

1 *Senate* BILL NO. *367*
 2 INTRODUCED BY *Larkin*
 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:

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

12 "76-2-412. Relationship of foster homes, youth group
 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
 16 community residential facility serving eight or fewer
 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
 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 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)~~(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
 11 provisions of ~~this--section~~ 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-



APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 Senate BILL NO. 367
2 INTRODUCED BY Gardner
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:

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

12 "76-2-412. Relationship of foster homes, youth group
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
16 community residential facility serving eight or fewer
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
22 services under Title 53, chapter 4, part 5, is considered a
23 residential use of property for purposes of zoning.

24 (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 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)(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
11 provisions of ~~this--section~~ 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-



1 *Senate* BILL NO. 367
 2 INTRODUCED BY *Landry*
 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:

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

12 "76-2-412. Relationship of foster homes, youth group
 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
 16 community residential facility serving eight or fewer
 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
 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 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)(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
 11 provisions of this--section 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-

SENATE BILL NO. 367

INTRODUCED BY HARDING

BY REQUEST OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLASSIFY FAMILY AND GROUP DAY-CARE HOMES AS A RESIDENTIAL USE OF PROPERTY FOR THE PURPOSE OF ALL LOCAL ORDINANCES; AMENDING SECTION 76-2-412, MCA; AND PROVIDING AN IMMEDIATE 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, youth group homes, and community residential facilities, and day-care homes to zoning. (1) A foster or youth group home operated under the provisions of 41-3-1141 through 41-3-1143 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 social and rehabilitation services under Title 53, chapter 4, part 5, is considered a residential use of property for purposes of zoning.

(3) The homes 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 or any other agency of the state or a political subdivision thereof which is not applicable to residential occupancies in general may not be applied to a community residential facility serving eight or fewer persons or to a day-care home serving 12 or fewer children.

(4) Nothing in this section shall 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 this--section subsection (1), provided such home is licensed by the department of health and environmental sciences and the department of social and rehabilitation services. No city or county may require a conditional use permit in order to maintain a day-care home registered by the department of social and rehabilitation services."

NEW SECTION. Section 2. Effective date. This act is effective on passage and approval.

-End-

