
- MARCH 14, 1987 SECOND READING, CONCURRED IN.
- MARCH 16, 1987 THIRD READING, CONCURRED IN. AYES, 85; NOES, 12.

RETURNED TO SENATE.

IN THE SENATE

MARCH 17, 1987 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

LC 1793/01

LC 1793/01

Jenete BILL NO. 367 1 INTRODUCED BY 2 3 BY REQUEST OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLASSIFY FAMILY AND 6 GROUP DAY-CARE HOMES AS A RESIDENTIAL USE OF PROPERTY FOR 7 THE PURPOSE OF ALL LOCAL ORDINANCES; AMENDING SECTION 8 76-2-412, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 76-2-412, MCA, is amended to read: 11 "76-2-412. Relationship of foster homes, youth group 12 homes, and community residential facilities, and day-care 13 14 homes to zoning. (1) A foster or youth group home operated 15 under the provisions of 41-3-1141 through 41-3-1143 or a community residential facility serving eight or fewer 16 17 persons is considered a residential use of property for 18 purposes of zoning if the home provides care on a 19 24-hour-a-day basis. 20 (2) A family day-care home or a group day-care home 21 registered by the department of social and rehabilitation services under Title 53, chapter 4, part 5, is considered a 22 residential use of property for purposes of zoning. 23

24 (2)(3) The homes facilities listed in subsections (1)
25 and (2) are a permitted use in all residential zones,

Montana Legislative Council

including but not limited to residential zones for 1 single-family dwellings. Any safety or sanitary regulation 2 of the department or any other agency of the state or a З political subdivision thereof which is not applicable to 4 residential occupancies in general may not be applied to a 5 6 community residential facility serving eight or fewer persons or to a day-care home serving 12 or fewer children. 7 (3)(4) Nothing in this section shall be construed to 8 prohibit a city or county from requiring a conditional use 9 permit in order to maintain a home pursuant to 10 the provisions of this--section subsection (1), provided such 11 home is licensed by the 12 department of health and environmental sciences and the department of social and 13 rehabilitation services. No city or county may require a 14 conditional use permit in order to maintain a day-care home 15 registered by the department of social and rehabilitation 16 17 services." NEW SECTION. Section 2. Effective date. This act is 18

19 effective on passage and approval.

-End-

-2- INTRODUCED BILL SB·367

LC 1793/01

APPROVED BY COMM. ON LOCAL GOVERNMENT

INTRODUCED BY Juniter BILL NO. 367

3 BY REQUEST OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLASSIFY FAMILY AND 6 GROUP DAY-CARE HOMES AS A RESIDENTIAL USE OF PROPERTY FOR 7 THE PURPOSE OF ALL LOCAL ORDINANCES; AMENDING SECTION 8 76-2-412, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9

3

2

4

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

Section 1. Section 76-2-412, MCA, is amended to read: 11 "76-2-412. Relationship of foster homes, youth group 12 homes, and community residential facilities, and day-care 13 homes to zoning. (1) A foster or youth group home operated 14 under the provisions of 41-3-1141 through 41-3-1143 or a 15 community residential facility serving eight or fewer 16 persons is considered a residential use of property for 17 purposes of zoning if the home provides care on a 18 24-hour-a-day basis. 19

(2) A family day-care home or a group day-care home
 registered by the department of social and rehabilitation
 services under Title 53, chapter 4, part 5, is considered a
 residential use of property for purposes of zoning.

24 (2)(3) The homes facilities listed in subsections (1)
 25 and (2) are a permitted use in all residential zones,



including but not limited to residential zones for 1 single-family dwellings. Any safety or sanitary regulation 2 of the department or any other agency of the state or a 3 political subdivision thereof which is not applicable to 4 residential occupancies in general may not be applied to a 5 community residential facility serving eight or fewer 6 7 persons or to a day-care home serving 12 or fewer children. 8 (+3) (4) Nothing in this section shall be construed to 9 prohibit a city or county from requiring a conditional use 10 permit in order to maintain a home pursuant to the provisions of this--section subsection (1), provided such 11 12 home is licensed by the department of health and 13 environmental sciences and the department of social and rehabilitation services. No city or county may require a 14 15 conditional use permit in order to maintain a day-care home registered by the department of social and rehabilitation 16 17 services." NEW SECTION. Section 2. Effective date. This act is 18

19 effective on passage and approval.

