

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

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SECTION I: GENERAL INFORMATION

Check all that apply:

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

Date Prepared: 2024-01-23
Bill No: HB202

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Agency Name ECECD 611
and Code
Number:

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Short ZONING OF CHILD CARE
Title: HOMES

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI		
NFI	NFI		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI		

NFI	NFI	NFI		
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ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

This bill adds language to zoning authority and fire marshal authority which will require counties and municipalities to treat registered child care homes, licensed family child care homes or licensed group child care homes, the same as any other private residence and prohibits those homes from being required to follow additional regulations or greater requirements than would be imposed on other residential homes. County or municipal zoning, land use development, fire and life safety, sanitation and building codes would not apply to these homes in any greater capacity than would be imposed on residential homes not used for licensed or registered child care.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

For years, many home based child care providers have faced significant barriers to providing licensed child care in their homes due to the inconsistent applications and interpretations of the building and fire codes throughout different regions of New Mexico often requiring the home to have fire suppression systems such as sprinklers, commercial hoods and commercial ovens in the kitchens, commercial wiring and firewalls, limiting the number of children permitted in care, and other similar requirements. These requirements, when imposed, are financially insurmountable for most home child care providers.

This bill, which would limit the ability of counties and municipalities to impose these requirements, would still require these child care homes to maintain a license and follow the robust safety requirements set by ECECD. This

will assist in ensuring a clear and consistent pathway for family child care homes across the state to get licensed so that more of New Mexico's children can be cared for in safe, quality environments and we can expand licensed child care capacity at the same time as supporting New Mexico businesses by increasing the available workforce.

This bill is in line with other states including Colorado and Oklahoma, who have passed similar legislation to ease the housing burdens on home based child care providers. New State Laws Will Ease Housing Burdens on Home-Based Child Care Providers | EdSurge News
[<https://www.edsurge.com/news/2023-08-01-new-state-laws-will-ease-housing-burdens-on-home-based-child-care-providers>]

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None.