

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 1195, relative to municipal zoning requirements for child day care providers.

Hearing Date: April 21, 2026

Time Opened: 10:12 a.m.

Time Closed: 10:49 a.m.

Members of the Committee Present: Senators Gray, Lang, Rochefort, Perkins Kwoka and Long

Members of the Committee Absent : None

Bill 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.

Sponsors:

Rep. D. Paige

Rep. Nelson

Rep. Peternel

Rep. Wallner

Rep. Berry

Rep. D. Murphy

Sen. McConkey

Sen. Perkins Kwoka

Sen. Reardon

Sen. Rochefort

Sen. Birdsell

Who supports the bill: 88 people signed in to support the bill. For a full list of names, please contact committee aide, Jessica Bourque at jessica.bourque@gc.nh.gov

Who opposes the bill: 5 people signed in opposed to the bill. For a full list of names, please contact committee aide, Jessica Bourque at jessica.bourque@gc.nh.gov

Who is neutral on the bill: 1 person signed in neutral on the bill. For a full list of names, please contact committee aide, Jessica Bourque at jessica.bourque@gc.nh.gov

Summary of testimony presented:

Representative David Paige, Carroll-District 11

- NH needs 10,000 childcare slots to meet current demand, which means that:
 - 10,000 children are missing out on high-quality early learning.
 - Businesses throughout the state are struggling to hire because parents are out of the game.
 - Millions in lost wages, tax revenues, and business productivity.

- This bill focuses on removing local barriers that prevent childcare centers from opening while preserving local oversight.
- Childcare centers struggle to open because there is so much red tape, which is difficult to navigate if someone isn't used to that.
- This bill will enable more parents to enter the workforce.
- 46% of parents reside in areas lacking adequate childcare options.
- This is intended for businesses looking to establish childcare for their employees, as well as new mothers at home with their babies who wish to care for a few children to supplement household income.

Jacob Edwards, Salem

- He knows many families who have this problem. There aren't enough childcare centers, and they are expensive.
- Municipalities regulate farming and pet ownership, but children are not accessories, and childcare should not be equated with ferret ownership.

Eric Pauer, Brookline

- This is a bipartisan bill.
- There are a lot of barriers to opening a childcare center.
- There are already requirements for childcare in law.
- Allowing it in commercial areas is very important.

Senator Gray asked if Mr. Pauer would be opposed to "conditional use" being added to line 6 to replace "by right" to help provide some local control.

Mr. Pauer said that he would be ok with that.

Francis Burke, Cornerstone

- Regulation of childcare centers already exists.
- The economic impact would be good.
- This would give parents access to childcare locally.
- Home-based churches are already permitted to provide childcare. They view this as a backup in case those permissions are ever removed.

Senator Perkins Kwoka asked whether this is a minor extension of HB 1267, which allowed home-based daycares to be regulated by the Department of Health and Human Services (DHHS).

Mr. Burke said yes.

Jackie Cowell, Early Learning NH

- Supports this bill.

- Spoke about a childcare owner who is having trouble expanding her business.

Trina Ingelfinger, New Futures

- There are currently not enough childcare slots to meet families' demands, and waitlists are long.
- Costs to the state range between \$150,000,000 to \$200,000,000.
- This issue is starting to cause young families to leave the state.
- Two of the most prominent childcare advocacy organizations are now promoting zoning reform to build capacity at the state level.

Senator Perkins Kwoka noted that Ms. Ingelfinger mentioned wages are being lost, and asked whether she would agree that amenities built around families are becoming more important for attracting young families.

Ms. Ingelfinger said being able to raise a family and work in NH is a critical piece for our workforce.

Senator Perkins Kwoka said she has seen this firsthand. When her youngest was born, she was on a waitlist behind 170 other children.

Ms. Ingelfinger agreed with Senator Perkins Kwoka and said that they are seeing that all over NH.

Senator Perkins Kwoka said that within her group of friends, she doesn't know anyone who hasn't struggled with this.

Ms. Ingelfinger said she would absolutely believe that, and they don't want to see that as a reason for people to move out of the state.

