

MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development

DATE: March 4, 2004

SUBJECT: Home Day Care Regulations

Staff presented a request and recommendation from the Village of Homewood seeking support of legislative changes to the Child Care Act of 1969 to the Plan Commission at the February 16, 2004 Plan Commission meeting. In consideration of their request, the Plan Commission recommended that the Village Board make a motion supporting an amendment to the Child Care Act of 1969 to require that home day care facilities be required to comply with local building, zoning and life safety codes.

BACKGROUND

Staff received the attached correspondence from the Village of Homewood relative to their efforts to modify home day care regulations for non-home rule municipalities like the Village of Lombard. This action is being pursued in light of the State Supreme Court decision in Hawthorne v. Olympia Fields that restricts non-home rule municipalities from regulating day care homes. This ruling is far-reaching as it takes away any regulatory authority from 148 non-home rule municipalities in the Chicago area and places sole discretion and approval authority to the Department of Children and Family Services (DCFS).

From the municipal perspective, this decision poses significant land use implications. For example, should an operator apply for and receive a DCFS license, the Village of Lombard would be unable to consider the impacts of the facility on the adjacent properties and the neighborhood. Other local development issues such as emergency access, building design and safety would not apply to the homes either. From a planning standpoint, ancillary issues such as locations of outdoor play areas, parking, drop-off, pick-up activities and perhaps even signage could not be regulated.

Staff concurs with the recommendations of the Village of Homewood on this matter to support legislation to amend the Child Day Care Act of 1969 to permit non-home rule municipalities to have regulatory authority over such facilities as well. Just as important, staff also believes this issue is critical as the Village should have enforcement tools available in the event that such a facility operates in a manner inconsistent with the Village's regulations.

RECOMMENDATION

Staff requests that this item be placed on the March 4, 2004 Village Board agenda. Staff recommends that the Village Board concur with the recommendation of the Plan Commission and approve a motion authorizing the Village President to sign Homewood's petition to support amendments to the Child Care Act of 1969 requiring compliance with local building, zoning and life safety codes for home day care facilities.

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