ASSEMBLY, No. 2780

STATE OF NEW JERSEY

INTRODUCED MARCH 3, 1997

By Assemblywoman CRUZ-PEREZ and Assemblyman KELLY

AN ACT facilitating the establishment of family day care homes in residential districts and repealing P.L.1987, c.305.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. P.L.1987, c.305 (C.40:55D-66.4 et seq.) is hereby repealed.

2. This act shall take effect immediately.

STATEMENT

This bill would repeal P.L.1987, c.305 (C.40:55D-66.4 et seq.) in order to facilitate the establishment of family day care homes in residential neighborhoods. Under that enactment, family day care homes were deemed a "home occupation" for purposes of municipal zoning laws so that municipalities could not subject family day care homes to more stringent restrictions than exist or apply to all other "home occupations" in any residential neighborhood.

Subsequent to the enactment of P.L.1987, c.305, the Legislature enacted P.L.1991, c.278 (C.40:55D-66.5a et seq.) which declared family day care homes to be a permitted use in all *residential* districts of a municipality, a less stringent standard than that which would be applicable to home occupations. With that enactment, family day care homes were subject to the same requirements as those imposed on single family dwelling units located within the same residential district.

The definition of family day care home is the same under both the 1987 and 1991 laws, although the 1987 law contains the actual definition of these establishments, whereas the 1991 law refers to the "Family Day Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.) in its definition. In both laws, a family day care home is defined as a private residence in which child care services are provided to no less than three and no more than five children at any one time for no less than 15 hours per week.

By repealing the 1987 law deeming family day care homes a "home occupation" for the purposes of municipal zoning laws, this bill

removes any ambiguity created by the subsequent enactment of the 1991 measure declaring family day care homes a permitted use in all residential districts of a municipality. In so doing, it is the sponsor's intent to facilitate the establishment of family day care homes in single family residential districts.

Repeals law deeming family day care homes as home occupation for purposes of municipal zoning laws.