Brodie Deshaies, NH Municipal Association

- Opposes this bill.
- This greatly expands the current universal zoning mandates for commercial childcare.
- Amends the current law that requires municipalities to permit home-based childcare as an accessory use to any residential use.
- This prohibits municipalities from adopting additional requirements or enforcing existing ones greater than the rules adopted by DHHS.
- This bill amends the current law that requires municipalities to permit commercial childcare centers on land zoned for industrial and manufacturing uses.
- Allows an existing building or portion thereof to be converted to a childcare center, provided that the building's exterior dimensions do not change, even if it is a change of use.

- Exempts commercial childcare centers with a licensed capacity of 30 or fewer children from local site plan review regulations.
- NHMA has deep concerns about tying local zoning and site plan review regulations to state rulemaking and about exempting commercial uses from local site plan review regulations.

Natch Greyes, NH Business and Industry Association

- In favor of this bill, but not in favor of Sen. Gray's mentioned amendment.
- This provides essential clarity on zoning treatment for licensed childcare programs.
- Removes contradictory and duplicative municipal procedural barriers.
- Preserves meaningful oversight at the local and state levels.
- A study conducted at St. Anselm's College examined what changes were needed at the local level to remove barriers to childcare facilities, and the results showed that 12% of communities have conditional permits, which are very similar to site plan review.
- This advances sensible public policy that assists childcare providers in deciding whether to open new daycares or relocate existing ones if they need additional space.

Senator Lang asked who handles traffic safety and related issues.

Mr. Greyes said there are two provisions in the licensing rules that require staff to be trained in traffic.

Senator Rochefort said licensing conditions state that if unsafe conditions exist, the daycare would not be granted a license.

Mr. Greyes said he wanted to clarify that there are additional training requirements beyond the building requirements.

Drew Cline, Josiah Bartlett Center

- Supports this bill.
- Regulating childcare centers through zoning is new and part of what is causing the shortage.
- One of the issues with daycare centers is not just the numbers but their location. Allowing it by right, as this bill does, could open many opportunities.
- What is happening now is that daycares are being isolated to another part of town from where the parents work, so parents must travel out of the way to drop children off and pick them up.
- If passed, Mr. Cline believes there would be a quick response within the next two or three years.

Senator Perkins Kwoka inquired whether the centers that opened following HB 1267 had caused traffic issues or similar problems.

Mr. Cline said he hasn't heard of any at this point.

Senator Perkins Kwoka asked if he would believe that the only daycare her children have been admitted to is a 45-minute round-trip commute from her house.

Mr. Cline said that, in some ways, Senator Perkins Kwoka is lucky that her commute is only a 45-minute round trip from her house.

Melissa Clement, Childcare Licensing Department, DHHS

- Neutral on the bill, just here to answer questions.
- One of the requirements for childcare licensing is local approvals, including fire inspection, health office inspection, and zoning approvals.

Senator Rochefort said the rules are very extensive and comprehensive.

Ms. Clement said he is not wrong. They were recently revised in September of 2025.

Senator Lang asked about pickup and drop-off and whether that is involved in licensing.

Ms. Clement said it is not part of licensing. According to their rules, the child is the parents' responsibility while in the parents' custody. There are rules regarding when children are off the childcare center's property while in the center's custody, but not for drop-off and pick-up, as they are in the parents' custody at that point.

Senator Perkins Kwoka said she thought she remembered that there were parking rules when they were working through HB 1267.

Ms. Clement mentioned she would follow up on this and is aware of parking considerations for public schools when a childcare facility is located in a public school. DHHS cannot require public schools to fence off specific areas. However, DHHS recommends staff training to ensure children are safely managed around parking lots and similar areas.

Senator Perkins Kwoka said this refers to smaller centers with 6-12 children, so potentially only 4 or 5 cars come through each day.

Ms. Clement said that she would agree for those smaller facilities and noted that it is the parent who is responsible for their child while in their custody.

Senator Perkins Kwoka inquired whether Ms. Clement's department finds that individuals initiating childcare programs are generally unfamiliar with the planning board procedures or the licensing process.

Ms. Clement said yes, she would agree with that.

Senator Gray asked about commercial vs. home childcare.

Ms. Clement said that it would depend on the square footage.