

HB 1195 - AS AMENDED BY THE HOUSE

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2026 SESSION

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05/06

HOUSE BILL **1195**

AN ACT relative to municipal zoning requirements for child day care providers.

SPONSORS: Rep. D. Paige, Carr. 1; Rep. Nelson, Rock. 13; Rep. Peternel, Carr. 6; Rep. Wallner, Merr. 19; Rep. Berry, Hills. 44; Rep. D. Germana, Ches. 1; Rep. D. Murphy, Ches. 11; Sen. McConkey, Dist 3; Sen. Perkins Kwoka, Dist 21; Sen. Reardon, Dist 15; Sen. Rochefort, Dist 1; Sen. Birdsell, Dist 19

COMMITTEE: Municipal and County Government

ANALYSIS

This bill defines child care centers for purposes of local zoning requirements and provides that, with limited exception, municipalities shall allow the operation of a child care center by right on commercially zoned land provided that the center is in compliance with child care licensing requirements of the department of health and human services.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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- Page 2 -

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

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

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

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

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

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

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

22 3 Effective Date. This act shall take effect July 1, 2026.