



### Overview

Zoning ordinances and practices that regulate items like accessibility to transit, areas of concentration in the municipality, zoning districts and land use designations can support the opening and/or expanding of early child care facilities rather than act as barriers. For example, most municipalities have parking requirements and ratios for business located in commercial districts. If parking requirements and ratios is a barrier preventing the opening and/or expanding of an early child care facility the municipality can vote to change that specific ordinance. The following case studies demonstrate opportunities to update and revise regulatory language in a way that supports the maintenance and growth of local child care systems.

### LOCAL CHILD CARE ZONING IN THE NEWS

[Zoning Laws Make Child Care Unaffordable in Utah](#)

[State bill seeks to combat child care shortages by cutting local red tape](#)

[More child care in Louisville? How a Metro Council change may help open more centers](#)

## CASE STUDIES

### Arlington, VA

“ “ The Under a zoning ordinance, **parking requirements for child care centers were changed from one parking space per employee to one parking space for every 10 children. In addition, parking requirements for child care centers may now be reduced through the use permit process.** Thanks to the visibility of the Child Care Initiative, Arlington received 7 requests to open new child care programs from January through August 2019, and as a result of the **Zoning Ordinance and local child care Code changes, 26 family day care homes submitted requests to expand in July and August 2019.** (Content from [Arlington Child Care Initiative Fall 2019 Progress Report](#))

### California

“ “ In 2019, Senate Bill 234 was passed and went into effect January 1, 2020. This new law **deleted the language in the past law that allowed cities and counties to have “reasonable requirements” just for large family child care homes.** Cities and counties can no longer create special requirements for large family child care homes in the areas of spacing & concentration, traffic control, parking, and noise control. (Content from [Child Care Law Center](#))

SB 234 accomplishes the following.

- Reduces red tape by requiring that local governments treat licensed large family childcare homes (14 children) the same as small family child care homes (8 children) –as a residential use of property for the purposes of all local ordinances.
- Clarifies that licensed family childcare homes are allowed in apartments and other types of multi-family units.
- Updates housing protections for licensed family childcare providers to ensure they will not be prohibited from opening or operating solely for providing childcare.
- Clarifies that childcare providers can file for protections under the Fair Employment and Housing Act if they are discriminated against. (Content from [SB 234 Fact Sheet](#))

## Colorado

“ Colorado’s family child care home (FCCH) and infant child care shortage crisis prompted the state legislature to pass Senate Bill 19-063 Infant and Family Child Care Action Plan to examine and address the reasons for the decline through a strategic action plan. **This action plan identified that a major contributing factor to the shortage of family child care homes is conflicting regulation between state licensing allowances and local regulations, including zoning, fire, life safety, and building codes.** State licensing regulations already require FCCHs to meet health and safety standards to ensure the wellbeing of all children in care. **Therefore, to reduce burdensome and unnecessary regulations, this bill requires local regulatory entities to treat family child care homes as residences for regulatory purposes such as zoning, fire, life safety, and building codes.** (Content from [Colorado House Bill to Increase the Supply of Family Child Care Homes](#))

“The act requires that family child care homes be classified as residences for purposes of licensure and local regulations, including zoning, land use development, fire and life safety, and building codes. The act also adds a provision stating that whenever the state department of human services reviews and rewrites its rules concerning child care agencies or facilities, it shall seek advice from the department of public safety when such rules relate to specific types of child care agencies or facilities.” (Content from [HB21-1222](#))

### OEC Initiatives Responsive to SB63 Recommendations

**Strategy:** Require the CDHS Office of Early Childhood, local regulatory entities, other relevant state agencies, and professional associations to: develop a coordination strategy about regulatory and policy changes; engage in cross-training; establish the importance of and need for licensed infant care and family child care homes; and study the effect of local regulations on the availability of care.

**Initiative:** The OEC, in partnership with Clayton Early Learning, is studying how localities have made changes to their regulations in response to the SB63 recommendations.

**Strategy:** Continue to review state child care licensing rules to eliminate unnecessary, duplicative, and/or outdated licensing rules and address barriers to obtaining or retaining a family child care home license. The health and safety of the children in care must remain a top priority.

**Initiative:** Review and proposed revision of child care licensing rules to eliminate unnecessary, duplicative or outdated rules, including revisiting the limitations on how many infants can be cared for safely in family child care homes. occurred over several years utilizing information from Senate Bill 19-63, surveys of providers, and diverse stakeholder workgroups. For family child care homes, the process is still ongoing.

Source: [OEC Initiatives Responsive to SB63 Recommendations](#)

## COLORADO POLICYMAKER ADVOCACY FACTSHEET

1. Clarify, coordinate, and resolve differences among state and local regulatory agencies to remove administrative and financial burdens and assure safe environments for children in family child care homes.
  - Require the CDHS Office of Early Childhood, local regulatory entities, other relevant state agencies, and professional associations to:
  - Develop a coordination strategy about regulatory and policy changes
  - Engage in cross-training
  - Establish the importance of and need for licensed infant care and family child care homes
  - Study the effect of local regulations on the availability of care
2. Add resources to the child care licensing process to increase support and training to providers and decrease time to obtain a background check
3. Provide financial, business, and professional support to prospective and existing family child care home providers and centers serving infants.
4. Examine how early education and other policies impact the availability of licensed infant care and family child care homes.
  - Develop a policy analysis tool to examine how current and future policies affect availability of infant care with a lens toward equity and impacts on priority populations such as dual language learners and families living in poverty. (Content from: [Infant and Family Child Care Action Plan Policymaker Advocacy Factsheet](#))