

# Planning Lunches at Noon (PLAN) Monthly Webinar Series

Welcome to the August 2025 PLAN Webinar!

“Supporting Family Childcare Through Zoning Changes?”

Check out OPD’s [Planning and Zoning Training webpage](#) for:

- Slides and recording of past PLAN Webinars and conferences
- Planning Board and Zoning Board 101 slides and recordings
- Planning Board and Zoning Board Handbooks
- Optional Tests and Certificates

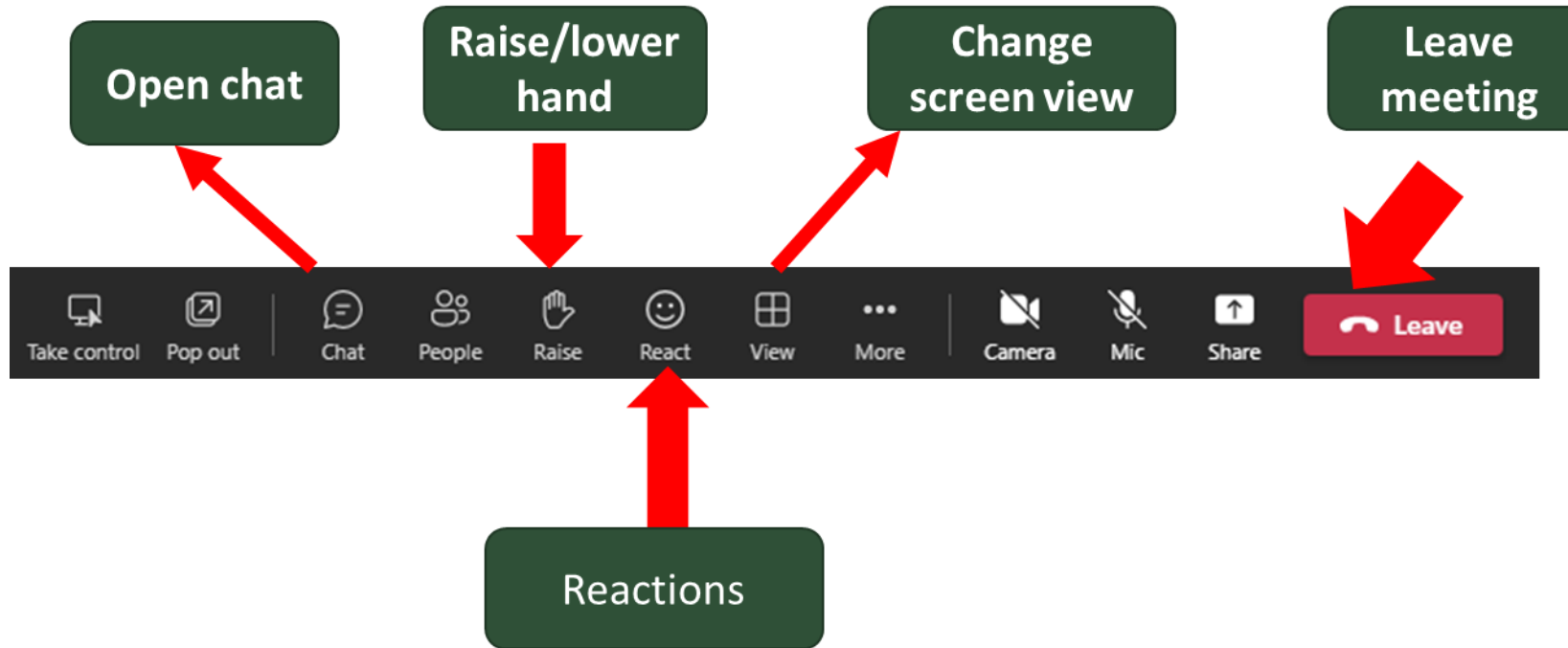
# Supporting Family Childcare Through Zoning Changes

Office of Planning and Development  
NH Department of Business and Economic Affairs

August 21, 2025

# How To Participate

- ▶ For questions, type them into the chat box
- ▶ We will do our best to answer all questions by the end of the webinar



# Speakers



**Melissa Latham**  
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and Policy

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**Jennifer Legere**  
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Former State  
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Director

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**BEA**

New Hampshire Department of  
BUSINESS AND  
ECONOMIC AFFAIRS



## **Agenda**

- Resources for Becoming a Family Child Care Provider
- Zoning Overview
- Case Study of Zoning Barriers to Family Childcare
- Development of HB1567 and Legislative Journey
- Requirements of HB1567
- Overview of St. Anselm College Research on Compliance with HB1567
- Best Practices for Communities Not in Compliance with HB1567
- Question and Answer



# **COMMUNITY DEVELOPMENT FINANCE AUTHORITY**

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SUPPORTING THE CREATION OF STRONG,  
RESILIENT AND VIBRANT COMMUNITIES

Essential and valued  
early care and  
education setting for  
children and families

Increases access and  
choices for families

Critical solution to  
service gaps across  
New Hampshire

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# WHY FAMILY CHILD CARE MATTERS



Entrepreneurs managing zoning, licensing, insurance, planning, service delivery



Vital contributors to local economies, supporting our workforce



Part of the fabric of a community

# LOCAL SMALL BUSINESSES



1

Understanding  
Unique Needs  
and Capacity

2

Navigating Local  
Zoning

3

Understanding  
Licensing  
Processes

4

Accessing  
Resources

5

Creating  
Language and  
Technology  
Access

6

Mitigating the Cliff  
Effects

# IDENTIFYING BARRIERS

NEW HAMPSHIRE GUIDE TO  
**Becoming a  
Family Child Care  
Provider**



# STATEWIDE RESOURCES

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*Developing statewide resources to support family child care providers in 2024 and beyond.*

Guide to Becoming a Family Child Care Provider

Small Business Pathways for Family Child Care Providers

Business Health Assessment

Family Child Care Provider Resource Library

Statewide Zoning Study on Home-based Care Regulations

# Small Business Resources for Family Child Care Providers



Explore New Hampshire's collection of free resources for family childcare business leaders. Resources are designed to support family childcare providers as educators serving New Hampshire communities and small business owners.

Navigate resources independently or while working alongside a business coach to strengthen your small business. These proven tools to strengthen small business operations are here to help build business resiliency now and in the future.



**Starting a  
Small Business**

**Business  
Operations**

**Managing  
Business  
Finances**

**Tax Preparation  
Strategies**

**Growth &  
Sustainability**

# ACCESS SMALL BUSINESS RESOURCES

**Scan the QR code**

or

**Visit**

**<https://www.nhcommunitynavigator.org/>**



# What is Zoning?

- ▶ Regulating the size, location and use of buildings and other structures for the purpose of promoting the health, safety and general welfare of the community.
- ▶ **Traditional Zoning:** dividing the municipality into districts with the goal of separating what are thought of as incompatible uses.
  - ▶ In each district, some uses are permitted by right, some are prohibited, and others are allowed only by special exception from the zoning board of adjustment or conditional use permit from the planning board or conditional use permit
- ▶ **Modern Zoning:** encourage mixed use zoning in which residential and commercial uses are permitted in specified districts.
- ▶ May impose requirements on a specific use, such as size and position of signs and special requirements for storage areas or maximum floor space for a home-business

## RSA 674:16: Grant of Power

- ▶ I. For the purpose of promoting the health, safety, or the general welfare of the community, the local legislative body of any city, town, or county in which there are located unincorporated towns or unorganized places is authorized to adopt or amend a zoning ordinance under the ordinance enactment procedures of RSA 675:2-5.

