HOUSE BILL 1709

AN ACT relative to building code and zoning requirements applicable to home-based child day care providers.

SPONSORS: Rep. McWilliams, Merr. 27; Rep. Fox, Merr. 23; Rep. Acton, Rock. 10

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill addresses zoning and fire code requirements applicable to home-based day care providers. This bill provides that family day care homes and family group day care homes shall not be required to install sprinkler systems or to obtain food service licenses and may operate in residential zones.

The bill is a request of the study committee established in 2019, 173 (HB 524).

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1709 - AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to building code and zoning requirements applicable to home-based child day care providers.

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

1 Child Day Care Licensing; Applications; Compliance with State and Local Codes. Amend RSA 170-E:6 to read as follows:

170-E:6 Applications; Compliance With State and Local Codes; When Required.

I. Any person who intends to operate a child day care agency as defined in RSA 170-E:2, IV, shall apply for a license to operate one or more types of child day care agencies. Application for a license to operate a child day care agency shall be made to the department in the manner and on forms prescribed by rules adopted by the commissioner pursuant to RSA 541-A. Such forms shall provide for the names, birth names, birth dates, and addresses of all persons having responsibility for care of or regular contact with children at the agency.

II.(a) The applicant shall obtain approvals in accordance with state and local requirements pertaining to health, safety and zoning, as applicable; provided that:

(1) In no case shall a sprinkler system be required for licensure as a family day care home or a family group day care home. Either the state fire marshal or the local fire department shall review compliance of the family day care home or family group day care home with the appropriate single family or multi-unit dwelling provisions of the state fire code. Family day care homes and family group day care homes shall be exempt from local fire regulations and ordinances, provided that the homes comply with the requirements of the state fire code.

(2) No applicant for licensure as a family day care home or a family group day care home shall be required to obtain a food service license pursuant to RSA 143-A.

(3) Family day care homes and family group day care homes shall be permitted to operate in residential zones. No application for licensure as a family day care home or a family group day care home shall be denied on the basis of residential zoning restrictions.

(b) School age programs located in currently operating public or private schools shall be exempt from the requirement to provide documentation of approval pertaining to fire, health, and zoning.

2 State Fire Code. Amend RSA 153:5, III to read as follows:
III. The state fire code and associated rules shall not require automatic fire suppression or sprinkler systems in detached one, or 2-family dwelling units in a structure used only for residential purposes or as a family day care home or family group day care home.

3 State Building Code Review Board. Amend RSA 155-A:10, VI to read as follows:

VI. The state building code review board shall not adopt or enforce any rule requiring the installation of fire sprinkler systems in any new or existing detached one- or 2-family dwelling unit in a structure used only for residential purposes or as a family day care home or family group day care home. This paragraph shall not prohibit a duly adopted requirement mandating that fire sprinkler systems be offered to the owners of dwellings for a reasonable fee.

4 Effective Date. This act shall take effect 60 days after its passage.