

SENATE, No. 2053

STATE OF NEW JERSEY

INTRODUCED MAY 8, 1997

By Senator CARDINALE

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

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

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 is hereby repealed.

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9 2. This act shall take effect immediately.

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STATEMENT

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

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

28 The definition of family day care home is the same under both the
29 1987 and 1991 laws, although the 1987 law contains the actual
30 definition of these establishments, whereas the 1991 law refers to the
31 "Family Day Care Provider Registration Act," P.L.1987, c.27
32 (C.30:5B-16 et seq.) in its definition. In both laws, a family day care
33 home is defined as a private residence in which child care services are
34 provided to no less than three and no more than five children at any
35 one time for no less than 15 hours per week.

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

1 removes any ambiguity created by the subsequent enactment of the
2 1991 measure declaring family day care homes a permitted use in all
3 residential districts of a municipality. In so doing, it is the sponsor's
4 intent to facilitate the establishment of family day care homes in single
5 family residential districts.

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