

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

A Bill

HOUSE BILL 1155

4
5 By: Representatives Bentley, K. Brown, Crawford, Haak, Ladyman, Long, Lundstrum, McAlindon, S.
6 Richardson

For An Act To Be Entitled

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

Subtitle

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

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

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

26 20-78-229. Compliance with local regulations – Childcare family
27 homes – Exceptions.

28 (a) As used in this section:

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

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

34 (b)(1) The Division of Child Care and Early Childhood Education shall
35 require any childcare facility seeking licensure under this subchapter to
36 comply with applicable zoning and land use development regulations of the



1 municipality and county where the childcare facility is located.

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

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

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

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

14 (d)(1) A local governing authority shall not impose any additional
 15 regulations governing childcare family homes that do not also apply to other
 16 residential properties.

17 (2) However, this section does not restrict a local governing
 18 authority from, on a case-by-case basis:

19 (A) Prohibiting the operation of two (2) or more childcare
 20 family homes in immediately adjacent residences; and

21 (B) Managing the flow of traffic and parking related to
 22 adjacent childcare family homes.

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

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

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

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