



LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER:139

NJSA: 40:55D-66.4

"Day care -- residential neighborhoods"

BILL NO: S926 (Substituted for A345)

SPONSOR(S): Cardinale and Allen

DATE INTRODUCED: March 23, 1998

COMMITTEE:

ASSEMBLY: Local Government

SENATE: Community and Urban Affairs

AMENDED DURING PASSAGE:No

DATE OF PASSAGE:

ASSEMBLY: October 29, 1998

SENATE: May 28, 1998

DATE OF APPROVAL: December 11, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Original

S926

SPONSORS STATEMENT: *Yes* (Begins on page 2 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY:*Yes*

SENATE:*Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

A345

SPONSORS STATEMENT: *Yes* (Begins on page 2 of original bill)

(Bill and Sponsors Statement identical to S926)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

(Identical to Assembly Statement for S926)

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

SENATE, No. 926

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MARCH 23, 1998

Sponsored by:

Senator GERALD CARDINALE

District 39 (Bergen)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

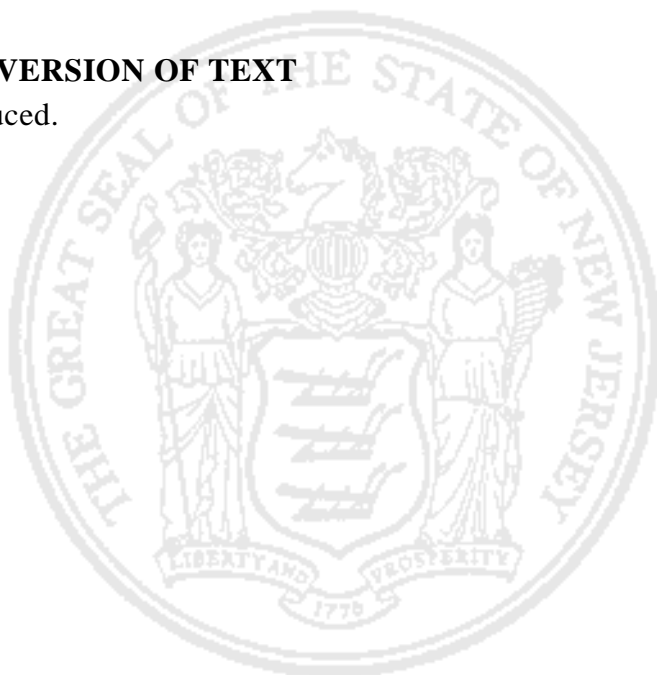
**Senator Robertson, Assemblywoman Cruz-Perez, Assemblyman Kelly and
Assemblywoman Gill**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/30/1998)

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

3

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

6

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 is hereby repealed.

8

9 2. This act shall take effect immediately.

10

11

12

STATEMENT

13

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
38 removes any ambiguity created by the subsequent enactment of the
39 1991 measure declaring family day care homes a permitted use in all
40 residential districts of a municipality. In so doing, it is the sponsor's
41 intent to facilitate the establishment of family day care homes in single
42 family residential districts.

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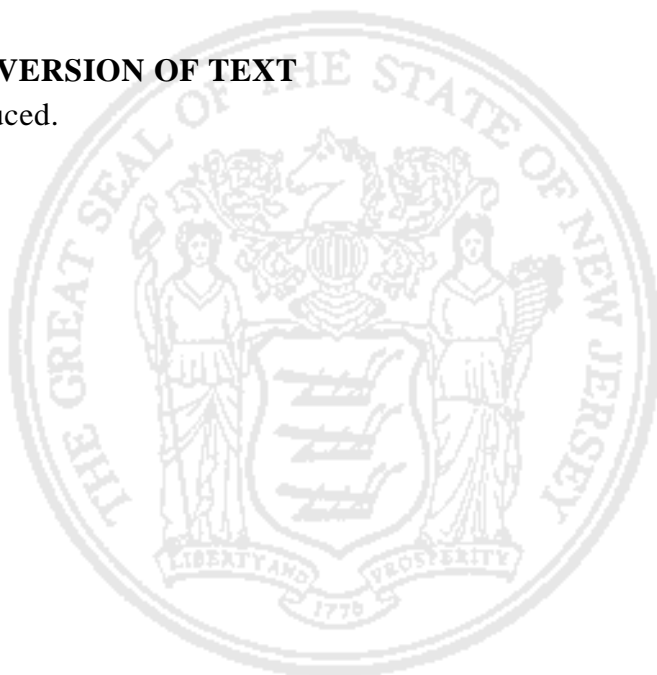
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ASSEMBLY LOCAL GOVERNMENT AND HOUSING
COMMITTEE

STATEMENT TO

SENATE, No. 926

STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 1998

The Assembly Local Government and Housing Committee reports favorably Senate Bill No. 926.

