

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0809.01 Jane Ritter x4342

**HOUSE BILL 21-1222**

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**HOUSE SPONSORSHIP**

**Valdez A. and Van Winkle,**

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**Smallwood and Winter,**

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**House Committees**

Public & Behavioral Health & Human Services

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING ALIGNING LOCAL GOVERNING AUTHORITY REGULATIONS**  
102              **TO EXPAND OPPORTUNITIES TO ACCESS CHILD CARE IN FAMILY**  
103              **CHILD CARE HOMES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires that family child care homes be classified as residences for purposes of licensure and local regulations, including zoning, land use development, fire and life safety, and building codes. The bill also adds a provision stating that whenever the state department of human services reviews and rewrites its rules concerning child care

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

agencies or facilities, it shall seek advice from the department of public safety when such rules relate to specific types of child care agencies or facilities.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Colorado has a shortage of licensed, safe, and affordable child  
5 care options, while at the same time there is a growing need for child care  
6 in order to bolster the economy and allow parents to work;

7 (b) Family child care homes provide an essential element of the  
8 child care network in both urban and rural parts of the state. In fact, in  
9 many counties, there are no licensed child care centers, making family  
10 child care homes the only option families have for licensed child care.

11 (c) Many parents prefer child care that is located in family homes  
12 within their neighborhood so their children can experience a home-like  
13 environment that is conducive to healthy and safe development.

14 (2) The general assembly further finds that:

15 (a) Zoning, land use development, building, and fire standards that  
16 vary across the state and that treat family child care homes differently  
17 from family residences are difficult for providers to meet, create undue  
18 hardship and barriers to entry, and negatively impact the number of  
19 providers willing and able to offer licensed child care; and

20 (b) The child care licensure rules promulgated by the Colorado  
21 department of human services provide rigorous protections for children's  
22 health and safety, including protective standards relating to fire and life  
23 safety, sanitation, and physical environment in family child care homes.

24 (3) Therefore, the general assembly declares that the regulation of

1 family child care homes throughout the state is a matter of statewide  
2 concern and the inconsistent regulation by local governments relating to  
3 zoning, land use development, building codes, and fire and life safety  
4 hinders the ability of the state department of human services to license  
5 and inspect family child care homes and to provide accessible, safe, and  
6 affordable licensed child care options for all Colorado parents.

7 **SECTION 2.** In Colorado Revised Statutes, 26-6-104.5, **amend**  
8 (1) as follows:

9 **26-6-104.5. Compliance with local government zoning**  
10 **regulations - notice to local governments - provisional licensure.**

11 (1) (a) The department shall require any child care facility seeking  
12 licensure pursuant to section 26-6-104 to comply with any applicable  
13 zoning AND LAND USE DEVELOPMENT regulations of the municipality, city  
14 and county, or county where the facility is situated. Failure to comply  
15 with applicable zoning AND LAND USE regulations ~~shall constitute~~  
16 CONSTITUTES grounds for the denial of a license to a facility.

17 (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION TO  
18 THE CONTRARY, THE AVAILABILITY OF SAFE, AFFORDABLE, AND LICENSED  
19 FAMILY CHILD CARE HOMES IS A MATTER OF STATEWIDE CONCERN.  
20 THEREFORE, PERMITTING FRAGMENTED REGULATION AMONG  
21 JURISDICTIONS IMPEDES AND INFRINGES UPON THE DEPARTMENT'S  
22 APPROPRIATE AND CONSISTENT LICENSING AND REGULATION OF FAMILY  
23 CHILD CARE HOMES THROUGHOUT THE STATE. ACCORDINGLY, LOCAL  
24 GOVERNING AUTHORITIES SHALL TREAT FAMILY CHILD CARE HOMES AS  
25 RESIDENTIAL PROPERTY USE IN THE APPLICATION OF LOCAL REGULATIONS,  
26 INCLUDING ZONING, LAND USE DEVELOPMENT, FIRE AND LIFE SAFETY,  
27 SANITATION, AND BUILDING CODES. LOCAL GOVERNING AUTHORITIES

1 SHALL NOT IMPOSE ANY ADDITIONAL REGULATIONS GOVERNING FAMILY  
2 CHILD CARE HOMES THAT DO NOT ALSO APPLY TO OTHER RESIDENTIAL  
3 PROPERTIES. RESIDENTIAL USE OF PROPERTY FOR ZONING PURPOSES  
4 INCLUDES ALL FORMS OF RESIDENTIAL ZONING AND, SPECIFICALLY,  
5 ALTHOUGH NOT EXCLUSIVELY, SINGLE-FAMILY RESIDENTIAL ZONING.

6 **SECTION 3.** In Colorado Revised Statutes, 26-6-106, **amend**  
7 (1)(a) as follows:

8 **26-6-106. Standards for facilities and agencies - rules.**

9 (1) (a) The department shall prescribe and publish standards for  
10 licensing. ~~Such~~ THE standards ~~shall~~ MUST be applicable to the various  
11 types of facilities and agencies for child care regulated and licensed by  
12 this part 1; except that the department shall prescribe and publish separate  
13 standards for the licensing of child placement agencies operating for the  
14 purpose of adoptive placement and adoption-related services. The  
15 department shall seek the advice and assistance of persons representative  
16 of the various types of child care facilities and agencies in establishing  
17 ~~such standards. Such standards shall~~ THE STANDARDS, INCLUDING THE  
18 ADVICE AND ASSISTANCE OF THE DEPARTMENT OF PUBLIC SAFETY IN THE  
19 PROMULGATION OF ANY RULES RELATED TO ADEQUATE FIRE PROTECTION  
20 AND PREVENTION, AS ALLOWED IN SUBSECTION (2)(e) OF THIS SECTION, IN  
21 A FAMILY CHILD CARE HOME. THE STANDARDS MUST be established by  
22 rules promulgated by the state board of human services and ~~shall~~ be  
23 issued, ~~and~~ published, AND BECOME EFFECTIVE only in conformity with  
24 ~~the provisions and procedures specified in article 4 of title 24. C.R.S., and~~  
25 ~~shall become effective only as provided in said article.~~

26 **SECTION 4. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except  
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
3 of the state constitution against this act or an item, section, or part of this  
4 act within such period, then the act, item, section, or part will not take  
5 effect unless approved by the people at the general election to be held in  
6 November 2022 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.