



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-29

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January 7, 2020

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare an Ordinance amending Section 3.80.327 of the Long Beach Municipal Code, relating to the regulation of private family daycare homes, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

Long Beach Municipal Code (LBMC) Section 3.80.327 currently requires private family daycare homes to obtain a business license and pay a business license tax pursuant to the California Child Day Care Facilities Act (Act). Pursuant to the Act, a small family daycare home, which may provide care for up to eight (8) children, is considered a residential use of property for the purposes of all local ordinances and is exempt from obtaining a business license or paying a business license tax. A large family daycare home, which may provide care for up to fourteen (14) children, is required to obtain a business license to operate a large family daycare home and pay half the business license tax charged to a commercial daycare facility.

On September 5, 2019, Senate Bill 234 (SB 234) was enacted, amending the provisions put in place by the California Child Day Care Facilities Act. Under SB 234, local jurisdictions are prohibited from requiring a business license, fee, or tax for the privilege of operating a small or large family daycare home. Due to these changes, LBMC Section 3.80.327 must be amended to reflect this exemption.

Although large private family day care homes will no longer be required to obtain a business license from the City, the State of California will continue to license and inspect these types of daycare operations. The proposed change to the LBMC ensures the City is consistent with enacted State laws, while still protecting the public health, safety, and welfare.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By

A handwritten signature in black ink, appearing to read "Amy R. Webber", with a horizontal line extending to the right.

AMY R. WEBBER
Deputy City Attorney

3.80.327 - Exemption—Private family daycare home.

- A. For the purpose of this Chapter, "private family daycare home" means and includes any residence used for the purpose of providing daycare for fourteen (14) or fewer children, in the provider's own home, for periods of less than 24 hours per day, and is either a large family daycare home or a small family daycare home, seven (7) to twelve (12) children and which is licensed by the State of California department of social services for that purpose.

- B. Any private family daycare home shall be exempt from obtaining a business license and/or paying any taxes or fees. eligible for an exemption of one-half (½) the business license tax for that type of business.

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 3.80.327
RELATING TO PRIVATE FAMILY DAYCARE HOME

The City Council of the City of Long Beach does hereby ordain as follows:

Section 1. Section 3.80.327 of the Long Beach Municipal Code is amended to read as follows:

3.80.327 Exemption - Private family daycare home.

A. For the purpose of this Chapter, "private family daycare home" means and includes any residence used for the purpose of providing daycare for fourteen (14) or fewer children, in the provider's own home, for periods of less than twenty-four (24) hours per day, and is either a large family daycare home or a small family daycare home, which is licensed by the State of California Department of Social Services for that purpose.

B. Any private family daycare home shall be exempt from obtaining a business license and/or paying any taxes or fees.

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2020, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

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