

## Increasing Access to Licensed Family Child Care Homes: Implementation of HB 21-1222 for Local Officials

**On September 8, 2021, House Bill 1222 went into effect.** The bill **requires** local regulatory agencies throughout Colorado to treat all licensed family child care homes (FCCH) as residences for regulatory purposes such as zoning, land use, fire, life safety, and building codes. This means that for any provider seeking a new child care license or a change in their child care license, local regulatory agencies must provide an approval letter to the provider in support of their child care license application without mandating additional regulations that would not otherwise be applied to non-child care providing residences. Further, local regulating agencies are no longer able to limit the number of children in care below a provider's state-sanctioned licensed capacity.

### Ensuring Safety

Licensed FCCHs are safe and often more affordable and accessible child care options for families across Colorado. The Colorado Department of Human Services' Office of Early Childhood (OEC) regulates child care operations in all licensed facilities to ensure quality, health, and safety standards are met for all children in care. Even though OEC regulates health and safety standards, some localities and municipalities have previously categorized the use of a child care provider's home as a commercial "use," a categorization with increased requirements that severely limited the viability and operations of FCCHs. [State child care licensing regulations](#) already require FCCHs to meet a comprehensive list of health and safety standards – created in collaboration with fire/life safety, building code, and other local officials - to ensure the wellbeing of all children in care. Therefore, by eliminating additional regulations from local agencies, providers will maintain safe environments for young children while increasing the availability of quality child care within communities throughout Colorado.

### Implementation Guidance for Local Officials

- ✓ Current child care licensing regulations require that a provider receive a letter of approval from their local zoning authority to obtain a child care license. Therefore, new and existing providers will still notify or submit an application to your local zoning agency and request a letter of approval that they must submit to their licensing specialist.
- ✓ Providers must still comply with any local zoning, land use, building, or fire code that would also apply to any other residence in your community, regardless of child care operation status.
- ✓ If your locality requires a business license to operate a business out of a home, providers must still comply and pay any associated fees.
- ✓ Your locality may experience an increase in requests for new or updated zoning approval letters from new and existing FCCH providers, resulting in additional licensed child care capacity and supporting economic growth in your municipality and county.
- ✓ If your local application asks about citizenship or legal status, providers are now allowed to skip those questions. Per Senate Bills [077](#) and [199](#), professional licenses – including child care licenses – no longer require proof of citizenship or legal status. Amending local forms to remove any questions or proof of documentation related to immigration status is advised.
- ✓ For questions related to HB 1222, please contact Clayton Early Learning. Send an email to Christina Walker at [cwalker@claytonearlylearning.org](mailto:cwalker@claytonearlylearning.org) or Holley Murphy at [hmurphy@claytonearlylearning.org](mailto:hmurphy@claytonearlylearning.org).
- ✓ For questions and concerns regarding licensing requirements for family child care homes, please contact the local child care licensing specialist serving your community or the Division of Early Learning Licensing and Administration (DELLA) at [cdhs\\_oec\\_communications@state.co.us](mailto:cdhs_oec_communications@state.co.us) or 303-866-5948.