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## AB-752 Child daycare facilities. (2025-2026)

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### Assembly Bill No. 752

#### CHAPTER 164

An act to add Section 1597.22 to the Health and Safety Code, relating to daycare facilities.

[ Approved by Governor October 01, 2025. Filed with Secretary of State October 01, 2025. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 752, Ávila Farías. Child daycare facilities.

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of daycare centers and family daycare homes by the State Department of Social Services. Under existing law, the use of a home as a small or large family daycare home is considered a residential use of property and a use by right for the purposes of all local ordinances, including zoning ordinances, and a local jurisdiction is prohibited from imposing a business license, fee, or tax for the privilege of operating a small or large family daycare home. Existing law also exempts small and large family daycare homes from the provisions of the California Environmental Quality Act.

This bill would similarly require a daycare center, as defined, when colocated with multifamily housing, to be considered a residential use of property and a use by right, as defined. The bill would similarly prohibit a local jurisdiction from imposing 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.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

#### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 1597.22 is added to the Health and Safety Code, to read:

**1597.22.** (a) When colocated with multifamily housing, the use of a daycare center shall be considered a residential use of property and a use by right.

(b) 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.

(c) This section does not preclude a local jurisdiction from doing any of the following:

(1) Placing restrictions on building heights, setback, or lot dimensions of a daycare center, as long as those restrictions are identical to those applied to multifamily housing colocated with that daycare center.

(2) Enacting a local ordinance related to health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity, as long as the local ordinance, as applied to a daycare center, are identical to those applied to multifamily housing colocated with the daycare center.

(3) Enacting a local ordinance to abate nuisances. However, ordinances or nuisance abatement measures shall not distinguish a daycare center from the multifamily housing colocated with the daycare center.

(d) 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.

(e) This section shall not relieve a daycare center from complying with all state licensing laws and requirements.

(f) For purposes of this section, the following definitions shall apply:

(1) "Daycare center" has the same meaning as "day care center," as defined in Section 1596.76.

(2) "Multifamily housing" means residential housing with five units or more.

(3) "Colocated" means operating within, or on the same grounds as, multifamily housing.

(4) "Local jurisdiction" means a city, county, or city and county.

(5) "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 Division 13 (commencing with Section 21000) of the Public Resources Code. 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 Division 13 (commencing with Section 21000) of the Public Resources Code.

(g) The Legislature finds and declares that this section addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.