
Child Care Advocate Program
Information Bulletin

Homeowners Associations and Family Child Care Homes

Under California Health and Safety Code sections 1597.30 and 1597.40 family child care homes are defined as a residential use of property. It is the intent of these laws that children be provided safe care in the same home environment as a traditional home setting. The Legislature has prohibited most restrictions from municipal zoning, building and fire codes that could impact the use of a residence as a family child care home.

Section 1597.40 (c) of the California Health and Safety Code specifically states that “every restriction or prohibition entered into,

whether by way of covenant, condition upon use....which restricts or prohibits directly, or indirectly limits, the acquisition, use, or occupancy of such property for a family day care home for children is void”. This means that homeowners or tenants who live within associations that have covenants, conditions or regulations are not restricted from providing family child care, even though the covenant may prohibit a business, commercial or professional use of the property. These covenants do not apply to providing family child care.