This bill would repeal P.L.1987, c.305 (C.40:55D-66.4 et seq.) in order to facilitate the establishment and registration 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 which were registered pursuant to the "Family Day Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.) to be a permitted use in all residential districts of a municipality, thus obviating the requirement that a registered family day care home obtain a conditional use variance as a home occupation within a municipality. With that enactment, registered family day care homes were subject to the same requirements as those imposed on single family dwelling units located within the same residential district. That enactment did not, however, repeal or amend C.40:55D-66.4 et seq., leaving the implication that a non-registered family day care home would still be treated as a home occupation for zoning purposes, rather than a permitted use.

Some municipalities have not heeded the distinction in the law, and are still requiring variances for registered family day care homes. 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 registered family day care homes a permitted use in all residential districts of a municipality. In addition, non-registered family day care homes will be compelled to register, as municipalities will no longer be required to treat them as home occupations.

This bill is identical to Assembly Bill No. 345, which also was reported by the committee on September 14, 1998.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 926

STATE OF NEW JERSEY

DATED: MAY 14, 1998

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 926.

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ASSEMBLY, No. 345

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblyman JOHN V. KELLY

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

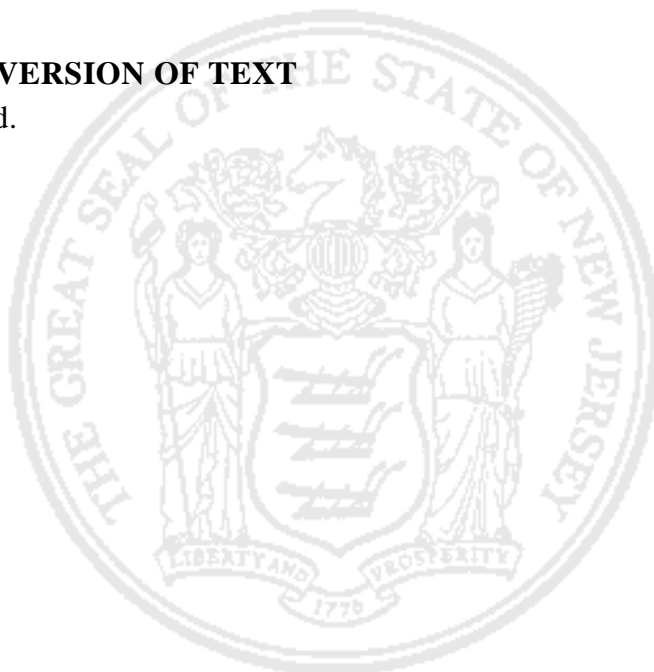
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COMMITTEE

STATEMENT TO

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STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 1998

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This bill is identical to Senate Bill No. 926, which also was reported by the committee on September 14, 1998.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
Gene Herman
609-777-2600

RELEASE: December 14, 1998

Gov. Christie Whitman today signed the following pieces of legislation:

S-280, sponsored by Senator John A. Girgenti (D- Passaic), amends child labor laws to permit minors, who are 14 or 15, to be employed as little league umpires for leagues chartered by Little League Baseball, Incorporated, until 9:00 p. m. with written permission from a parent or legal guardian. Under current law, minors under 16, with a few exceptions during the summer months, are not permitted to work before 7:00 a. m. or after 7:00 p. m.

S-213 establishes a basic level of electrical standards for certain swimming pools, hot tubs or spas located on any property other than a one or two-family residential property, including but not limited to, swimming pools open for use of members, residents or the public.

The bill, which is designed to improve safety conditions for workers and the public, supplements the State Uniform Construction Code Act. It requires a pool to have a valid bonding and grounding certificate and an electrical certificate of compliance issued by the municipality.

The bill was sponsored by Senator Nicholas J. Sacco (R- Bergen/Hudson) and Assembly Members Anthony Impreveduto (D- Bergen/Hudson) and Joan M. Quigley (D-Bergen/Hudson).

S-926, sponsored by Senator Gerald Cardinale (R-Bergen) and Diane B. Allen (R- Burlington/Camden) and Assembly Members Nilsa Cruz-Perez (D-Camden/Gloucester) and John V. Kelly (R- Bergen/Passaic), repeals a 1987 state law which required family day care centers to be subject to the same restrictions as other home occupations under local zoning laws.

In 1991, the Legislature enacted a law that specified that registered family day care homes are permitted uses in all residential districts and are subject to the same requirements as single family dwellings only, but it did not repeal the 1987 law. 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 a minimum of 15 hours per week.

A-1859, sponsored by Assembly Members Kenneth C. LeFevre (R-Atlantic) and Francis J. Blee (R-Atlantic) and Senator William L. Gormley (R-Atlantic), allows the Casino Control Commission to authorize each poker dealer to retain tips or gratuities from patrons at the table at which the dealer is conducting play. Under previous law, poker dealers' tips could only be pooled with tips received by other poker dealers. Now, either option is permissible.