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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2498

01/29/2016 Authored by Peterson and Masin
The bill was referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to zoning; requiring residential day care facilities for children to be
1.3 located in the residence of the provider; amending Minnesota Statutes 2014,
1.4 sections 245A.14, subdivisions 1, 2; 462.357, subdivisions 7, 8.

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

1.6 Section 1. Minnesota Statutes 2014, section 245A.14, subdivision 1, is amended to read:

1.7 Subdivision 1. **Permitted single-family residential use.** (a) A licensed
1.8 nonresidential program with a licensed capacity of 12 or fewer persons and a group family
1.9 day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve
1.10 14 or fewer children shall be considered a permitted single-family residential use of
1.11 property for the purposes of zoning and other land use regulations.

1.12 (b) This subdivision applies to a nonresidential child care program or a group
1.13 family day care facility only if the facility is located in the residence of the provider. For
1.14 purposes of this subdivision, "residence" and "provider" have the meanings given in
1.15 Minnesota Rules, part 9502.0315.

1.16 Sec. 2. Minnesota Statutes 2014, section 245A.14, subdivision 2, is amended to read:

1.17 Subd. 2. **Permitted multifamily use.** (a) Except as otherwise provided in
1.18 subdivision 1 or in a town, municipal, or county regulation, a licensed nonresidential
1.19 program with a licensed capacity of 13 to 16 persons shall be considered a permitted
1.20 multifamily residential use of property for purposes of zoning. A town, municipal, or
1.21 county zoning authority may require a conditional use or special use permit in order
1.22 to assure proper maintenance and operation of the program. Conditions imposed on
1.23 the nonresidential program must not be more restrictive than those imposed on other

2.1 conditional uses or special uses of residential property in the same zones unless the
2.2 additional conditions are necessary to protect the health and safety of the persons being
2.3 served by the nonresidential program. Nothing in this chapter shall be construed to
2.4 exclude or prohibit nonresidential programs from single-family zones if otherwise
2.5 permitted by local zoning regulations.

2.6 (b) This subdivision applies to a nonresidential child care program only if the
2.7 program is located in the residence of the provider. For purposes of this subdivision,
2.8 "residence" and "provider" have the meanings given in Minnesota Rules, part 9502.0315.

2.9 Sec. 3. Minnesota Statutes 2014, section 462.357, subdivision 7, is amended to read:

2.10 Subd. 7. **Permitted single family use.** (a) A state licensed residential facility or a
2.11 housing with services establishment registered under chapter 144D serving six or fewer
2.12 persons, a licensed day care facility serving 12 or fewer persons, and a group family day
2.13 care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or
2.14 fewer children shall be considered a permitted single family residential use of property
2.15 for the purposes of zoning, except that a residential facility whose primary purpose is to
2.16 treat juveniles who have violated criminal statutes relating to sex offenses or have been
2.17 adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to
2.18 sex offenses shall not be considered a permitted use.

2.19 (b) This subdivision applies to a licensed day care facility or a group family day
2.20 care facility only if the facility is located in the residence of the provider. For purposes
2.21 of this subdivision, "residence" and "provider" have the meanings given in Minnesota
2.22 Rules, part 9502.0315.

2.23 Sec. 4. Minnesota Statutes 2014, section 462.357, subdivision 8, is amended to read:

2.24 Subd. 8. **Permitted multifamily use.** (a) Except as otherwise provided in
2.25 subdivision 7 or in any town, municipal or county zoning regulation as authorized by
2.26 this subdivision, a state licensed residential facility serving from 7 through 16 persons
2.27 or a licensed day care facility serving from 13 through 16 persons shall be considered a
2.28 permitted multifamily residential use of property for purposes of zoning. A township,
2.29 municipal or county zoning authority may require a conditional use or special use permit
2.30 in order to assure proper maintenance and operation of a facility, provided that no
2.31 conditions shall be imposed on the facility which are more restrictive than those imposed
2.32 on other conditional uses or special uses of residential property in the same zones, unless
2.33 the additional conditions are necessary to protect the health and safety of the residents of
2.34 the residential facility. Nothing herein shall be construed to exclude or prohibit residential

3.1 or day care facilities from single family zones if otherwise permitted by a local zoning
3.2 regulation.

3.3 (b) This subdivision applies to a licensed day care facility only if the facility is
3.4 located in the residence of the provider. For purposes of this subdivision, "residence" and
3.5 "provider" have the meanings given in Minnesota Rules, part 9502.0315.