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THIRD READING

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Bill No: AB 752  
Author: Ávila Farías (D)  
Amended: 8/29/25 in Senate  
Vote: 21

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SENATE HUMAN SERVICES COMMITTEE: 5-0, 6/16/25  
AYES: Arreguín, Ochoa Bogh, Becker, Limón, Wahab

SENATE LOCAL GOVERNMENT COMMITTEE: 7-0, 7/16/25  
AYES: Durazo, Choi, Arreguín, Cabaldon, Laird, Seyarto, Wiener

ASSEMBLY FLOOR: 72-1, 5/15/25 - See last page for vote

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**SUBJECT:** Child daycare facilities

**SOURCE:** Build Up California - Early Learning and Care Facilities  
Low Income Investment Fund

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**DIGEST:** This bill provides that a daycare center that is colocated with multifamily housing shall be considered a residential use of property and a use by right.

*Senate Floor Amendments of 8/29/25 strike references to legally established community amenities; specify colocated daycare centers must still adhere to building standards and fire code requirements, per author's office agreement with Department of Social Services.*

**ANALYSIS:**

Existing law:

- 1) Establishes the California Child Day Care Facilities Act to create a separate licensing category for child day care centers and family day care homes within the existing licensing structure at the California Department of Social Services (CDSS). (Health and Safety Code (HSC) § 1596.70 et seq.)

- 2) Defines “child day care facility” to mean a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facilities include day care centers, employer-sponsored child care centers, and family day care homes. (HSC § 1596.750)
- 3) Defines “day care center” as a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and schoolage child care centers, and includes child care centers with a single license. (HSC § 1596.76)
- 4) Prohibits any person or entity operating a child day care facility from providing care or supervision without a valid license from CDSS. (22 California Code of Regulations (CCR) § 101156(a))
- 5) Declares that the state building code, fire code, and regulations promulgated pursuant to those provisions, shall preempt local laws, regulations, and rules governing the use and occupancy of family day care homes. Provides that local laws, regulations, or rules shall not directly or indirectly prohibit or restrict the use of a facility as a family daycare home, including, but not limited to, precluding the operation of a family daycare home. (HSC § 1597.40)
- 6) Provides that the use of a home as a family daycare home, operated under the standards of state law, in a residentially zoned area shall be considered a residential use of property for the purposes of all local ordinances, regulations, and rules, and shall not fundamentally alter the nature of the underlying residential use. (HSC § 1597.42)
- 7) Provides that the use of a home as a family daycare home shall be considered a residential use of property and a use by right for the purposes of all local ordinances, including, but not limited to, zoning ordinances. (HSC § 1597.45(a))
- 8) Provides that a local jurisdiction shall not impose a business license, fee, or tax for the privilege of operating a family daycare home. (HSC § 1597.45(b))
- 9) Provides that a family daycare home shall not be subject to the California Environmental Quality Act (CEQA). (HSC § 1597.45(d))

- 10) Provides that a city, county, other local public entity, or local ordinance shall not be precluded from placing specified restrictions on a family daycare center, as long as those restrictions are identical to those applied to all other residences with the same zoning designation as the family daycare home. Provides that this section does not prohibit or restrict the abatement of nuisances by a city, county, or city and county; however, ordinances or nuisance abatement measures shall not distinguish a family daycare center from other homes with the same zoning designation, except as otherwise provided. (*HSC 1597.45(e)*)
- 11) Establishes CEQA, which governs environmental review processes for public and private projects in California and outlines requirements and procedures for assessing and mitigating environmental impacts. (Public Resources Code § 21000 et seq.)

This bill:

- 1) Defines the following terms for purposes of this bill:
  - a) “Daycare center” has the same meaning as (2) above.
  - b) “Multifamily housing” means residential housing with five units or more.
  - c) “Colocated” means operating within, or on the same grounds as, multifamily housing.
  - d) “Local jurisdiction” means a city, county, or city and county.
  - e) “Use by right” means that a local government’s review of a daycare center may not require a conditional use permit, planned unit development permit, or any other discretionary local government review or approval that would constitute a “project” for purposes of CEQA. A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of CEQA.
- 2) Provides that, when a daycare center is colocated with multifamily housing, the use of a daycare center shall be considered a residential use of property and a use by right.

- 3) Provides that a local jurisdiction shall not impose a charge, tax, or fee for a business license, equivalent instrument, or permit for the privilege of operating a daycare center that is colocated with multifamily housing.
- 4) Provides that this bill does not preclude a local jurisdiction from doing any of the following:
  - a) Placing specified restrictions on a daycare center, as long as those restrictions are identical to those applied to the colocated multifamily housing.
  - b) Enacting local ordinances, as specified, as long as the ordinance, as applied to a daycare center, is identical to those applied to the colocated multifamily housing.
  - c) Enacting local ordinances to abate nuisances. However, ordinances or nuisance abatement measures must not distinguish a daycare center from the colocated multifamily housing.
- 5) Provides that this section shall not relieve a daycare center from complying with all requirements under the California Building Standards Code, the California Fire Code, and other state laws relating to life and fire safety in daycare centers.
- 6) Provides that this section shall not relieve a daycare center from complying with all state licensing laws and requirements.
- 7) Provides that the Legislature finds and declares that this bill addresses a matter of statewide concern rather than a municipal affair. Therefore, this bill applies to all cities, including charter cities.

