

Navigating Local Rules Alongside ECECD Licensing

A Guide for Child Care Providers in New Mexico

Introduction

Starting a licensed child care home or center is a meaningful way to support families in our community by offering high-quality care in a safe, nurturing environment. As you embark on this journey, it's essential to simultaneously understand and navigate both the local rules and state licensing regulations that can affect your business and the care you provide. Partnering with your local municipality and New Mexico Early Childhood Education and Care Department's (ECECD) licensing division early on is key to setting your child care business up for success. However, learning how local governments operate, what steps to take, and which rules apply can sometimes feel confusing or overwhelming. This guide is here to support you. It will walk you through key processes for starting or expanding your business, and connect you to valuable resources every step of the way.

In _____ *[Insert City/County]* we are pleased to provide this guide to how our jurisdiction works with ECECD Licensing to help you open a child care business. First, we encourage you to contact our main liaison for child care in the city.

Primary Child Care Liaison / Case Manager (if available):

Name/Title: _____

Department: _____

Email: _____

Phone: _____

Before You START!

Before signing a lease, purchasing a property, or starting any state applications, make sure you consider the type and size of the child care program you plan to start. This table describes how many children you can serve for each type and gives a high level overview of requirements for licensure.

Provider Type	Capacity	Local Zoning Verification	Local or State Fire Inspection	ECECD Fire Safety Inspection	NMED or Other Environmental Dept. Approval (if applicable)	CPR / First Aid	Background Clearances	W-9	Director Credentials
Registered Home	Max 4 children					✓	✓	✓	
Licensed Family Home	Max 6 children	✓		✓	✓	✓	✓	✓	
Licensed Group Home	7 to 12 children	✓		✓	✓	✓	✓	✓	
Licensed Child Care Center	Any number of children	✓	✓		✓		✓	✓	✓



Starting or Expanding a Center: A Step by Step Process

Follow these steps in chronological order to establish a fully permitted child care center operation that complies with both state and municipal laws.

NOTE to local jurisdiction: please verify that the steps for your municipality are correct.

Step 1: Site Selection and Preliminary Infrastructure Verifications

Select a Site and Confirm Zoning with [insert local department name here]: If your site is in a commercial, mixed-use, or multi-family residential zone, it is allowed "by-right" under state law. According to state law, we cannot require discretionary public hearings or special zoning variances. Make sure you verify the zoning district by [insert best way to know which district site is in, e.g. online parcel map]. If your parcel is not in one of the districts allowed by right, you may need to follow a local conditional use process to get permission to operate child care in this location, and work with the zoning department to determine the steps for seeking approval. Some jurisdictions don't have zoning. In these places you will still need to work with [insert local department name here] to provide verification to ECECD that the location of your child care site is allowable in the local jurisdiction.

Local Zoning Department Contact:

Name/Title: _____

Department: _____

Email: _____

Phone: _____

Conditional or Special Use Permits are Required for child care centers in the following zones:
[insert answer here]

Schedule ECECD Courtesy Visit: Secure your physical location. Once a location is secured, reach out to ECECD at ECECD-CCPApplication@eecd.nm.gov to schedule a **courtesy visit** of the building. This initial site walkthrough helps identify potential licensing barriers before you invest capital into renovations.

Get Construction Permitted: If physical changes, modifications, or renovations are required to bring the commercial building into code compliance, you must secure standard structural, electrical, plumbing, or mechanical/HVAC building permits through [insert local department name here]. Consult the local permitting contact.

Local Permitting Contact:

Local Zoning Department Contact:

Name/Title: _____

Department: _____

Email: _____

Phone: _____

What specific documents (like parking layout or architectural drawings) do I need to submit in order to apply for a construction permit? [insert answer here]

Step 2: Local Inspections and Health Clearances

Local Inspections for Construction: Execute construction under licensed contractors. Request and pass local municipal inspections if needed:

Local Inspections Contact:

Name/Title: _____

Department: _____

Email: _____

Phone: _____

Get Inspected by NM Environment Department or Other Environmental Health Department:

The New Mexico Environment Department (NMED) or other environmental department must review and approve food service and food processing systems if meals/snacks are provided to the children. For some properties, this entity will also inspect and review private water supplies and private waste/sewage disposal systems.