The zoning ordinance shall be designed to regulate and restrict:

- ▶ (a) The height, number of stories and size of buildings and other structures;
- ▶ (b) Lot sizes, the percentage of a lot that may be occupied, and the size of yards, courts and other open spaces;
- ▶ (c) The density of population in the municipality; and
- ▶ (d) The location and use of buildings, structures and land used for business, industrial, residential, or other purposes.



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# What is Zoning?

## 1) Zoning Ordinance:

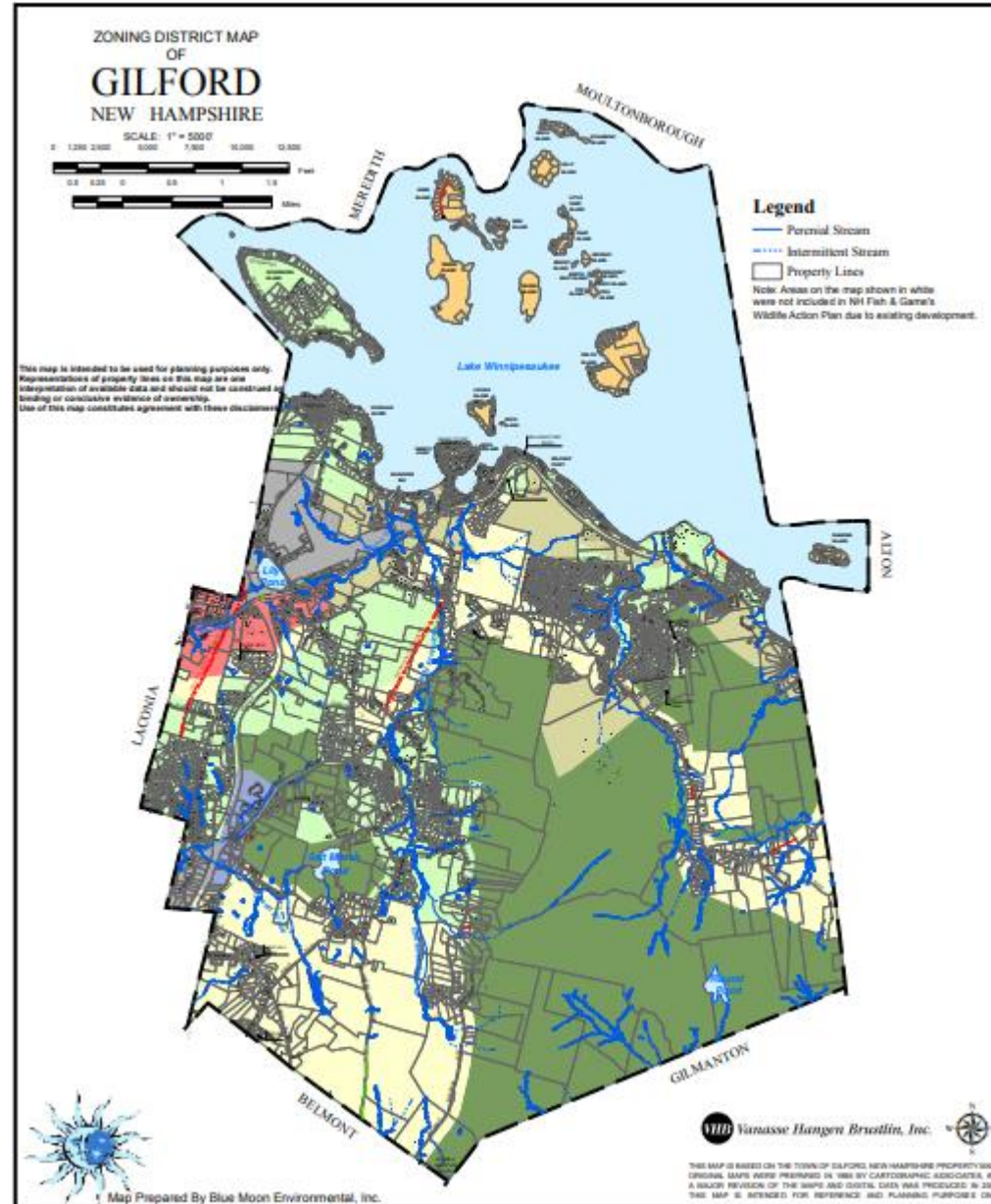
Municipality decides on whether to adopt zoning to regulate the land uses in their community through

*RSA 674:16 -18*

## 2) Zoning Map:

The map that geographically shows all zoning district boundaries and classifications as identified and described in the zoning ordinance.

*RSA 674:20*





# Current Status of Zoning Ordinances in New Hampshire

**227** with a comprehensive zoning ordinance

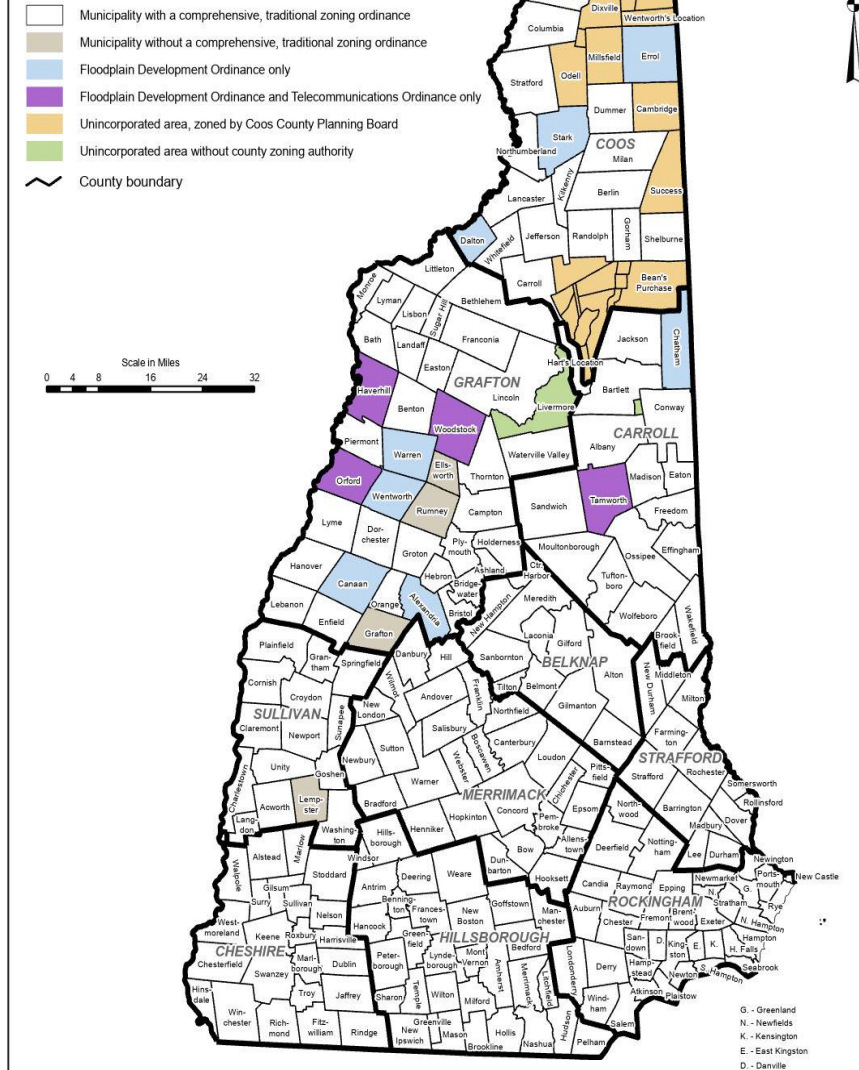
**18** with no comprehensive zoning ordinance

