

Amendment to HB 1195

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Local Land Use Planning and Regulatory Powers; Zoning; Grant of Power; Child Care
4 Centers. Amend RSA 674:16, VI to read as follows:

5 VI. In its exercise of the powers granted under this subdivision, the local legislative body of
6 a city, town, or county in which there are located unincorporated towns or unorganized places shall
7 ~~as described in RSA 672:1, V-a,~~ allow home-based care (family *day* care ***home as defined in RSA***
8 ***170-E:2, IV(a)*** and group family *day* care ***home as defined in RSA 170-E:2, IV(b)***) by right ~~[or~~
9 ~~pursuant to a conditional use permit]~~ as long as all requirements for such programs adopted in rules
10 of the department of health and human services (He-C 4002) are met. ***A city, town, or county in***
11 ***which there are unincorporated towns or unorganized places shall not adopt or enforce***
12 ***any ordinance that is different from the requirements of RSA 170-E or rules adopted***
13 ***thereunder (He-C 4002). On a lot where residential use is permitted, family or group***
14 ***family child care shall be allowed by right in the primary or an existing accessory***
15 ***structure, if any, and shall not be subject to local site plan review. Nothing in this section***
16 ***shall be construed to override any private covenant, including homeowners' association***
17 ***covenants.*** ~~[Family or group family child care shall be allowed as an accessory use to any primary~~
18 ~~residential use and shall not be subject to local site plan review in any zone where a primary~~
19 ~~residential use is permitted. If all requirements of the department of health and human services are~~
20 ~~met, but an application for a conditional use permit is pending with the municipality in which the~~
21 ~~home-based child care facility is located, an applicant may begin operation during such time until~~
22 ~~the permit is granted or denied.]~~

23 2 New Subdivision; Child Care Centers. Amend RSA 674 by inserting after section 80 the
24 following new subdivision:

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Child Care Centers

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674:81 Child Care Centers.

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I. In this section:

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(a) "Child care center" means any of the following types of child day care agency:

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(1) Group child day care center, as defined in RSA 170-E:2, IV(c);

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(2) Infant and toddler program, as defined in RSA 170-E:2, IV(d);

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(3) Night care program, as defined in RSA 170-E:2, IV(e) ;

Amendment to HB 1195

- Page 2 -

- 1 (4) Preschool program, as defined in RSA 170-E:2, IV(f);
- 2 (5) School-age program, as defined in RSA 170-E:2, IV(g);
- 3 (6) Small group child day care center, as defined in RSA 170-E:2, IV(i); or
- 4 (7) Any combination thereof in accordance with the requirements for such programs
- 5 adopted in rules of the department of health and human services.

6 (b) "Child care center" shall not include a family day care home as defined in RSA 170-
7 E:2, IV(a) or a family group day care home as defined in RSA 170-E:2, IV(b).

8 II. Notwithstanding any provision to the contrary, municipalities shall allow the operation
9 of a child care center by right on commercially zoned land so long as the requirements of RSA 170-E
10 and rules adopted thereunder, regarding licensure and operation of a child day care, are met. A city,
11 town, or county in which there are located unincorporated towns or unorganized places shall not
12 adopt or enforce any ordinance which is different from the requirements of RSA 170-E or rules
13 adopted thereunder by the department of health and human services. However, nothing in this
14 section shall be interpreted to prohibit municipalities from restricting the operation of a child care
15 center in zones where industrial and manufacturing uses are permitted, unless a child care center is
16 for the exclusive use of employees of a business located in those zones.

17 III. A municipality allow an existing building or portion thereof to be converted to a child
18 care center, provided that the exterior dimensions of the building do not change.

19 IV. Nothing in this section shall be interpreted to prohibit the child care center from being
20 subject to local site plan review regulations adopted under RSA 674:44 if the licensed capacity of the
21 child care center will exceed 30 children.

22 V. Nothing in this section shall prohibit enforcement of applicable state fire, building, water
23 supply and sewage disposal requirements under RSA 153, RSA 155-A, and RSA 485-A.

24 3 Effective Date. This act shall take effect July 1, 2026.