

# FAIR HOUSING LAW PROTECTS CHILD CARE PROVIDERS

## FACT SHEET



### CALIFORNIA LAW FORBIDS LANDLORDS, HOMEOWNER ASSOCIATIONS (HOAs), AND OTHERS FROM DISCRIMINATING AGAINST SOMEONE BECAUSE THEY RUN A LICENSED CHILD CARE HOME.

### 10 THINGS YOU NEED TO KNOW IF YOU RUN A LICENSED FAMILY CHILD CARE HOME

1. Landlords cannot refuse to rent to you because you will be opening or running a licensed family child care home.<sup>1</sup> Your landlord cannot stop you from caring for up to 6 children if you have a small family child care home license or up to 12 children if you have a large child care home license.<sup>2</sup>
2. Landlords may not raise the rent because you will operate a licensed family child care home.<sup>3</sup>
3. Landlords cannot evict you because you operate a licensed family child care home.<sup>4</sup>
4. HOAs cannot refuse to sell you a home because you operate or intend to operate a licensed family child care home. HOAs also cannot stop a homeowner from renting out their property because a licensed family child care home will operate on the property.<sup>5</sup>
5. HOAs cannot restrict, fine, or limit the use of your home as a licensed family child care or apply different rules to you because you operate a licensed family child care home.<sup>6</sup>
6. While licensed family child care homes must comply with requirements related to liability, landlords or HOAs cannot require you to purchase liability insurance because you intend to operate a licensed family child care home on the property.<sup>7</sup>
7. Homeowners' insurance companies cannot cancel a landlord's policy or family child care provider's policy solely because a licensed family child care is operated on the property.<sup>8</sup>
8. Licensed small and large family child care homes must be allowed in any residentially-zoned neighborhood. A licensed family child care home may be located in:
  - Single-family homes
  - Apartments
  - Condominiums
  - Townhomes
  - Duplexes
  - All other multi-family buildings.<sup>9</sup>
9. Cities and counties must treat licensed small and large family child care homes like all other residential homes.<sup>10</sup> For example, cities and counties cannot require a zoning permit or business license for operating a family child care home.<sup>11</sup> If you live in an area that allows for any type of residential home, local government cannot create special rules that apply only to licensed family child care homes.
10. You can file a complaint with DFEH for any violations of fair housing law.<sup>12</sup>

### TO FILE A COMPLAINT

#### Department of Fair Employment and Housing

[dfeh.ca.gov](http://dfeh.ca.gov)

Toll Free: 800.884.1684 / TTY: 800.700.2320

1 Health & Saf. Code §§ 1597.41(a)-(c) and (e).  
2 Health & Saf. Code §§ 1597.465, 1596.78(b)-(c), and 1597.44 (homes with small family child care licenses, from the California Community Care Licensing Department, can care for 6 children or up to 8 children under certain circumstances; homes with large family child care licenses, from the California Community Care Licensing Department, can care for 12 children or up to 14 children under certain circumstances).  
3 Civ. Code § 1942.5(d); Health & Saf. Code § 1597.41(e).  
4 Health & Saf. Code §§ 1597.41(a)-(c); Civ. Code § 1942.5(d).  
5 Health & Saf. Code §§ 1597.41(a)-(c) and (e).  
6 Health & Saf. Code §§ 1597.41(a)-(c) and (e).

7 Health & Saf. Code § 1597.531(a).  
8 Ins. Code §§ 676.1(a)-(b).  
9 Health & Saf. Code §§ 1596.78(d), 1597.45(f).  
10 Health & Saf. Code §§ 1597.40(a), 1597.45(a).  
11 Health & Saf. Code §§ 1597.45(a)-(b).  
12 Health & Saf. Code § 1597.41(e); Gov. Code § 12980 et seq.