➤ **13** with some type of zoning (floodplain development ordinance and/or telecommunications ordinance)

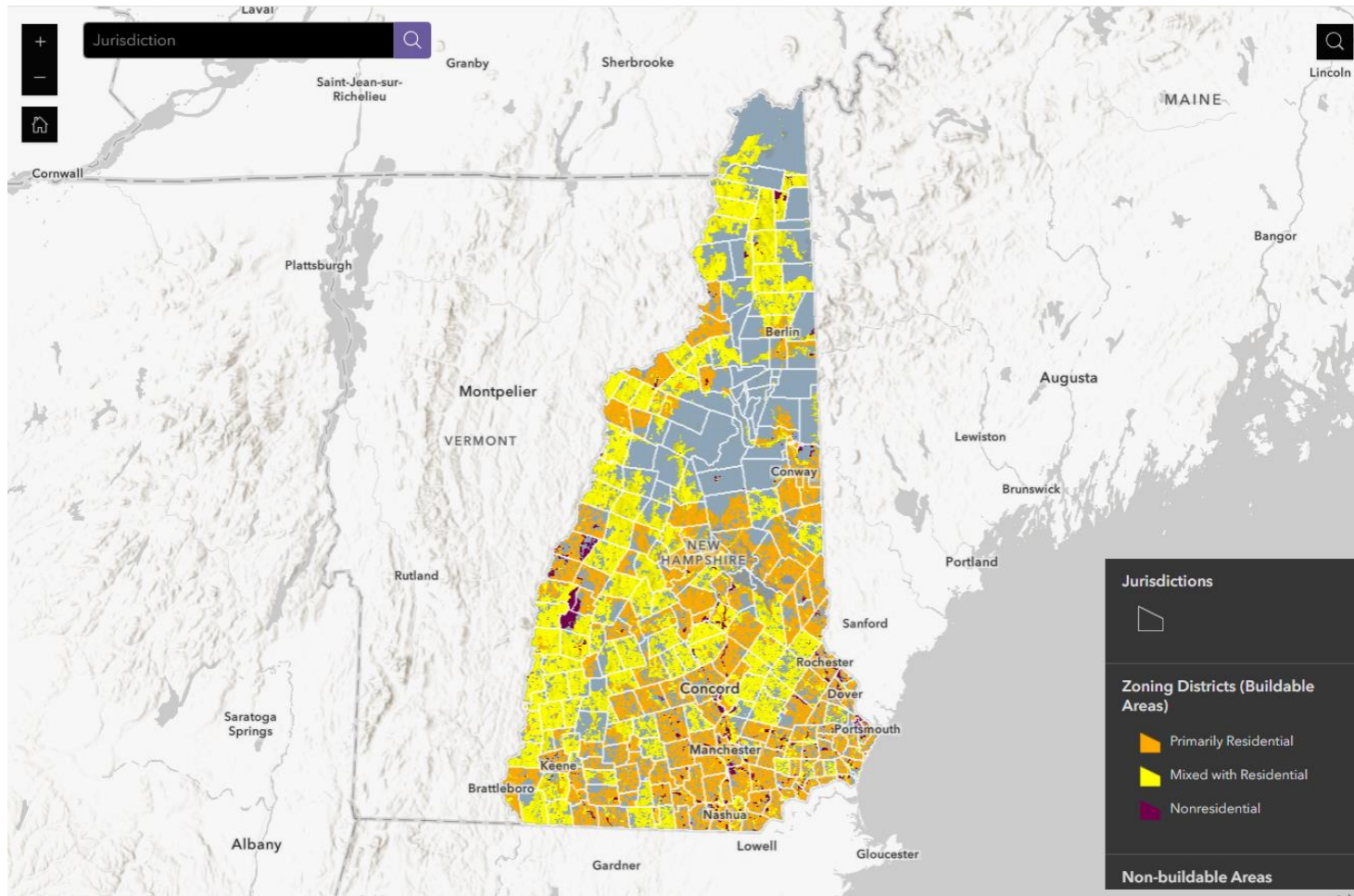
➤ **5** without any type of zoning

## New Hampshire Municipalities Status of Zoning Ordinances

February 2025



# Step 1: Determine What Zoning District You are Located In?

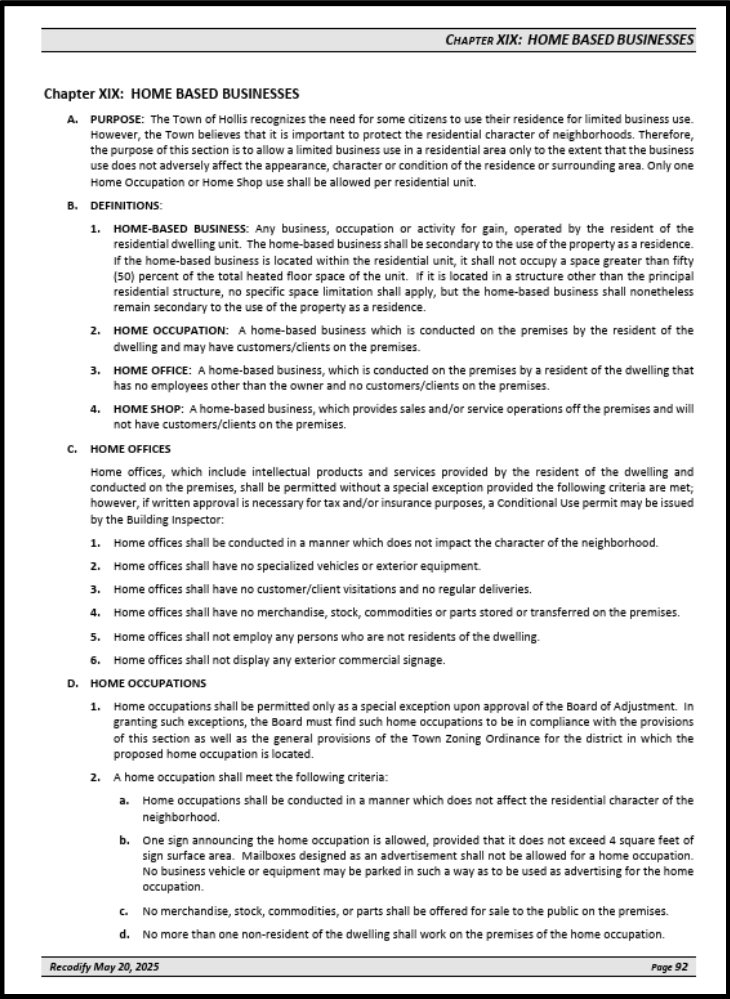
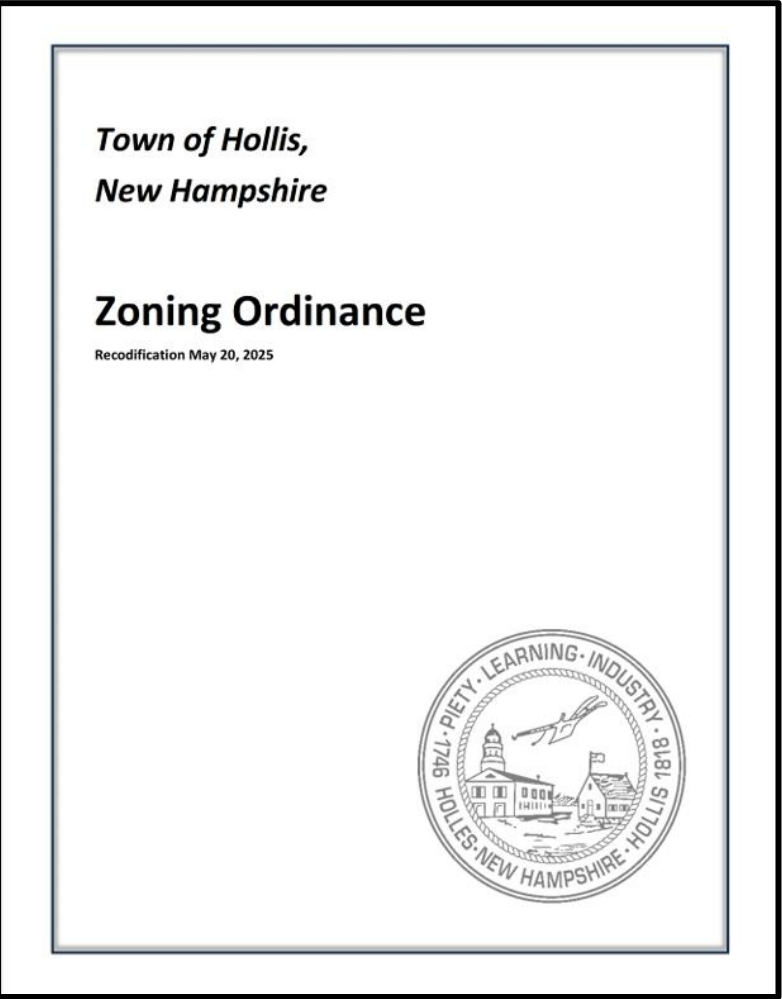


