

**COUNTY ADMINISTRATOR**

Mark L. Bellamy, Jr.



**BOARD OF SUPERVISORS**

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District 5

February 3, 2026

The Honorable Dr. Mark C. Downey  
Virginia General Assembly  
General Assembly Building  
201 North 9th Street  
Richmond, Virginia 23219

Dear Dr. Downey:

Please see the attached letter sent to Senator Diggs on December 3, 2024. This letter provides background information and outlines the County's concerns regarding home-based daycare operations and the lack of oversight. We would appreciate your support on this matter.

Sincerely,

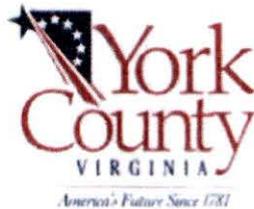
Douglas R. Holroyd, Chairman  
York County Board of Supervisors  
District 1

DRW:hls

Enclosure

Copy to: York County Board of Supervisors  
Mark L. Bellamy, Jr., County Administrator

**COUNTY ADMINISTRATOR**  
Mark L. Bellamy, Jr.



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December 3, 2024

The Honorable J. D. Diggs  
General Assembly Building  
Room No: 503  
Senate of Virginia  
P. O. Box 396  
Richmond, VA 23218

Dear Senator Diggs:

As you may know, legislation within the State allows for the establishment of family daycare for four or less children to be established "by-right." We take no exception to this legislation, fully recognizing the acute need for additional daycare facilities in our region, particularly for military families. We are concerned however with establishing quality daycare within the County.

Following York County's update to its Home Based Business ordinances, the Board of Supervisors instructed staff to put in place a registration process for any new family day homes. The Board of Supervisors wanted to ensure that the business had in place necessary fire and safety equipment, that the operators of the family daycare had a level of certification, that any weapons stored onsite were in safe locations outside of the area for daycare, and most importantly, that the business did not have any registered sexual offenders at that address.

Staff have been tasked to work collectively with the Child Care Division of the Department of Education, to develop specific registration requirements for daycare/family day homes. All cities and "urban" counties within Virginia have the authority to develop registration requirements. The County Attorney, Richard Hill, determined that after completing the Home Based Business resolution, the current State statute prohibits York County, a "traditional" governance County, from requiring registration or establishing regulations for Family Day Homes. His discussion with the Office of the State Attorney General confirmed this understanding.

Upon reviewing the applicable State Statute, the Board of Supervisors have requested a recommendation be forwarded to the County's State Delegates and State Senator to introduce

The Honorable J.D. Diggs  
December 3, 2024  
Page 2

an Ordinance in the General Assembly authorizing all counties within Virginia to have the same authority granted as is currently in place for cities and "urban counties."

We have drafted a revised statute for your review and would like to see you take this forward during the next General Assembly. We look forward to hearing from you soon regarding this matter.

Sincerely,



G. Stephen Roane, Chairman  
York County Board of Supervisors

Enclosure

Copy to: The Honorable W. Chad Green, Delegate  
The Honorable A.C. Cordoza, Delegate  
York County Board of Supervisors  
Mark L. Bellamy, Jr., County Administrator  
Richard E. Hill, Jr., County Attorney

Home Occupation:

**As I stated in my Matters before the Board comments,**

**In our September public meeting, the BOS agreed to send the Ordinance back to a sub-committee comprised of Earl Anderson (York Co. Planning), Glen Titus (Planning Commission Chair, at the time the first amendment was drafted, Chris Davidson representing businesses, and former Chair of the Yorktown Chamber of Commerce, along with Dianne Howell providing citizen input.**

**The team worked for several days in Sept/October to develop a final package that reached consensus of all 4 members. I am thrilled with the effort this team put forward. This is an example of government, citizen, business collaboration that represents the best of this County. Thank you to the task team for reaching consensus on a difficult topic.**

**On page 2, Section 24.1-282. Earl commented on day care for not more than 4 children. I felt strongly that this should come under a SUP requirement. Our County Attorney interpreted the State code to suggest that this cannot be a requirement.**

**I spent considerable time on the phone with Ms. Jessica Silva, Associate Director for the office of childcare health and safety, Virginia Dept of Education. Ms. Silva is very familiar with the code that our County Attorney has quoted, and is adamant that an SUP is permissible for family day care.**

**Rather than get into a prolonged discussion, I asked Ms. Silva what approach other municipalities have taken on this subject.**

**Ms Silva stated that 4 other municipalities have enacted a registration process tied to the licensing step as a means of ensuring that adequate controls are in place. Norfolk City Council having been the most recent.**

**Our current registration process does not address background checks of the applicant, it does not establish background checks for other adults who may be present in the residence. It does not establish if there are weapons present in the home, and whether these are safely secured. Emergency planning, record keeping for the names of those children present, home inspection, insurance coverage, necessary vehicle safety equipment if children are transported, etc.**

**Ms. Silva has reached out to offer the assistance of her department to put such registration in place. I would ask that this be a priority of staff**

§ 15.2-914. Regulation of child-care services and facilities in cities and ~~certain~~ counties.

Any (i) county ~~that has adopted the urban county executive form of government~~ or (ii) city may by ordinance provide for the regulation and licensing of persons who provide child-care services for compensation and for the regulation and licensing of child-care facilities. "Child-care services" means provision of regular care, protection and guidance to one or more children not related by blood or marriage while such children are separated from their parent, guardian or legal custodian in a dwelling not the residence of the child during a part of the day for at least four days of a calendar week. "Child-care facilities" includes any commercial or residential structure that is used to provide child-care services.

Such local ordinance shall not require the regulation or licensing of any child-care facility that is licensed by the Commonwealth and such ordinance shall not require the regulation or licensing of any facility operated by a religious institution as exempted from licensure by § [22.1-289.031](#).

Except as otherwise provided in this section, such local ordinances shall not be more extensive in scope than comparable state regulations applicable to family day homes. Such local ordinances may regulate the possession and storage of firearms, ammunition, or components or combination thereof at child-care facilities and may be more extensive in scope than comparable state statutes or regulations applicable to family day homes. Local regulations shall not affect the manner of construction or materials to be used in the erection, alteration, repair or use of a residential dwelling.

Such local ordinances may require that persons who provide child-care services shall provide certification from the Central Criminal Records Exchange and a national criminal background check, in accordance with §§ [19.2-389](#) and [19.2-392.02](#), that such persons have not been convicted of any offense involving the sexual molestation of children or the physical or sexual abuse or rape of a child or any barrier crime defined in § [19.2-392.02](#), and such ordinances may require that persons who provide child-care services shall provide certification from the central registry of the Department of Social Services that such persons have not been the subject of a founded complaint of abuse or neglect. If an applicant is denied licensure because of any adverse information appearing on a record obtained from the Central Criminal Records Exchange, the national criminal background check, or the Department of Social Services, the applicant shall be provided a copy of the information upon which that denial was based.