

## MEMORANDUM

**TO:** LOMBARD PLAN COMMISSION  
Donald Ryan, Chairperson

**FROM:** William J. Heniff, AICP, Senior Planner

**DATE:** February 19, 2004

**SUBJECT: Home Day Care Regulations**

Staff received the attached correspondence from the Village of Homewood this week 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).

For 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 merits of the proposed 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 re-establish the ability of 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.

### **ACTION REQUESTED:**

Staff recommends that the Plan Commissioners recommend to the Village Board that it support amendments to the Child Care Act of 1969, and any other associated statutes, to require compliance with local building, zoning and life safety codes for home day care facilities.