<https://nhzoningatlas.org>

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# Step 2: Determine What Sections of the Zoning Ordinance Apply to Family Childcare



# Zoning, Licensing, and other Regulations

- ▶ Zoning including regulation of home-based business is done by municipalities at the local level
- ▶ There are other public health, building code, and fire code state statutes, which are typically enforced at the local level
- ▶ Licensing of childcare programs is done by the DHHS Childcare Licensing Unit at the state level
  - ▶ [RSA 170-E](#)
  - ▶ [He-C 4002](#)
- ▶ Compliance with zoning, building code, fire code, and public health regulations is typically required regardless of whether you plan to be a licensed program
- ▶ [RSA 130-A:5-d, II](#) requires newly licensed childcare facilities in pre-1978 structures to have a Lead Safe Certificate on file issued by a licensed NH Risk Assessor.
  - ▶ [DHHS Healthy Homes & Lead Poisoning Prevent Program](#)

OFFICE OF LEGAL AND REGULATORY SERVICES  
CHILD CARE LICENSING UNIT  
129 PLEASANT STREET  
CONCORD, NH 03301-3857  
TEL: 1-800-852-3345 ext. 9025 or (603) 271-9025

**ZONING VERIFICATION**

CHILD CARE PROGRAM NAME \_\_\_\_\_ TELEPHONE NUMBER \_\_\_\_\_

CHILD CARE AGENCY TYPE(S): ☐ FAMILY-BASED DAY CARE [RSA 170-E:2, IV(a) and (b)]  
☐ CENTER-BASED DAY CARE [RSA 170-E:2, IV(c) through (g)]  
☐ 24-HOUR RESIDENTIAL [RSA 170-E:25, II(b), (c), (d) and III]

LOCATION ADDRESS: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_

**INSTRUCTIONS:**  
1. **SECTION 1 OR 2** must be completed by an individual who is authorized to sign zoning documents.  
2. **SECTION 1** complete if zoning action is not required.  
3. **SECTION 2** complete if zoning action is required.  
4. **SECTION 2** include any restrictions regarding the existence of the agency

**SECTION 1:**  
\_\_\_\_\_ The child care agency listed above conforms to the requirements of the zoning ordinance.  
Any limits on the number of children in care? \_\_\_ No \_\_\_ Yes - If yes, how many children? \_\_\_\_  
COMMENTS/RESTRICTIONS (if applicable): \_\_\_\_\_

Signature of Individual Authorized to Sign Zoning Documents for the \_\_\_\_\_ Date Signed \_\_\_\_\_  
Town Listed Above

**SECTION 2:**  
\_\_\_\_\_ The child care agency listed above has been approved by the zoning board of adjustment.  
Restrictions? \_\_\_ No \_\_\_ Yes - If yes, please indicate below or include a separate attachment  
COMMENTS/RESTRICTIONS (if applicable): \_\_\_\_\_

Signature of Individual Authorized to Sign Zoning Documents for the \_\_\_\_\_ Date Signed \_\_\_\_\_  
Town Listed Above

r:\program support\licensing\ccl\program\rules\4002 child care rules\2016 cc rules\forms\zoning verification form 2017.docx Effective 11/2017

# RSA 170-E:2,IV – Definitions of Family and Group Family Childcare Home

(a) "Family day care home" means an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to 6 children from one or more unrelated families. The 6 children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the 6 children, up to 3 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays, provided that the after school and holiday increase in capacity is permitted by the state fire code and in compliance with any local ordinance.

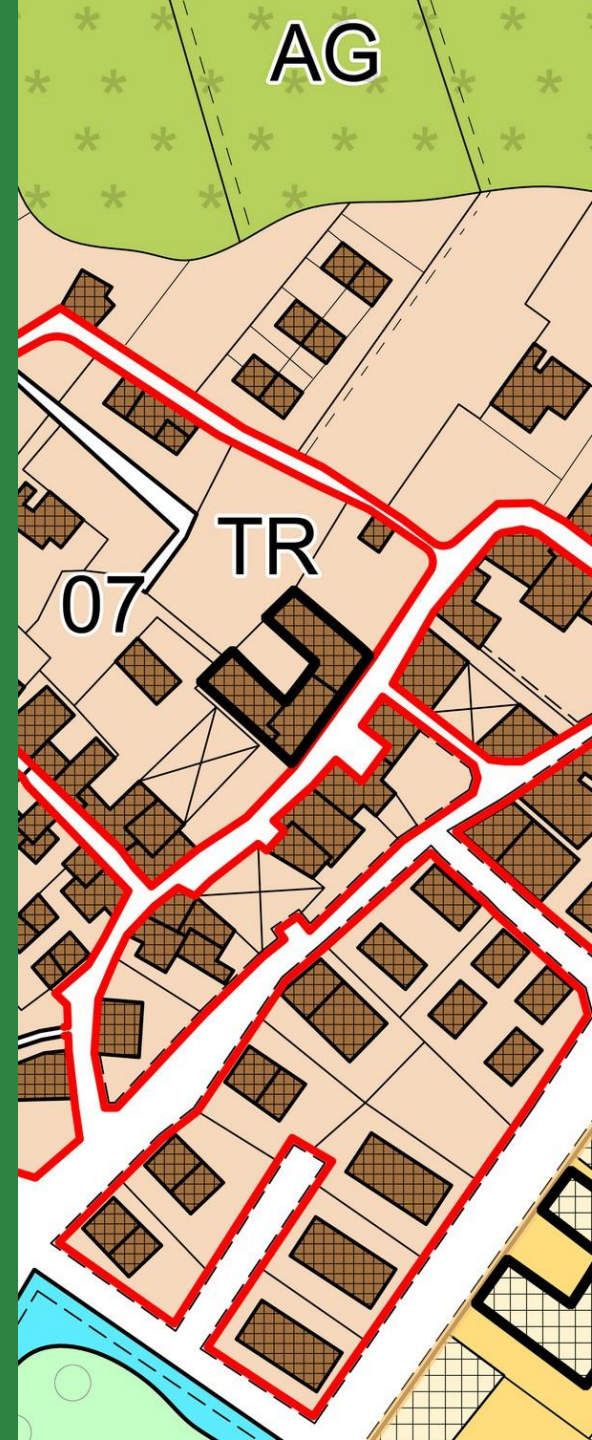
(b) "Family group day care home" means an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for 7 to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to 5 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays, provided that the after school and holiday increase in capacity is permitted by the state fire code and in compliance with any local ordinance.