-End-

-2- SECOND READING 5B.347 LC 1793/01

INTRODUCED BY Landing 1 2 3 BY REQUEST OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLASSIFY FAMILY AND 5 6 GROUP DAY-CARE HOMES AS A RESIDENTIAL USE OF PROPERTY FOR THE PURPOSE OF ALL LOCAL ORDINANCES; AMENDING SECTION 7 76-2-412, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 76-2-412, MCA, is amended to read: 11 "76-2-412. Relationship of foster homes, youth group 12 13 homes, and community residential facilities, and day-care 14 homes to zoning. (1) A foster or youth group home operated 15 under the provisions of 41-3-1141 through 41-3-1143 or a community residential facility serving eight or fewer 16 17 persons is considered a residential use of property for purposes of zoning if the home provides care on a 18 19 24-hour-a-day basis. 20

(2) A family day-care home or a group day-care home
 registered by the department of social and rehabilitation
 services under Title 53, chapter 4, part 5, is considered a
 residential use of property for purposes of zoning.

24 (2)(3) The homes facilities listed in subsections (1)
25 and (2) are a permitted use in all residential zones,



1 including but not limited to residential zones for single-family dwellings. Any safety or sanitary regulation 2 of the department or any other agency of the state or a 3 political subdivision thereof which is not applicable to 4 residential occupancies in general may not be applied to a 5 community residential facility serving eight or fewer 6 persons or to a day-care home serving 12 or fewer children. 7 (3) (4) Nothing in this section shall be construed to 8 prohibit a city or county from requiring a conditional use 9 permit in order to maintain a home pursuant to 10 the provisions of this--section subsection (1), provided such 11 home is licensed by the department of health 12 and environmental sciences and the department of social and 13 rehabilitation services. No city or county may require a 14 conditional use permit in order to maintain a day-care home 15 16 registered by the department of social and rehabilitation 17 services." NEW SECTION. Section 2. Effective date. This act is 18

19 effective on passage and approval.

-End-

LC 1793/01



.

SB 0367/02

SB 0367/02

1	SENATE BILL NO. 367	1
2	INTRODUCED BY HARDING	2
3	BY REQUEST OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT	3
4		4
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO CLASSIFY FAMILY AND	5
6	GROUP DAY-CARE HOMES AS A RESIDENTIAL USE OF PROPERTY FOR	6
7	THE PURPOSE OF ALL LOCAL ORDINANCES; AMENDING SECTION	7
8	76-2-412, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."	8
9		9
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10
11	Section 1. Section 76-2-412, MCA, is amended to read:	. 11
12	"76-2-412. Relationship of foster homes, youth group	12
13	homes, and community residential facilities, and day-care	13
14	homes to zoning. (1) A foster or youth group home operated	14
15	under the provisions of 41-3-1141 through 41-3-1143 or \underline{a}	15
16	community residential facility serving eight or fewer	16
17	persons is considered a residential use of property for	17
18	purposes of zoning if the home provides care on a	18
19	24-hour-a-day basis.	19
20	(2) A family day-care home or a group day-care home	
21	registered by the department of social and rehabilitation	
22	services under Title 53, chapter 4, part 5, is considered a	
23	residential use of property for purposes of zoning.	
24	(2)(3) The homes facilities listed in subsections (1)	
25	and (2) are a permitted use in all residential zones,	



1	including but not limited to residential zones for
2	single-family dwellings. Any safety or sanitary regulation
3	of the department or any other agency of the state or \underline{a}
4	political subdivision thereof which is not applicable to
5	residential occupancies in general may not be applied to a
6	community residential facility serving eight or fewer
7	persons or to a day-care home serving 12 or fewer children.
8	(3) Nothing in this section shall be construed to
9	prohibit a city or county from requiring a conditional use
10	permit in order to maintain a home pursuant to the
11	provisions of thissection subsection (1), provided such
12	home is licensed by the department of health and
13	environmental sciences and the department of social and
14	rehabilitation services. No city or county may require a
15	conditional use permit in order to maintain a day-care home
16	registered by the department of social and rehabilitation
17	services."
18	NEW SECTION. Section 2. Effective date. This act is

19 effective on passage and approval.

-End-

-2-

SB 367

REFERENCE BILL