

WRITTEN TESTIMONY IN SUPPORT OF HB 1259
Zoning Authorities – Operation of Family Child Care Homes – Prohibitions and Requirements

House Economic Matters Committee
March 6, 2026, Hearing at 1:00 p.m.

Submitted by: Bill Hudson, Executive Director
Organization: Family Child Care Alliance of Maryland (FCCAMD)
Position: **FAVORABLE**

Dear Chair Valderrama, Vice Chair Charkoudian, and Members of the House Economic Matters Committee:

Thank you for the opportunity to submit written testimony in support of House Bill 1259. This bill would prohibit local jurisdictions from denying or restricting the operation of family child care homes that meet state licensing requirements and would require local jurisdictions to designate family child care homes as a residential activity and a permitted use under residential zoning.

I am writing as the Executive Director of the Family Child Care Alliance of Maryland (the Alliance). We created and operate the ASPIRE Pre-K program, through which over 95% of family child care educators in Maryland’s mixed-delivery Pre-K system deliver publicly funded Pre-K services. Maryland currently has just over 100 family child care programs approved to deliver publicly funded Pre-K, and our ASPIRE network supports 98 of those programs operating across 17 counties and Baltimore City. Because of that role, we see firsthand the structural barriers that affect whether family child care programs can open, operate, and remain sustainable.

MARYLAND’S FAMILY CHILD CARE CAPACITY IS IN CRISIS

Maryland has lost nearly 700 family child care providers since 2021. Statewide, the state lost 15% of all child care providers and 7% of child care slots between January 2020 and January 2024. In Baltimore City alone, the number of family child care programs dropped from over 550 before the pandemic to fewer than 400 today. Some counties have been hit even harder, St. Mary’s County saw a 27% decline in providers during that same period, the steepest drop in the state.

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Every family child care closure doesn't just remove Pre-K or child care seats. It removes a larger percentage of infant and toddler slots that are unlikely to be replaced anywhere else in the system because not every child care center takes infants and toddlers.

Against this backdrop, we cannot afford to leave structural barriers in place that prevent licensed providers from operating. Zoning is one of those barriers, and HB 1259 addresses it directly.

WHAT HB 1259 DOES

HB 1259 does three things, each of which is straightforward and defensible:

First, it prevents local jurisdictions from blocking licensed family child care homes. Family child care homes in Maryland are already licensed and regulated by the Maryland State Department of Education (MSDE.) MSDE licensing governs health and safety, supervision, training, and the number of children a provider may serve. HB 1259 clarifies that once a provider meets those state requirements, a local jurisdiction cannot use zoning to deny or restrict that program from operating.

Second, it protects the capacity levels set by state licensing. The bill maintains existing language preventing local jurisdictions from reducing the number of children a provider may serve below the level authorized by MSDE. Without this protection, a locality could use zoning rules to impose lower capacity limits, undermining the state licensing framework and making programs financially unsustainable.

Third, it requires family child care homes to be treated as a residential activity and a permitted use in residential zones. This is the most important provision. Family child care is delivered in homes. These are small groups of children in someone's living room, backyard, and kitchen. In most neighborhoods, family child care is simply part of everyday residential life. But in some jurisdictions, providers are treated as commercial businesses, required to seek special zoning approvals or navigate processes designed for strip malls and warehouses before they can open a program. HB 1259 corrects that by recognizing the reality of how family child care operates.

RESOLVING A FUNDAMENTAL CONFLICT

Right now, Maryland has a basic conflict built into its system. The State licenses a provider through MSDE to operate child care, confirming that the provider meets every health, safety, and quality requirement, and then a local zoning rule can still prevent

that program from serving families. Providers in our network have reported difficulty navigating local zoning requirements that treat their licensed programs as commercial operations, adding cost, delay, and uncertainty to a process the State has already approved.

HB 1259 resolves that conflict. It does not remove local authority over zoning generally. It does not weaken any health or safety standards. Those standards remain firmly under MSDE's authority through the licensing process. What the bill does is prevent local zoning from being used to override a state licensing decision and block child care from neighborhoods that need it.

OTHER STATES ARE ALREADY DOING THIS

Maryland would not be breaking new ground with HB 1259. During the 2025 legislative cycle, multiple states enacted similar protections for family child care:

- **Oregon** passed Inclusive Child Care Zoning, which allows child care homes to operate in more locations, affirms their residential use status, and prevents local governments from imposing restrictions or fees beyond those for residential properties.
- **Texas** passed legislation that removes local barriers for family child care homes.
- **Maryland itself** passed legislation this session prohibiting certain housing co-ops and homeowners associations from restricting or limiting family child care homes, and expanded property tax credits for FCC providers and centers.

The General Assembly also passed legislation requiring the Department of Education to conduct an analysis of child care regulations to assess whether they are suppressing the ability to open new programs, specifically family child care programs, and impacting providers' ability to run sustainable businesses. HB 1259 is the logical complement to that analysis: while the State studies whether its own regulations create barriers, this bill ensures that local zoning doesn't create a separate layer of barriers that block licensed providers from operating.

CHILD CARE IS WORKFORCE INFRASTRUCTURE

This Committee understands that child care is economic infrastructure. Parents cannot work without it. Employers cannot retain workers without it. And family child care

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homes are one of the fastest, most flexible ways to add child care capacity because they operate in existing homes rather than requiring the construction of new facilities.

When zoning barriers block a licensed FCC program from opening, the result is fewer child care options for families and fewer parents able to participate in the workforce. Family child care programs are also a critical component of Maryland's mixed-delivery approach to early childhood education. In many communities, particularly in neighborhoods or rural areas where center-based programs are limited or unavailable, family child care is the primary point of access to early learning for working families.

Ensuring that licensed family child care homes can operate in residential neighborhoods is not just good child care policy. It is sound economic policy.

CLOSING

Maryland is actively working to stabilize and grow child care capacity. The State has invested in programs like Growing Family Child Care Opportunities to recruit new providers. It has moved to protect FCC homes from HOA restrictions. It has directed MSDE to study whether regulations are suppressing supply. Every one of those actions reflects a recognition that family child care is essential and that structural barriers need to come down.

HB 1259 removes one more of those barriers. It ensures that the State's licensing decision, which already governs every aspect of health, safety, and quality, is the controlling authority, and that local zoning cannot be used to block child care from the neighborhoods that need it most.

For these reasons, the Family Child Care Alliance of Maryland respectfully requests a **FAVORABLE** report on HB 1259.

Thank you for your consideration.

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