

A bill for an act
relating to human services; modifying family day care requirements; amending
Minnesota Statutes 2010, section 245A.14, subdivisions 1, 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 245A.14, subdivision 1, is amended to
read:

Subdivision 1. **Permitted single-family residential use.** (a) A licensed
nonresidential program with a licensed capacity of 12 or fewer persons ~~and a group family~~
~~day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve~~
~~14 or fewer children~~ shall be considered a permitted single-family residential use of
property for the purposes of zoning and other land use regulations.

(b) A family day care or group family day care facility licensed under Minnesota
Rules, parts 9502.0315 to 9502.0445, to serve 14 or fewer children shall be considered
a permitted single-family residential use of property for the purposes of zoning and
other land use regulations only if operated by the homeowner and the homeowner is the
primary provider of care.

Sec. 2. Minnesota Statutes 2010, section 245A.14, subdivision 4, is amended to read:

Subd. 4. **Special family day care homes.** Nonresidential child care programs
serving 14 or fewer children that are conducted at a location other than the license holder's
own residence shall be licensed under this section and the rules governing family day
care or group family day care if:

~~(a) the license holder is the primary provider of care and the nonresidential child~~
~~care program is conducted in a dwelling that is located on a residential lot;~~

~~(b)~~ (1) the license holder is an employer who may or may not be the primary provider of care, and the purpose for the child care program is to provide child care services to children of the license holder's employees;

~~(c)~~ (2) the license holder is a church or religious organization;

~~(d)~~ (3) the license holder is a community collaborative child care provider. For purposes of this subdivision, a community collaborative child care provider is a provider participating in a cooperative agreement with a community action agency as defined in section 256E.31; or

~~(e)~~ (4) the license holder is a not-for-profit agency that provides child care in a dwelling located on a residential lot and the license holder maintains two or more contracts with community employers or other community organizations to provide child care services. The county licensing agency may grant a capacity variance to a license holder licensed under this ~~paragraph~~ clause to exceed the licensed capacity of 14 children by no more than five children during transition periods related to the work schedules of parents, if the license holder meets the following requirements:

~~(1)~~ (i) the program does not exceed a capacity of 14 children more than a cumulative total of four hours per day;

~~(2)~~ (ii) the program meets a one to seven staff-to-child ratio during the variance period;

~~(3)~~ (iii) all employees receive at least an extra four hours of training per year than required in the rules governing family child care each year;

~~(4)~~ (iv) the facility has square footage required per child under Minnesota Rules, part 9502.0425;

~~(5)~~ (v) the program is in compliance with local zoning regulations;

~~(6)~~ (vi) the program is in compliance with the applicable fire code as follows:

~~(i)~~ (A) if the program serves more than five children older than 2-1/2 years of age, but no more than five children 2-1/2 years of age or less, the applicable fire code is educational occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code 2003, Section 202; or

~~(ii)~~ (B) if the program serves more than five children 2-1/2 years of age or less, the applicable fire code is Group I-4 Occupancies, as provided in the Minnesota State Fire Code 2003, Section 202; and

~~(7)~~ (vii) any age and capacity limitations required by the fire code inspection and square footage determinations shall be printed on the license.