



LEGISLATIVE SUMMARY

O-1-25

Expansion of Child Care Options in Annapolis

This summary was prepared by the City of Annapolis Office of Law for use by members of the Annapolis City Council during consideration of the legislation.

BILL SUMMARY

O-1-25 updates the City Code on early childcare to include all state-allowed childcare options.

- It aligns the City Code with the state code regarding childcare requirements, ensuring consistency and compliance with state regulations.
- Allows Large Family Child Care Homes. The state separates home daycare categories between Family Child Care Homes (up to 8 children) and Large Family Child Care Homes (9-12 children). The City limits family day care to up to 8 children.
- Eliminates the limit on non-resident staff in Family Child Care Homes, removing a unique requirement to Annapolis and allowing for more flexible staffing arrangements.
- Combines both types of Child Care Centers under one section and eliminates the empty section.

BACKGROUND

The State Department of Education (MSDE) is responsible for all childcare licensing and regulations in Maryland. These responsibilities include issuing new licenses, inspecting homes and centers for compliance with licensing regulations, providing technical assistance and suspending or revoking licenses when necessary.

The City is responsible for zoning requirements for the various types of childcare operating in Annapolis.



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State Changes

In 2016, the Maryland Assembly adopted and the Governor approved an overhaul of child care law ([SB 282, 2016](#)).

This significant change in state law moved all early childhood development law under the Education Article of the Maryland Code, Title 9.5, Division of Early Childhood Development.

Regulations governing early childhood programs in Maryland are in [Title 13A Code of Maryland Regulations \(COMAR\)](#).

The updates, such as replacing the term 'day care' with 'child care,' have implications for our local regulations.

City Changes

O-1-25 changes the City Code to align with the state's approach to reflect a broader understanding of the services provided.

The last update to "day care" in the Annapolis Code was in 2004 when the City Council adopted comprehensive revisions to Title 21, Planning and Zoning.

DETAILS

Section 21.54.100 - Development requirements—Resource conservation areas.

Allows large family child care homes by 1) striking the eight-child limit on children in home day care and 2) saying the City will abide by what the state allows.

Sections 21.54.190, 21.54.200 & 21.54.210 are struck out and rewritten.

Section 21.54.100 - Family Child Care.

This section incorporates "Family Child Care Homes" and "Large Family Care Homes." Family Child Care Homes allow up to eight children, while large family care homes allow 9-12 children.



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The state permits and regulates the homes used for child care. The City handles the zoning requirements. The child care provider must be a resident of the principal building on the zoning lot remains.

"day care" references are changed to "child care" to match state terminology.

Section 21.64.200 - Child Care Center.

This section incorporates "Child Care Center" and "Educational and Religious Affiliated Child Care Center" into the same section.

Both must be permitted and licensed by the state.

The two types of child care centers have different zoning requirements, which remain the same but are copyedited to the current legislative writing style.

Section 21.64.210 - Day care centers, group, in conjunction with public school facilities or with a principal religious institution.

This section is deleted from the Code because it was incorporated into § 21.64.200.

Sections 21.48.010-21.48.020, 21.50.010-21.50.120, 21.50.240-21.50250, and 21.66.130

These are zoning lists, "Tables" of what's allowed in each zoning types. They have been changed to include the updated names "Child Care Center," "Family Child Care Home," and "Large Child Care Home" as appropriate.

Section 21.72.010 - Terms.

The definitions are updated to the new "Child Care" terms and match state definitions.