# COMMON ZONING REQUIREMENTS

For Accessory Use to a Dwelling

Common Zoning Limitations	State Requirements
Employees	1 teacher per 6 children. A large family <u>care</u> for 12 children might have three teachers at any one time.
Hours of Operation	Flexible including evenings, nights, and weekends
Parking	Max need is 3 spaces for 12 children
Traffic	6-12 cars additional traffic flow
Septic Usage	Childcare requires 10 GPD/child. At a maximum this would be 120 GPD. By comparison a 3 BR residence is required to have 300 GPD already.
Subordinate to Residential Usage	DHHS requires care to be in a residence.  A family care with 12 children would require 480 sq ft of space for care.  In a 1500 sq ft home this would be about 1/3 of the living space.





## PLAISTOW ARTICLE X

### Home Occupation

- § 220-66. Permitted uses.
- Daycare (caring for not more than six children not living in the home)
  - CCLU allows for up to 12 children in Family Group Care
- May not exceed 25% of the total normal living area of the residence.
  - CCLU requires 240 sq ft for 6 children
  - Home would have to exceed 960 sq ft for 6 children
- Shall not change the residential character
- Not more than one advertising sign which shall not exceed three square feet.
- Not more than one person not residing in the home is to be employed on the premises at the same time.
  - Family Group Care requires 2 teachers at any one time (1 teacher:6 children), but more often 3 are scheduled at a time.
- Sufficient off-street parking for the employee and clients is to be provided. Deliveries between the hours of 7:00 a.m. and 7:00 p.m.
  - One could interpret pick up and drop off as a “delivery.”
- There shall only be one (1) home occupation per dwelling unit.

## PLAISTOW APPLICATION PROCESS

- The proper forms must be filled out and returned to the Zoning Board of
- Adjustment. The applicant is required to provide:
  - A sketch and/or drawing of the floor plan of the residence, clearly showing the dimensions of the living area and the area to be used for the business and plot plan of the property showing provisions for off-street parking.
  - A copy of the deed
  - An accurate list of abutters and mailing addresses on labels.
- Mandatory building inspections shall be made by the Code Enforcement Officer
- A formal site plan review by the Planning Board may be required if deemed necessary by the Code Enforcement Officer.
- All home occupation permits shall be issued for a period of three years and may be renewed provided there is no violation of the provisions of this article.

# PLAISTOW, NH FAMILY CARE CASE STUDY

Over 5 months from initiation to approval and license issued



# 2024 HB 1567 – 2024 Chapter Law 271

## CHAPTER 271 HB 1567-FN - FINAL VERSION

05/16/2024 1981s

24-2081  
10/02

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Four*

AN ACT relative to zoning provisions concerning family and group family child care uses.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 271:1 Planning and Zoning; General Provisions; Child Care Programs. RSA 672:1, V-a is repealed  
2 and reenacted to read as follows:

3 V-a. All families of the state benefit from a balanced and diverse supply of affordable child care in  
4 a setting conducive to each child's and family's needs. Establishment of child care which is safe and  
5 affordable is in the best interests of each community and the state of New Hampshire and serves a vital  
6 public need. Opportunity for development of all types of home-based care (family care and group family  
7 care) shall be allowed as long as all requirements for such programs adopted in rules of the department of  
8 health and human services (He-C 4002) are met. Family or group family child care shall be allowed as an  
9 accessory use to any primary residential use and shall not be subject to local site plan review regulations  
10 in any zone where a residential use is permitted; and

11 271:2 New Paragraph; Zoning; Powers. Amend RSA 674:16 by inserting after paragraph V the  
12 following new paragraph:

13 VI. In its exercise of the powers granted under this subdivision, the local legislative body of a city,  
14 town, or county in which there are located unincorporated towns or unorganized places shall, as  
15 described in RSA 672:1, V-a, allow home-based care (family care and group family care) by right or  
16 pursuant to a conditional use permit as long as all requirements for such programs adopted in rules of the  
17 department of health and human services (He-C 4002) are met. Family or group family child care shall be  
18 allowed as an accessory use to any primary residential use and shall not be subject to local site plan  
19 review in any zone where a primary residential use is permitted. If all requirements of the department of  
20 health and human services are met, but an application for a conditional use permit is pending with the  
21 municipality in which the home-based child care facility is located, an applicant may begin operation  
22 during such time until the permit is granted or denied.

23 271:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 26, 2024  
Effective Date: September 24, 2024



New Hampshire Department of  
BUSINESS AND  
ECONOMIC AFFAIRS

# Requirements of 2024 HB 1567

- ▶ New requirement in RSA 674:16, VI that **home-based childcare shall be allowed as an accessory use to any primary residential use by right or by conditional use permit if all requirements for such programs adopted in rules of the department of health and human services (He-C 4002) are met.**
- ▶ The new section in RSA 674:16, VI also states, “Family or group family childcare...shall not be subject to local site plan review in any zone where a primary residential use is permitted.”
- ▶ Under prior RSA 672:1, V-a, the phrase “should not be discouraged or eliminated” in the statute meant that in effect the care of up to six full-time preschool children and three part-time school age children in the home of a childcare provider, should not be prohibited in any zoning district. However, this language was located in the zoning ordinance purpose statute, and was therefore not actively enforced.



# What Does HB1567 No Longer Allow?

- ▶ Family and group family childcare can no longer be prohibited in any zone where a primary residential use is permitted
- ▶ Family and group family childcare can no longer be subject to a special exception from the Zoning Board of Adjustment
- ▶ Family and group family childcare can no longer be subjected to Site Plan Review by the Planning Board
- ▶ Family and group family childcare can no longer be limited to only single-family residences, must be allowed in other housing types as long as He-C 4002 licensing rules are met.







## Supporting Family Child Care: Early Insights from HB 1567



Saint Anselm College  
**INITIATIVE FOR HOUSING POLICY  
AND PRACTICE**

# New Hampshire Zoning Atlas

The NH Zoning Atlas is a collaborative project (Saint Anselm College, NH BEA, NH Housing) to research, catalogue, digitize, and graphically display all of New Hampshire's zoning regulations, community-by-community, district-by-district.

