

<b>LFC Requester:</b>	<b>Rachel Mercer-Garcia</b>
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**AGENCY BILL ANALYSIS  
2026 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**Analysis.nmlegis.gov**

*{Analysis must be uploaded as a PDF}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**        **Amendment**      
**Correction**        **Substitute**   

**Date** February 12, 2026  
**Bill No:** Sub. SB 96/a

**Sponsor:** Sens. Bergmans and Trujillo    **Agency Name and Code** Regulation and Licensing Department-420  
**Short Title:** Regulated Child Care Zoning Requirements    **Number:** \_\_\_\_\_  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
n/a	n/a	n/a	n/a

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
n/a	n/a	n/a	n/a	n/a

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	n/a	n/a	n/a	n/a	n/a	n/a

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: n/a

Duplicates/Relates to Appropriation in the General Appropriation Act: n/a

**SECTION III: NARRATIVE**

**BILL SUMMARY**

**Synopsis of Senate Floor Amendment to Senate Health and Public Affairs Committee Substitute for Senate Bill 96:**

The Senate Floor amendment to Senate Health and Public Affairs Committee Substitute for SB 96 (Sub.SB96/a) deletes and replaces the entirety of Section 4 of the bill which concerns the Homeowner Association Act, §47-16-18, Enforcement of Covenants. The newly amended language of Section 4 prohibits homeowner associations from imposing requirements that are not uniformly applied to all lot owners and prohibits the assessment or collection of fees, tax or assessment on a homeowner for the operation of a child care home. In the event of a conflict between homeowner association bylaws and requirements of the Early Childhood Education and Care Department (ECECD), the ECECD’s requirements take precedence to the extent necessary to allow compliance with state licensing requirements.

**Synopsis of Senate Health and Public Affairs Committee Substitute for Senate Bill 96 (SHPACSub.SB96):**

SHPACSub.SB96 adds a new definition for “child care center” to Section 3-21-1, Zoning Regulations; adds an amendment to Section 3-38-4, Licenses and Taxes, defining “child care facility”; and deletes the new material section of the original SB 96 “Fee or Tax on Child Care Home—Prohibited.”

**Synopsis of Original Senate Bill 96:**

Senate Bill 96 (SB 96) amends NMSA 1978, § 3-21-1, 3-21-11, 47-16-18, 59A-52-18; and creates a new affirmative prohibition on counties or municipalities to impose inequitable barriers and penalties on child care facilities.

SB 96 requires zoning authorities to permit residential child care homes by right. SB 96 prohibits local zoning authorities from:

1. Imposing requirements on residential child care homes that do not apply to other private residences within the same zoning district;
2. Assessing a fee or tax for operating a child care home; and
3. Imposing off-street parking regulations that exceed regulations for single-family residences within the same zoning district.

SB 96 mandates that child care centers shall be permitted by right in any zoning district designated as commercial mixed-use or multifamily residential and prohibits local zoning authorities from:

1. Assessing a fee or tax for the privilege of operating a licensed child care center;
2. Imposing different or more restrictive building, safety or nuisance ordinances than those within the same zoning district; and
3. Imposing off-street parking restrictions except to require a licensed child care center to provide designated on-site stacking spaces or lanes for safe and efficient loading and unloading of children, not to exceed more than one space per ten children and meet staff parking needs through use of available parking including on-street parking.

SB 96 requires home/property owner associations to:

1. Allow the operation of a child care home within the association and prohibits the assessment of a fee or tax for the operation of a child care home; and
2. Make reasonable exceptions to the association's community documents for child care homes.

SB 96 prohibits the promulgation of regulations under Chapter 59A Article 52 State Fire Marshal Act that impose regulations on child care homes, licensed family child care homes or licensed group child care homes as defined in Section 9-29-2 NMSA that:

1. Do not apply to other private residences;
2. Do not recognize licensed child care centers as being permitted by right in all zones; or
3. Impair the power of the early childhood education to determine standards and regulate registered child care homes, licensed family child care homes, or licensed group child care homes.

## **FISCAL IMPLICATIONS**

Sub.SB96/a is not anticipated to have any significant fiscal or operational impact on the Construction Industries Division or other divisions of the Regulation and Licensing Department.

[The original version of SB 96, as well as the Senate Health and Public Affairs Committee substitute for SB 96 (prior to the adoption of the Senate Floor amendment) likewise were not anticipated to involve any significant fiscal or operational impact to any division of the RLD.]

## **SIGNIFICANT ISSUES**

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES  
ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**AMENDMENTS**