

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H2/1/23

A Bill

HOUSE BILL 1155

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

7 *By: Senator Irvin*
8

For An Act To Be Entitled

9
10 AN ACT CONCERNING THE COMPLIANCE OF CHILDCARE
11 FACILITIES WITH LOCAL REGULATIONS WHEN SEEKING
12 LICENSURE UNDER THE CHILDCARE FACILITY LICENSING ACT;
13 AND FOR OTHER PURPOSES.
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Subtitle

16
17 CONCERNING THE COMPLIANCE OF CHILDCARE
18 FACILITIES WITH LOCAL REGULATIONS WHEN
19 SEEKING LICENSURE UNDER THE CHILDCARE
20 FACILITY LICENSING ACT.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 20, Chapter 78, Subchapter 2, is
26 amended to add an additional section to read as follows:

27 20-78-229. Compliance with local regulations - Childcare family
28 homes - Exceptions.

29 (a) As used in this section:

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

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

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



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

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

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

8 (A) Zoning;

9 (B) Land use development;

10 (C) Fire and life safety;

11 (D) Sanitation; and

12 (E) Building codes.

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

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

17 (A) Any additional regulations that do not also apply to
18 other residential properties; or

19 (B) Stricter requirements than those in the Arkansas Fire
20 Prevention Code.

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

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

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

30 (A) The Department of Health;

31 (B) The Boiler Inspection Division; and

32 (C) Councils and associations representing:

33 (i) Fire marshals; and

34 (ii) Building code officials.

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36 **APPROVED: 2/13/23**