# New Hampshire Zoning Atlas

## Data Available in the New Hampshire Zoning Atlas

### 1- through 5+- Family Regulations

- Minimum Lot Size
- Setbacks (*front, side, rear*)
- Minimum Frontage
- Maximum Lot Coverage (*buildings and/or impervious surfaces*)
- Minimum Parking
- Maximum Height
- Floor Area Ratio
- Minimum Unit Size
- Maximum Density (*2 through 5+ family*)

### Affordable Housing Treatment - *all the above plus*

- Water and/or Sewer requirement
- Connection or Proximity to Public Transit requirement
- Maximum Bedrooms per Unit
- Maximum Units per Building
- Minimum Buffer from other Residential

### Accessory Dwelling Unit (ADU) Treatment

- Employer or Family Occupancy requirement
- Renter Occupancy prohibition
- Owner Occupancy requirement
- Elderly Housing requirement
- Additional Minimum Lot Area
- Additional Minimum Parking
- Attachment requirement
- Maximum Size (percent and/or square feet)
- Maximum Bedrooms

### Manufactured Housing Zoning (*parks only, lots only, both or prohibited*)

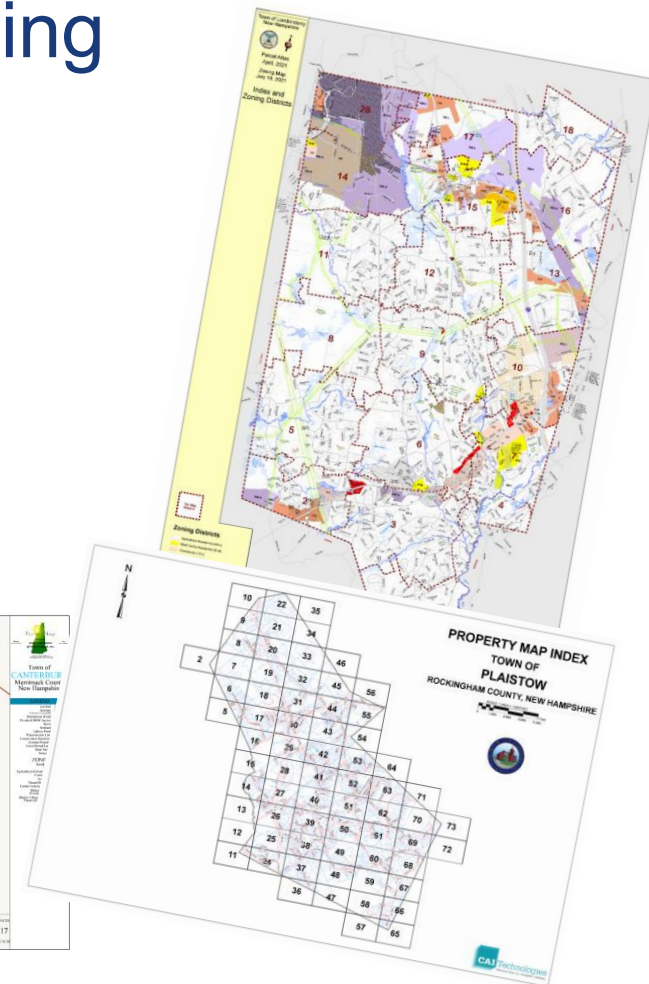
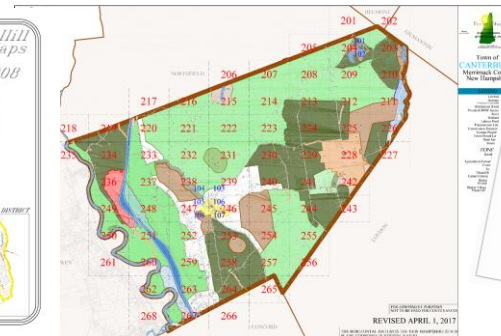
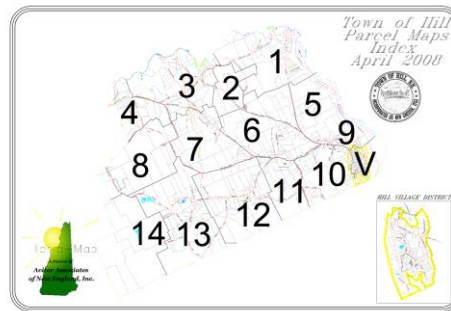
### Primary Nonresidential Type allowed (*if applicable*)

### Type of Discretionary Permit Required

### Additional District Notes

# Background: 2024 NH Home-Based Child Care Study

In 2024, in partnership with NH CDFA, the NH Zoning Atlas team collected data on the zoning that was impacting home-based child-care.



