

CONCURRENCE IN SENATE AMENDMENTS

AB 752 (Ávila Farías)

As Amended August 29, 2025

Majority vote

SUMMARY

Revises provisions governing colocated daycare centers (centers) by clarifying use by right, prohibiting local charges or fees, striking CEQA exemptions and references to "legally established community amenities," maintaining compliance with state safety and licensing laws, and updating definitions of multifamily housing, colocated, local jurisdiction, and use by right.

Senate Amendments

- 1) Revise the consideration of colocated daycare centers as a residential use of property and a use of by right by striking for the purposes of all local ordinances, including, but not limited to, zoning ordinances.
- 2) Clarify 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 colocated daycare center.
- 3) Strike the exemption that a center colocated with multifamily housing or legally established communities to not be subject to CEQA.
- 4) Prohibit this section from relieving 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.
- 5) Prohibit this section from relieving a daycare center from complying with all state licensing law and requirements.
- 6) Revise the following definitions:
 - a) "Multifamily housing" means residential housing with five units or more.
 - b) "Colocated" means operating within, or on the same grounds as multifamily housing.
- 7) Add the following definitions:
 - a) "Local jurisdiction" to mean a city, county, or city and county.
 - b) "Use by right" to mean 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.
- 8) Strike references to, and the definition of, "legally established community amenities" to mean sites that are publicly or privately operated within a residential zone that provide services to the community.

- 9) Provide that the Legislature finds and declares that these provisions addresses a matter of statewide concern rather than a municipal affair as that term is used in the California Constitution. Therefore, this section applies to all cities, including charter cities.

COMMENTS

Licensed Childcare. The California Child Day Care Facilities Act governs the licensure, maintenance, and operation of centers and family daycare homes (FCCHs) in the state. This law and the associated regulations found in Title 22 of the California Code of Regulations establish, among other things, general health and safety requirements, staff-to-child ratios, and provider training requirements. The California Department of Social Services' (CDSS) Community Care Licensing Division has the responsibility of licensing and monitoring the state's childcare facilities, which includes centers and FCCHs.

FCCH Protections from Local Restrictions. While FCCHs and centers are required to comply with a range of health, safety, and building standards established in the California Child Day Care Facilities Act and Title 22 regulations, their ability to operate is often shaped by local land use policies.

Until the passage of SB 234 (Skinner), Chapter 244, Statutes of 2019, only small FCCHs were afforded full protection under state law. These homes were required to be considered residential uses for local zoning purposes and were exempted from local business license requirements and fees. Large FCCHs faced more complex rules, and distinct zoning and safety requirements. Although state law required that they be allowed in single-family zones, local jurisdictions could regulate them through one of three paths: treating them as a permitted use, issuing a nondiscretionary permit if standards were met, or requiring a permit under specified conditions. The State Fire Marshal was also required to adopt fire and life safety standards specific to large FCCHs, which otherwise must be treated as single-family residences under building codes.

Presently, both small and large FCCHs are recognized as residential uses by right, which means an FCCH operating in a residentially zoned area must be treated as a residential use and not considered to alter the character of the neighborhood. FCCHs are also exempt from business license fees and environmental review under CEQA. While these protections limit local interference, existing law clarifies that cities and counties may still enforce regulations related to building heights, setbacks, lot dimensions, health and safety, and other matters – provided that these are applied uniformly to all residences within the same zoning designation. Nuisance laws also remain in effect, but cannot target FCCHs differently than other homes in the same zoning category.

Barriers Faced by Childcare Center Facilities. In contrast to FCCHs, center-based childcare facilities continue to face substantial regulatory burdens that limit their integration into neighborhoods, despite strong community need. These facilities are often subjected to lengthy discretionary permitting, inconsistent zoning rules, and full CEQA review, which requires an environmental review for projects that may have a significant impact on the environment, all of which can delay development and increase costs. Local jurisdictions may also impose business taxes or fees that can deter small, community-based operators from opening or expanding services.

These challenges are particularly acute when providers attempt to colocate childcare centers within affordable housing developments. As highlighted in *A Community Win-Win*, a 2023 report

on colocation in San Diego County, the misalignment of land use regulations, building codes, and childcare licensing processes creates significant uncertainty and expense. Developers frequently abandon plans to include childcare due to permitting delays or additional approval requirements like conditional use permits, barriers that also jeopardize their ability to qualify for housing funds such as Low-Income Housing Tax Credits. Together, these layers of regulations can deter the integration of childcare into multifamily housing, despite growing demand for accessible, neighborhood-based early care options.

This bill extends these same protections and streamlining processes afforded to small and large FCCCHs to centers that are colocated with multifamily housing. This approach mirrors existing provisions for FCCCHs, aiming to reduce regulatory barriers and promote the integration of childcare services within residential settings. Under *this bill*, such colocated centers are to be treated as a residential use of property and a use by right. This designation prevents local jurisdictions from imposing additional charges, taxes, or fees for a business license, equivalent instrument, or permit, specifically on these facilities.

This bill also ensures that any local regulations concerning building heights, setbacks, or lot dimensions applied to these centers must be identical to those applied to the colocated multifamily housing. This uniformity in regulation attempts to prevent discriminatory practices and encourages the development of centers in areas where families live and gather.

Equity Implications: Colocating child daycare centers with multifamily housing presents a strategic opportunity to expand access to early care and education, particularly in underserved neighborhoods. Integrating centers into residential developments allows families to access childcare where they live, reducing transportation barriers and enhancing convenience for working parents. *This bill* aims to support family stability and strengthens community ties by embedding essential services within walkable, familiar settings.

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. We know child care providers and housing developers need more funding to build new facilities and expand and renovate existing ones. In addition, they need the state to reduce the regulatory barriers that exist that slow down development or make it unbearably expensive. 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. [This bill] will make child care facilities that are colocated with multi-family housing developments 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."

Arguments in Support

According to Low Income Investment Fund and Build Up California, "Co-locating child care centers with multi-family housing developments and other community amenities is a promising strategy to support all families in California. Co-location recognizes that quality early care and education is both a critical source of support for families and a broader community amenity that contributes to the strength of the local economy. Co-located development is rooted in evidence of what young children and their families need to thrive, but it has broad benefits beyond

individual households. In addition to the well-established ways access to stable, reliable child care and housing supports child development and family economic stability, infusing housing resources into the child care sector also opens up new opportunities for the predominantly women- and women of color-owned small businesses that provide most child care in California. Parents who have access to high-quality childcare and affordable housing also have an easier time balancing work and meeting the diverse demands of raising a family. Locating child care centers within residential developments is also a direct climate resilience intervention, reducing long commutes and increasing abilities of residents to walk, bike, or take public transit to bring their children to care."

Arguments in Opposition

No opposition on file.

FISCAL COMMENTS

This bill was keyed non-fiscal by the Legislative Counsel.

VOTES:

ASM HUMAN SERVICES: 7-0-0

YES: Lee, Castillo, Calderon, Elhawary, Jackson, Celeste Rodriguez, Tangipa

ASSEMBLY FLOOR: 72-1-6

YES: 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

NO: Boerner

ABS, ABST OR NV: Alanis, Arambula, Castillo, Papan, Quirk-Silva, Stefani

UPDATED

VERSION: August 29, 2025

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FN: 0001932