

Stricken language would be deleted from and underlined language would be added to present law.
Act 60 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H2/1/23
A Bill

HOUSE BILL 1155

By: Representatives Bentley, K. Brown, Crawford, Haak, Ladyman, Long, Lundstrum, McAlindon, R.
Scott Richardson, *J. Mayberry*

By: Senator Irvin

For An Act To Be Entitled

AN ACT CONCERNING THE COMPLIANCE OF CHILDCARE
FACILITIES WITH LOCAL REGULATIONS WHEN SEEKING
LICENSURE UNDER THE CHILDCARE FACILITY LICENSING ACT;
AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE COMPLIANCE OF CHILDCARE
FACILITIES WITH LOCAL REGULATIONS WHEN
SEEKING LICENSURE UNDER THE CHILDCARE
FACILITY LICENSING ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 78, Subchapter 2, is amended to add an additional section to read as follows:

20-78-229. Compliance with local regulations – Childcare family homes – Exceptions.

(a) As used in this section:

(1) "Childcare family home" means a childcare setting in which the caregiver provides child care in a family residence or a residence with a homelike environment; and

(2) "Local governing authority" means the governing body of the municipality or county where a childcare facility is located.

(b)(1) The Division of Child Care and Early Childhood Education shall require any childcare facility seeking licensure under this subchapter to



comply with applicable zoning and land use development regulations of the municipality and county where the childcare facility is located.

(2) Failure to comply with applicable zoning and land use regulations is grounds for the denial of a license of a childcare facility.

(c)(1) A local governing authority shall treat a childcare family home as residential property use in the application of local regulations, including without limitation:

- (A) Zoning;
- (B) Land use development;
- (C) Fire and life safety;
- (D) Sanitation; and
- (E) Building codes.

(2) Residential property use for zoning purposes includes without limitation single-family residential zoning.

(d)(1) For a childcare family home, a local governing authority shall not impose:

- (A) Any additional regulations that do not also apply to other residential properties; or
- (B) Stricter requirements than those in the Arkansas Fire Prevention Code.

(2) However, this section does not restrict a local governing authority from, on a case-by-case basis, managing the flow of traffic and parking related to adjacent childcare family homes.

(e)(1) The Division of Child Care and Early Childhood Education may promulgate rules related to adequate fire protection and prevention in a childcare family home.

(2) As part of developing any proposed rules in accordance with subdivision (e)(1) of this section, the Division of Child Care and Early Childhood Education shall seek the advice and assistance of:

- (A) The Department of Health;
- (B) The Boiler Inspection Division; and
- (C) Councils and associations representing:
 - (i) Fire marshals; and
 - (ii) Building code officials.

APPROVED: 2/13/23