## **Background**

*Purpose of this Bill.* According to the author, “Solving the child care crisis in our state will require multiple approaches, one of which is reducing barriers to developing new child care facilities. Child care providers as well as multi-family housing developers have named restrictive, burdensome, and expensive zoning requirements as a critical barrier to address. Child care centers are typically a conditional use in residential zones. These permits frequently have additional land use requirements, such as extra documentation or studies, higher fees, or

infrastructure improvements. AB 752 will make child care facilities that are co-located with multi-family housing developments use by right in residential zones, helping to solve the child care crisis and spurring the development of new high-quality facilities for our children throughout the state.”

*Child Care Facilities.* A family child care home is a child care business that is operated in the licensee’s own home. Families might choose family child care because the family child care home is close to where they live or because they prefer a home-like setting. Small family child care homes may care for up to eight children, and large family child care homes may care for up to 14 children.

Statute defines a child care center as a child care facility other than a family child care home. Child care centers are usually located in commercial buildings. Child care centers may have multiple classrooms, enabling them to serve more children than family child care homes. Families who choose center-based care might do so because the center is close to where they live or work. State licensing regulations require child care centers to adhere to teacher-child ratios, which set a maximum number of children who may be served.

As of June 2024, there were 27,563 licensed family child care homes in California with a total capacity to serve 298,871 children; and 9,887 licensed child care centers with a total capacity to serve 589,525. According to CDSS, the state gained 43,295 licensed child care facilities between April 2024 and April 2025, with the capacity to serve over 1 million additional children.

*Colocation and Local Zoning Laws.* Colocation is the inclusion of family child care homes and/or child care centers in housing development. A 2021 report by the Low Income Investment Fund (LIIF) presented the colocation of child care facilities with affordable housing developments as a promising strategy to promote housing stability and economic mobility for low income families. Given that family child care is provided in a licensee’s own home, family child care is a straightforward choice to be colocated with housing developments. This bill proposes to consider child care centers colocated with multifamily housing a residential use of property and a use by right as a strategy to increase families’ access to child care within residential zones.

SB 234 (Skinner, Chapter 244, Statutes of 2019) made all family child care homes a residential use of property and a use by right for purposes of all local ordinances, and prohibited all family child care homes from being subject to a business license, tax, or fee. Prior to SB 234, large family child care homes were subject to local

zoning requirements, while small family child care homes were exempt. This bill would apply similar exemptions to a child care center when it is colocated with multifamily housing. In a recent survey conducted by LIIF of five cities in two California counties, permit-related fees imposed on child care centers can range between \$875 and \$9,324. Jurisdictions may also charge fees for planning, business license, and fire clearance and inspection.

### **Related/Prior Legislation**

SB 234 (Skinner, Chapter 244, Statutes of 2019) required a large family daycare home to be treated as a residential use of property for purposes of all local ordinances, among other things.

AB 131 (Committee on Budget, Chapter 116, Statutes of 2021), a budget trailer bill, established the Child Care and Development Infrastructure Grant Program at CDSS to expand access to child care and preschool opportunities for children up to five years of age by providing resources to build new facilities or retrofit, renovate, repair, or expand existing facilities. AB 131 also established a timeline to phase in 200,000 new slots to the state's subsidized child care system.

### **Comments**

This bill seeks to alleviate startup and ongoing costs for child care centers colocated with multifamily housing by considering these centers a residential use of property and a use by right. The practice of colocating child care with housing has been shown to be a promising practice for increasing access to child care, which is closely associated with families' job stability and well-being.

[NOTE: See the Senate Local Government Committee analysis for additional background on this bill.]

**FISCAL EFFECT:** Appropriation: No   Fiscal Com.: No   Local: No

**SUPPORT:** (Verified 8/29/25)

Build Up California - Early Learning and Care Facilities (Sponsor)

Low Income Investment Fund (Sponsor)

23 Individuals

Abundance Network

Brion Economics, INC.

California Child Care Resource and Referral Network

California Coalition for Community Investment

California State PTA  
Cameo Network  
Child Action, INC.  
City of San Diego  
Community Systems Consulting  
Cross Cultural Family Center  
Early Care and Education Consortium  
Family Connections Centers  
First 5 Alameda County  
Instituto Familiar De LA Raza  
Kai Ming Head Start  
Kids Konnect Preschools  
LA Raza Community Resource Center  
Lift to Rise  
Little Acorns Grow  
Little Tokyo Service Center  
Mercy Housing California  
Mnc Inspiring Success  
Optimal Solutions Consulting  
Pacific Islander Community Partnership  
Precious Lambs Early Learning Academy  
Safe & Sound  
San Francisco Family Services Alliance  
San Jose Grail Family Services  
Tandem, Partners in Early Learning  
Tribal Child Care Association of California  
Wu Yee Children's Services  
YMCA of San Diego County

**OPPOSITION:** (Verified 8/29/25)

None received

**ASSEMBLY FLOOR:** 72-1, 5/15/25

**AYES:** Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers,

Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Ta,  
Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Boerner

NO VOTE RECORDED: Alanis, Arambula, Castillo, Papan, Quirk-Silva, Stefani

Prepared by: Diana Dominguez / HUMAN S. / (916) 651-1524  
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