

**199.891 Definitions for section -- Certified Child Care Community Designation Program -- Powers and duties of cabinet -- Applicant requirements -- Report required -- Provision of list of communities that have obtained designation.**

- (1) As used in this section:
  - (a) "Cabinet" means the Cabinet for Health and Family Services;
  - (b) "Child care service" means a child care service licensed or certified by the cabinet; and
  - (c) "Local government" has the same meaning as in KRS 65.230.
- (2) The cabinet shall establish a Certified Child Care Community Designation Program. The purpose of the program shall be to create new opportunities for local governments to help increase the supply of child care services in their communities through voluntary actions related to land use and zoning reform and programming at the local level. Participation in the program by local governments shall be optional.
- (3) To administer the program, the cabinet may:
  - (a) Delegate authority to a subsidiary department;
  - (b) Coordinate and share information with other executive branch agencies;
  - (c) Enter into contracts with third parties to administer the program or specific parts of the program; and
  - (d) Promulgate administrative regulations in accordance with KRS Chapter 13A to implement the program.
- (4) By January 1, 2028, the cabinet shall make publicly available a standardized application for certification and instructions for the Certified Child Care Community Designation Program. In preparing these materials, the cabinet shall solicit feedback from and engage with the Kentucky Child Care Advisory Council and individuals and associations representing local governments, land use and planning and design professionals, public health officials, licensed and certified child-care providers, business leaders, economic development professionals, and education professionals.
- (5) The cabinet shall:
  - (a) Begin receiving and approving applications from local governments no earlier than January 1, 2028; and
  - (b) Send notice of approval or denial to applicants no later than thirty (30) days after receiving an application. If the cabinet denies an application, the cabinet shall include the reason for the denial in its notice and shall invite the applicant to resubmit.
- (6) (a) To attain certification by the cabinet, applicants shall be required to demonstrate that the local government has:
  1. Established or joined a community-wide child care task force that includes representatives from local government, the business community, education, health care, nonprofits, and providers of licensed and certified child care services;
  2. Developed a strategic plan through its task force to address identified

child care challenges and increase access to child care services in the local community; and

3. Analyzed local ordinances, regulations, and land use rules that could create barriers to the availability of child care services and developed an action plan to implement reforms. To comply with this subparagraph, the applicant shall demonstrate that it has:
  - a. Gathered community input from child care providers and child care organizations, local residents and homeowners, local elementary and secondary school officials, the business community, civic and nonprofit organizations, and economic developers through meetings, listening sessions, or surveys;
  - b. Conducted a comprehensive analysis of the jurisdiction's ordinances, regulations, and land use rules that may pertain to the provision of child care services and identified ordinances, regulations, and land use rules that create barriers to the availability of child care services in the community; and
  - c. Established a clear and specific action plan to amend ordinances, regulations, and land use rules that create barriers to the availability of child care services in the community as identified through the comprehensive analysis in subdivision b. of this subparagraph.
- (b) As used in paragraph (a)3. of this subsection, "ordinances, regulations, and land use rules that create barriers to the availability of child care services" in the community means local ordinances, regulations, or land use rules that local officials and community stakeholders have determined to be overly restrictive or unnecessary and have the effect of discouraging or limiting the availability of child care services without meaningfully supporting safety or preserving the character of the community.
- (c) In fulfilling the requirements of paragraph (a)3. of this subsection, an applicant shall demonstrate that it has, to the greatest extent possible, reviewed and incorporated into its action plan recommendations and best practices for local ordinances, regulations, and land use rules pertaining to child care made available by the cabinet. This demonstration shall include a detailed explanation of where the applicant's local policies do and do not align with recommended best practices. If the cabinet determines that the applicant did not adequately consider recommended best practices in its analysis and action plan, it may deny certification to the applicant.
- (d) If the applicant has not adopted land use rules pursuant to KRS Chapter 100, it may exclude, and the cabinet shall not consider, land use rules and zoning ordinances from its analysis and action plan.
- (e) The cabinet shall permit local governments to partner together and submit joint applications. Under a joint application, the community-wide child care task force shall include representatives from all local governments in the application, and the strategic plan shall take into account child care needs across all applicant communities. All local governments that are party to the

joint application shall demonstrate compliance with requirements related to analysis and modification of local ordinances, regulations, and land use rules that could create barriers to the availability of child care services.

- (7) The cabinet shall:
  - (a) Make publicly available a list of communities that have obtained the certified child care community designation; and
  - (b) Transmit, on a quarterly basis, a full list of certified communities to the Cabinet for Economic Development.
- (8) By December 1, 2028, the cabinet shall submit a report to the Legislative Research Commission for referral to the Interim Joint Committees on Families and Children and State and Local Government specifying the communities that have obtained the designation, a summary of the different strategies used by local communities to expand access to child care and remove barriers, and recommendations for improvements to the program.
- (9) When the Cabinet for Economic Development engages with a company regarding participation in an incentive or funding program administered by one (1) or more of that cabinet's agencies, including when it initially communicates with, receives an application from, and approves funding to, any company, the Cabinet for Economic Development shall provide to the company information regarding the Certified Child Care Community Designation Program, including a list of communities that have obtained the designation.
- (10) By November 1 of each year, the Cabinet for Economic Development shall prepare and post to its website as required in KRS 154.12-2035 a report containing a list of communities that have obtained the designation, information regarding its engagement with companies as outlined in this section, and information regarding its actions under KRS 199.888.

**Effective:** April 14, 2026

**History:** Amended 2026 Ky. Acts ch. 146, sec. 2, effective April 14, 2026. -- Created 2024 Ky. Acts ch. 88, sec. 1, effective July 15, 2024.