

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1259 (Delegate Feldmark)
Economic Matters

Zoning Authorities - Operation of Family Child Care Homes - Prohibitions and Requirements

This bill specifies that a local jurisdiction, by local ordinance, resolution, law, or rule (1) may not deny or restrict the operation of a family child care home or large family child care home that meets the licensing requirements established by the Maryland State Department of Education (MSDE) and (2) must designate the operation of a family child care home or large family child care home as a residential activity, and a permitted use under residential zoning requirements.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to directly affect local government finances, but may have an operational impact, as discussed below.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Subject to limited exception, family child care homes and large family child care homes may not operate in the State unless they are registered. The State Board of Education is required to adopt regulations that relate to the registration of family child care homes and large family child care homes. A family child care home is a residence in which family child care is provided for up to 8 children. A large family child care home is a residence in which family child care is provided for at least 9 children, but not more than

12 children. Statute and regulation include additional provisions regarding the ages of children in care.

Chapter 375 of 2025 established that a local jurisdiction may not, by local ordinance, resolution, law, or rule, limit the number of children for which a family child care home or large family child care home provides family child care to below the number authorized by MSDE.

Chapter 375 also established that the governing documents of a common ownership community (COC) may not prohibit or restrict (1) the establishment and operation of a family child care home or large family child care home or (2) the use of the roads, sidewalks, and other common elements of the COC by users of the family child care home/large family child care home. The operation of a family child care home or large family child care home must be considered a residential activity and a permitted activity by a COC.

Local Fiscal Effect: The Maryland Association of Counties advises that the bill may limit a county's ability to enforce specific standards for family child care homes in residential areas intended to protect public health and safety and ensure neighborhood compatibility. Further, counties may be unable to enforce certain regulations related to road capacity.

Small Business Effect: The bill may increase opportunities for family child care providers that qualify as small businesses by the restrictions imposed on a local zoning authority regarding their operation and zoning classification.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of Counties; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Maryland Department of Planning; Department of Legislative Services

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jg/jkb

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