Regional NMED or Other Environmental Health Department Contact:

Name/Title: _____

Department: _____

Email: _____

Phone: _____

Secure Zoning Verification Designation, Fire Inspection and Certificate of Occupancy: Next, you must obtain a zoning verification letter, a formal Certificate of Occupancy (CO) when applicable from the _____ *[insert department name]*, indicating that the municipality has inspected the structure and deemed it a clean, structurally safe environment. At the same time, _____ *[insert fire marshal or your local fire department]* must conduct an official safety inspection to verify emergency exits, alarms, and fire safety systems.

Local Contact for Zoning Verification Letter:

Name/Title: _____

Department: _____

Email: _____

Phone: _____

Fire Department Inspection Contact:

Name/Title: _____

Department: _____

Email: _____

Phone: _____

Local Contact for Certificate of Occupancy:

Name/Title: _____

Department: _____

Email: _____

Phone: _____

Secure Local Business Registration from _____ [insert department name]: While local operating fees are prohibited some New Mexico municipalities still require a zero-fee administrative registration.

Local Business License or Registration Required? (Yes/No): _____

Local Business Registration Link (if available): _____

Local Business Registration Contact:

Name/Title: _____

Department: _____

Email: _____

Phone: _____

STEP 3: Complete and Submit the ECECD Center License Application Packet

Six Month Application Window: Filling out the online application at www.nmececd.org/child-care-licensing-and-registered-homes/ takes approximately 15 minutes if all third-party approvals are organized. However, from the day you initiate your online application, you have 6 months to complete all components and upload all required documents, including local inspection documents (Fire, Zoning, NMED). If you exceed this six-month window, the application may expire, and you must restart the entire process.

STEP 4: Background Clearances, EPICS Profile Generation, and Financial Setup

Setup EPICS and Complete Background Checks: All state licensing operations are tracked via the **EPICS database**, which manages provider licensing, registrations, contracts, and payments. Your EPICS number serves as your official license/registration number, and all background checks are tied directly to it. All educators and staff must obtain full background check clearances. Learn more about Comprehensive Background Checks at www.nmececd.org/comprehensive-background-check-process/.

For Centers: ECECD must receive your initial application to establish your EPICS profile number.

Submit a W-9 Form: To receive state child care assistance payments, you must submit a **substitute W-9 form**. The State of New Mexico uses this form to generate your unique vendor ID, enabling ECECD to pay you for enrolled families. Required documents include your Social Security Card, Individual Tax Identification Number (ITIN), or an Employee Identification Number (EIN) letter, along with a government-issued photo ID.

Setup Direct Deposit: To establish automated direct deposits, you must attach a voided check or a formal bank letter to your request, alongside a secondary phone number. The Department of Finance and Administration (DFA) will use this number to verbally verify your banking details prior to authorizing electronic fund transfers.

STEP 5: Site Inspection Visit

Final Licensing Timeline: Once submitted, an ECECD supervisor will review the application for completeness. If any elements are missing, they will contact you to assist. Once complete, ECECD will officially schedule your mandatory initial onsite licensing visit **within 14 calendar days**.

Mandatory Pre-Opening Operational Rules

Absolute Prohibition on Pre-License Operations: No child care center, or early childhood program may operate before their formal license is actively issued by ECECD.

No Retroactive Reimbursements: ECECD is legally barred from issuing retroactive state child care assistance payments for care that was provided before the official date your license was issued.

Enrollment-Based Reimbursement Model: The state pays child care providers monthly based upon a child's active enrollment with the provider (as detailed in the formal child care placement agreement) rather than tracking daily attendance. Rates are structurally determined based upon the facility classification type, the age of the child, the average hours of care per week, and your facility's specific quality STAR rating.

Regulatory Contacts and Support Channels

ECECD Child Care Services Bureau - Licensing Unit

Central Intake Email: ECECD-CCPApplication@eecd.nm.gov

Wonderschool Technical Portal Support Team for Online Application

Technical Support Helpline: (888) 899-2550

Portal Support Email: hello@wonderschool.com

Starting or Expanding a Child Care Family or Group Home: A Step by Step Process

Follow these steps in chronological order to establish a child care home operation that complies with both state and municipal laws.

