

CHAPTER 217
HB 1195 - FINAL VERSION

12Mar2026... 0724h
4Jun2026... 2136EBA

2026 SESSION

26-2755
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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

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

Be it Enacted by the Senate and House of Representatives in General Court convened:

217:1 Local Land Use Planning and Regulatory Powers; Zoning; Grant of Power; Child Care Centers.
Amend RSA 674:16, VI to read as follows:

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

217:2 New Subdivision; Child Care Centers. Amend RSA 674 by inserting after section 80 the following new subdivision:

Child Care Centers

674:81 Child Care Centers.

I. In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

217:3 Effective Date. This act shall take effect July 1, 2026.

Approved: July 02, 2026
Effective Date: July 01, 2026