# NH Zoning Atlas Data and Methodology

We collected data from over **23,000** pages of zoning ordinances. The data cover **269** jurisdictions and **2139** districts.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	Jurisdiction	County	District Abbr	District Name	Type of Zoning District	Home-Based	Home-Based	Home Child D	Home Child D	Definition of L	Definition of F	Home Child D	Home-Based	HBS R
2	Alton	Bellknop	LR	Lakeshore Res	Primarily Residential	Prohibited	Prohibited	Prohibited	Prohibited			na	na	na
3	Alton	Bellknop	R	Primarily Resid	Primarily Residential	Permitted	Permitted	Permitted	Permitted	Day Care, Non Family Group Care		no	no	yes
4	Alton	Bellknop	RC	Residential Co	Mixed with Residential	Permitted	Permitted	Permitted	Permitted	Day Care, Non Family Group Care		no	no	yes
5	Alton	Bellknop	RR	Residential Ru	Mixed with Residential	Permitted	Permitted	Permitted	Permitted	Day Care, Non Family Group Care		no	no	yes
6	Alton	Bellknop	RS	Recreation Ser	Nonresidential	Prohibited	Prohibited	Prohibited	Prohibited			na	na	na
7	Alton	Bellknop	RU	Rural	Mixed with Residential	Permitted	Permitted	Permitted	Permitted	Day Care, Non Family Group Care		no	no	yes
8	Barnstead	Bellknop	Industrial-Cor	Industrial-Cor	Mixed with Residential	Permitted	Permitted	Permitted	Permitted			no	no	yes
9	Barnstead	Bellknop	Residential-Ag	Residential-Ag	Mixed with Residential	Permitted	Permitted	Permitted	Permitted			no	no	yes
10	Barnstead	Bellknop	Suburban	Suburban	Primarily Residential	Permitted	Permitted	Permitted	Permitted			no	no	yes
11	Barnstead	Bellknop	Village	Village	Mixed with Residential	Permitted	Permitted	Permitted	Permitted			no	no	yes
12	Belmont	Bellknop	C	Commercial	Nonresidential	Permitted	Permitted	Permitted	Permitted			no	no	yes, bu
13	Belmont	Bellknop	I	Industrial	Nonresidential	Permitted	Permitted	Permitted	Permitted			no	no	yes, bu
14	Belmont	Bellknop	R	Rural	Mixed with Residential	Permitted	Permitted	Permitted	Permitted			no	no	yes, bu
15	Belmont	Bellknop	RM	Residential No	Primarily Residential	Permitted	Permitted	Permitted	Permitted			no	no	yes, bu
16	Belmont	Bellknop	RS	Residential Sin	Primarily Residential	Permitted	Permitted	Permitted	Permitted			yes	yes	yes, bu
17	Belmont	Bellknop	V	Village	Mixed with Residential	Permitted	Permitted	Permitted	Permitted			no	no	yes, bu
18	Center Harbor	Bellknop	AR	Agricultural are	Primarily Residential	Permitted	Permitted	Special Exc	Prohibited	"Family day care home" means	yes	yes	yes	yes
19	Center Harbor	Bellknop	CI	Commercial an	Mixed with Residential	Permitted	Permitted	Special Exc	Prohibited	"Family day care home" means	yes	yes	yes	yes
20	Center Harbor	Bellknop	CV	Commercial	Mixed with Residential	Permitted	Permitted	Special Exc	Prohibited	"Family day care home" means	yes	yes	yes	yes
21	Center Harbor	Bellknop	RES	Primarily Resid	Primarily Residential	Permitted	Permitted	Special Exc	Prohibited	"Family day care home" means	yes	yes	yes	yes
22	Gilfed	Bellknop	C	Commercial	Nonresidential	Permitted	Permitted	Permitted	Permitted	Home daycare may be permitte		no	no	yes
23	Gilfed	Bellknop	I	Industrial	Nonresidential	Permitted	Permitted	Permitted	Permitted	Home daycare may be permitte		no	no	yes
24	Gilfed	Bellknop	IR	Inland Reside	Primarily Residential	Prohibited	Prohibited	Prohibited	Prohibited			na	na	na
25	Gilfed	Bellknop	LR	Unfied Reside	Primarily Residential	Permitted	Permitted	Permitted	Permitted	Home daycare may be permitte		no	no	yes
26	Gilfed	Bellknop	LR/Historic		Primarily Residential	Permitted	Permitted	Permitted	Permitted	Home daycare may be permitte		no	no	yes
27	Gilfed	Bellknop	NRR	Natural Resour	Primarily Residential	Permitted	Permitted	Permitted	Permitted	Home daycare may be permitte		no	no	yes
28	Gilfed	Bellknop	NRR/Historic		Primarily Residential	Permitted	Permitted	Permitted	Permitted	Home daycare may be permitte		no	no	yes
29	Gilfed	Bellknop	PC	Professional C	Mixed with Residential	Permitted	Permitted	Permitted	Permitted	Home daycare may be permitte		no	no	yes
30	Gilfed	Bellknop	RC	Resort Comm	Mixed with Residential	Permitted	Permitted	Permitted	Permitted	Home daycare may be permitte		no	no	yes
31	Gilfed	Bellknop	SFR	Single Family F	Primarily Residential	Permitted	Permitted	Permitted	Permitted	Home daycare may be permitte		no	no	yes
32	Gilfed	Bellknop	SFR/Historic		Primarily Residential	Permitted	Permitted	Permitted	Permitted	Home daycare may be permitte		no	no	yes
33	Gilmanton	Bellknop	B	Business	Mixed with Residential	Permitted	Permitted	Conditional	Conditional	A childcare agi A childcare agi	no	no	no	yes, bu
34	Gilmanton	Bellknop	C	Conservation	Mixed with Residential	Permitted	Permitted	Conditional	Conditional	A childcare agi A childcare agi	no	no	no	yes, bu
35	Gilmanton	Bellknop	LB	Light Business	Mixed with Residential	Permitted	Permitted	Conditional	Conditional	A childcare agi A childcare agi	no	no	no	yes, bu
36	Gilmanton	Bellknop	R	Rural	Primarily Residential	Permitted	Permitted	Conditional	Conditional	A childcare agi A childcare agi	no	no	no	yes, bu
37	Gilmanton	Bellknop	R/Historic		Primarily Residential	Permitted	Permitted	Conditional	Conditional	A childcare agi A childcare agi	no	no	no	yes, bu
38	Gilmanton	Bellknop	RL	Residential Lal	Primarily Residential	Permitted	Permitted	Conditional	Conditional	A childcare agi A childcare agi	no	no	no	yes, bu
39	Gilmanton	Bellknop	V	Village	Primarily Residential	Permitted	Permitted	Conditional	Conditional	A childcare agi A childcare agi	no	no	no	yes, bu
40	Laconia	Bellknop	AI	Airport Industri	Nonresidential	Prohibited	Prohibited	Prohibited	Prohibited			na	na	na
41	Laconia	Bellknop	C	Commercial	Mixed with Residential	Permitted	Permitted	Prohibited	Prohibited			na	no	yes, bu
42	Laconia	Bellknop	CR	Commercial Re	Mixed with Residential	Permitted	Permitted	Prohibited	Prohibited			na	no	yes, bu
43	Laconia	Bellknop	CR/Shoreland	Protection Over	Mixed with Residential	Permitted	Permitted	Prohibited	Prohibited			na	no	yes, bu
44	Laconia	Bellknop	I	Industrial	Nonresidential	Prohibited	Prohibited	Prohibited	Prohibited			na	na	na

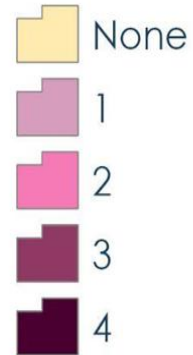


# Preliminary Findings on HB 1567

**New Hampshire's 2024 law updating NH RSAs 672:1 and 674:16 will impact four out of five communities, providing some regulatory relief for some home child care providers and families.**

## Compliance with State's new legislation

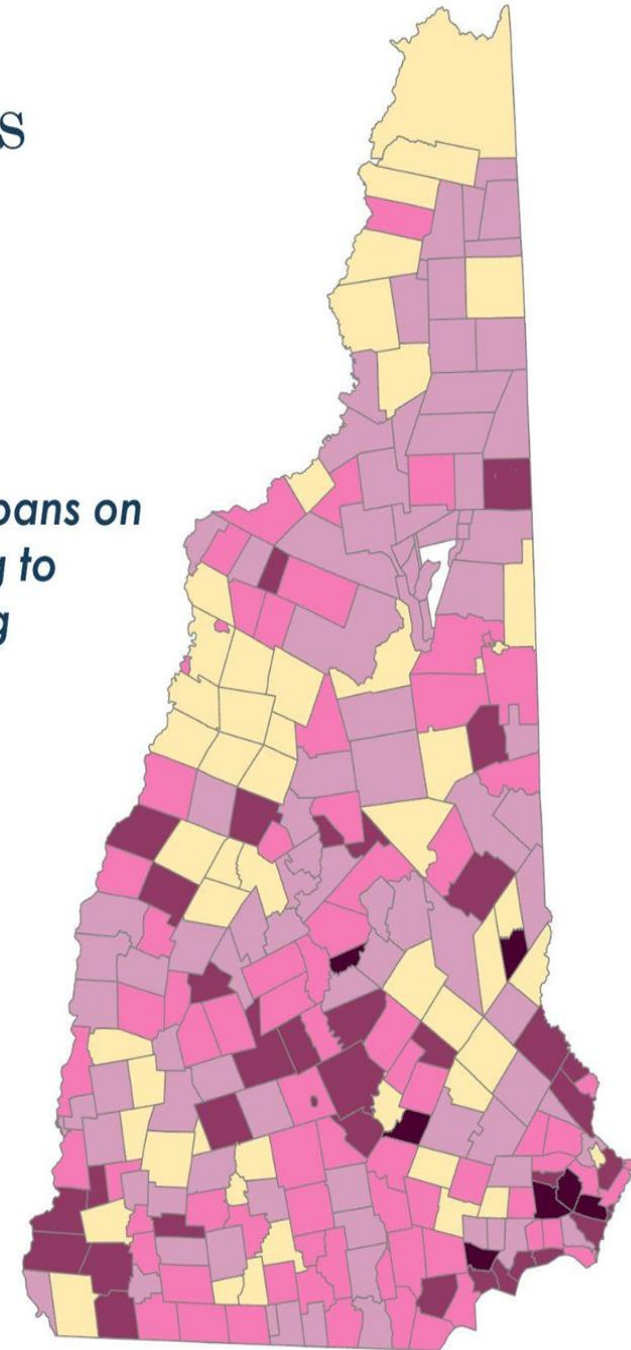
Zoning issues that will need to be addressed\*



*\*issues to address include bans on home child care, restricting to single-family only, requiring special exception, and/or requiring site-plan review*

81% of communities will need to adjust their zoning.

