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Child Care Advocate Program  
**Information Bulletin**

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**Landlord and Tenant Issues for Family Child Care Homes**

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California law requires that family child care be provided in the caregiver's own home. There is no requirement that the provider own their own home. If you rent or lease your home or apartment and your rental agreement or lease says that apartment or home is to be used only as a residence, family child care is still allowed. Family child care is not a "business" use of the property.

Family child care providers who live in rented properties must give the landlord or property owner 30 days written notice of the intent to begin operating a licensed family child care on the premises. The license application includes a notice form (LIC 9151) to provide the landlord notification. This form also notifies landlords that they cannot discriminate against you or place any restrictions on you because you intend to provide family child care.

The consent or permission of the landlord is not necessary in order to provide family child care for 6 or 12 children. However, licensees who wish to take two additional

school age children must have the consent of the landlord. A landlord has the right to refuse permission for you to care for the two additional children.

The only restriction a landlord can apply to you as a family child care provider is an additional security deposit. The total security deposit, however, cannot exceed the maximum allowable under existing law, which is currently two months rent. In all other respects you cannot be treated differently or have additional requirements placed on you because you are providing family child care, unless those requirements apply to all other tenants.

For a more extensive explanation and legal references regarding tenant rights for family child care, please see the Family Child Care Self Assessment Guide on Tenant Rights available at [www.cclcd.ca.gov](http://www.cclcd.ca.gov) under the tab for Child Care Advocate Program. If you need legal advice you can contact the Child Care Law Center in San Francisco at (415) 394-7144 or the Public Counsel in Los Angeles at (213) 385-2977.

