

Amendment to HB 1195

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

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3 1 New Section; Zoning; Child Care Centers. Amend RSA 674 by inserting after section 16-a the
4 following new section:

5 674:16-b Child Care Centers.

6 I. In this section:

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

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

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

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

11 (4) Preschool program, as defined in RSA 170-E:2, IV(f);

12 (5) School-age program, as defined in RSA 170-E:2, IV(g);

13 (6) Small group child day care center, as defined in RSA 170-E:2, IV(i); or

14 (7) Any combination thereof in accordance with the requirements for such programs
15 adopted in rules of the department of health and human services.

16 (b) "Child care center" shall not include a family day care home as defined in RSA
17 170-E:2, IV(a) or a family group day care home as defined in RSA 170-E:2, IV(b).

18 (c) "Commercially zoned land" means lots located in a zoning district that permits
19 commercial uses, as defined in local ordinances.

20 II. Notwithstanding any provision to the contrary, municipalities shall allow the operation
21 of a child care center by right on commercially zoned land so long as the requirements of RSA 170-E
22 and rules adopted thereunder, regarding licensure and operation of a child day care, are met by the
23 applicant. Nothing in this section shall be interpreted to prohibit municipalities from restricting the
24 operation of a child care center in zones where industrial and manufacturing uses are permitted,
25 unless a child care center is for the exclusive use of employees of a business located in those zones.

26 III. A municipality shall allow nonconforming structures on commercially zoned land to be
27 converted to a child care center, as defined in RSA 674:16-b, I, provided that the structure is not
28 altered to further violate zoning district dimensional requirements.

29 IV. Nothing in this section shall be interpreted to prohibit the child care center from being
30 subject to local site plan review regulations adopted under RSA 674:44.

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

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1 2 Effective Date. This act shall take effect July 1, 2027.