45% have two or more "issues" that will need to be addressed



On July 10, 2024, the Atlas team also **conducted a focus group** with representatives of the home-based child care provider community to learn about their experiences with zoning regulations.

Many of the providers reported that the local public hearing requirement was an obstacle to getting their businesses set-up.

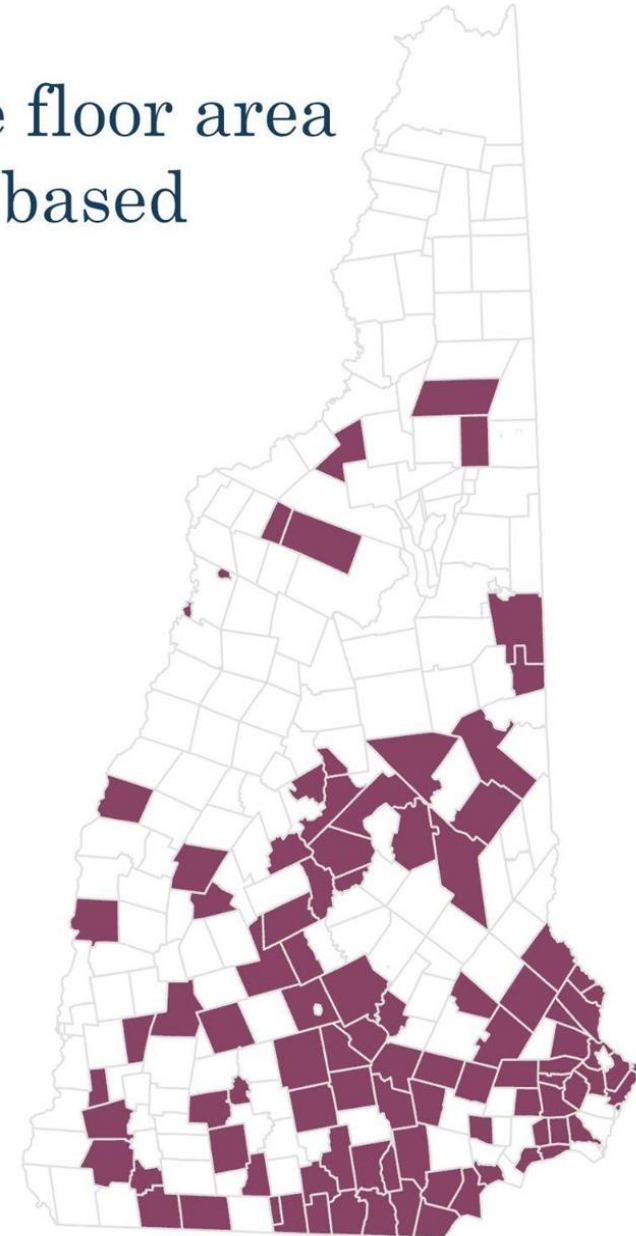
**Providers reported that these public hearings are costly, time-consuming, uncertain, and often uncomfortable.**

# Finding

Home-based and center-based child care providers still face regulatory roadblocks in many communities. The 2024 study revealed that 12% of communities still require the home-based child care provider to obtain a conditional use permit, and 36% of communities have restrictions on the size of floor area used for day care or home based businesses in general. Center-based care is often subject to regulations in commercial zones.

## Communities that have floor area requirements for home based childcare

 Jurisdictions with area requirements for home based childcare in at least one zoning district



# 2025 Zoning Updates

The 2025 NH Zoning Atlas summer research team found that **only 8 additional New Hampshire communities** updated their zoning since the effective date of HB 1567 (9/24/24), bringing the total number of communities that do not require site plan review or a special exception for home-based child care from 52 to 60.

# Opportunities for Additional Research

- How many NH municipalities still require Conditional Use Permits (CUP) for home-based child care?
- What are the zoning requirements for center-based providers in commercial zones; and
- What are the attitudes of community leaders, providers and families about the current regulatory landscape for child care?



# Best Practices for Communities Not In Compliance with HB1567

## 3.12 Table of Accessory Uses

The Table of Accessory Uses is organized according to a functional relationship to principal uses, as follows:

A. Accessory to a Principal Residential Use

B. Accessory to a Principal Non-residential Use

Principal Uses		Base Districts										Supplemental Standards
Use #	Use Category and Description	CO	A	R-1	R-2	RSBO-1	RSBO-2	VC	C	CIFZ	I	(For all uses, refer first to Section 4, Dimensional Standards)
<b>A</b>												
<i>Accessory to Principal Residential Use</i>												
1	Home occupation	P	P	P	P	P	P	P	P	-	-	Section 5.11
2	Day care home (3)*	P	P	P	P	P	P	P	P	-	-	Section 5.6
3	Family childcare home (6+3)	P	P	P	P	CU	CU	-	-	-	-	Section 5.6
4	Group childcare home (12+5)	-	CU	CU	CU	CU	-	-	-	-	-	Section 5.6
5	Accessory building and facility such as garage, carport, tool shed, non-commercial greenhouse, workshop, swimming pool, tennis court, shed and portable structure, including plastic and canvas covered framed structure	P	P	P	P	P	P	P	P	-	-	Section 5.6
6	Accessory attached dwelling unit Amend 3/12/24	P	P	P	P	P	CU	CU	-	-	-	Section 5.1
7	Residential wind turbine	P	P	-	-	-	-	-	-	-	-	Section 5.22
8	Solar Energy System											Section 5.24



- Treat family childcare and group family childcare as separate accessory uses from home occupations to minimize additional requirements for parking, storage, signage, floor area, etc.

# Best Practices for Communities Not in Compliance with HB1567

- ▶ Permit family childcare (“by right”) as an accessory use in all zoning districts where residential uses are allowed
- ▶ Do not impose additional off-street parking requirements beyond what is required for the primary residential use
- ▶ Make sure that the definitions of family childcare and group family childcare are the same as in RSA 170-E:2, especially as relates to the number of children allowed
- ▶ **Do not cap the percentage or total square footage of the home dedicated to childcare, as the He-C 4002 rules already contain minimum square footage requirements.**
- ▶ Do not impose additional requirements on outdoor play space or storage requirements beyond what is required for the primarily residential use
- ▶ Designate a single municipal point of contact where prospective/new family childcare providers can ask questions about the local permitting/zoning approval process



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**Q&A**

**THANK YOU**