NOTE to local jurisdiction: please verify that the steps for your municipality are correct.

Step 1: Site Selection and Preliminary Infrastructure Verifications

Confirm Zoning with _____ [insert local department name here]: If your home is in a residential zone, child care home operations are allowed "by-right" under state law. However, ECECD licensing will require a zoning verification letter to confirm you are located in a residential zone. Make sure you verify the zoning district by _____
[insert best way to know which district site is in, e.g. online parcel map]. If you need to follow a local conditional use process to get permission to operate child care in this location (your home is in an industrial or commercial zone where child care homes are not allowed by right), work with _____ [insert local department name here] to determine the steps for seeking approval. Some jurisdictions don't have zoning. In these places you will still need to work with _____ [insert local department name here] to provide verification to ECECD that the location of your child care site is allowable in the local jurisdiction.

Local Zoning Department Contact:

Name/Title: _____
Department: _____
Email: _____
Phone: _____

Conditional or Special Use Permits are Required for child care homes in the following zones:

Get Construction Permitted: If physical changes, modifications, or renovations are required to bring the home into code compliance or are required by ECECD, you should secure standard structural, electrical, plumbing, or mechanical/HVAC building permits through _____ [insert local department name here]. Consult the local permitting contact.

Local Permitting Contact:

Name/Title: _____
Department: _____
Email: _____
Phone: _____

Step 2: Local Inspections and Health Clearances

Local Inspections for Construction: Execute construction under licensed contractors. Request and pass local municipal inspections if needed.

Local Inspections Contact:

Name/Title: _____
Department: _____
Email: _____
Phone: _____

Get Inspected by NM Environment Department or Other Environmental Health Department: For some properties, NMED or another environmental health department will inspect and review private water supplies, private waste/sewage disposal systems, and swimming pools.

Regional NMED or Other Environmental Health Department Contact:

Name/Title: _____
Department: _____
Email: _____
Phone: _____

No Fire Inspection Needed for Child Care Homes: You do not need to obtain a fire inspection from the local or state fire marshal for child care homes but you will receive a fire and safety inspection done by ECECD and are required to meet fire-related ECECD licensing requirements.

Secure Zoning Verification Designation: Next, you must obtain a zoning verification letter from _____ *[insert department name]* confirming that the child care home is operating in an allowable zone. If your home is in a residential zone, child care home operations are allowed "by-right" under state law, but you still need the formal letter stating that the home is in a residential zone.

Local Contact for Zoning Verification Letter:

Name/Title: _____
Department: _____
Email: _____
Phone: _____

Secure Local Business Registration from _____ [insert department name]:

While local operating fees are prohibited under some New Mexico municipalities may still require a zero-fee administrative registration, but that registration cannot contain any discretionary elements or approval processes such as hearings, permit applications, or similar actions.

Local Business License or Registration Required? (Yes/No): _____

Local Business Registration Link (if available): _____

Local Business Registration Contact:

Name/Title: _____

Department: _____

Email: _____

Phone: _____

STEP 3: Complete and Submit the ECECD Center License Application Packet

Six Month Application Window: Filling out the online application at www.nmececd.org/child-care-licensing-and-registered-homes/ takes approximately 15 minutes if all third-party approvals are organized. However, from the day you initiate your online application, you have **6 months** to complete all components and upload all required documents, including local inspection documents (Fire, Zoning, NMED). If you exceed this six-month window, the application may expire, and you must restart the entire process.

STEP 4: Background Clearances, EPICS Profile Generation, and Financial Setup

Setup EPICS and Complete Background Checks: All state licensing operations are tracked via the **EPICS database**, which manages provider licensing, registrations, contracts, and payments. Your EPICS number serves as your official license/registration number, and all background checks are tied directly to it. All staff, secondary caregivers, and household members over the age of 18 must obtain full background check clearances. Learn more about Comprehensive Background Checks at www.nmececd.org/comprehensive-background-check-process/.

For Home Providers: An EPICS number is automatically assigned when you complete your background check.

Submit a W-9 Form: To receive state child care assistance payments, you must submit a substitute **W-9 form**. The State of New Mexico uses this form to generate your unique vendor ID, enabling ECECD to pay you for enrolled families. Required documents include your Social Security Card, Individual Tax Identification Number (ITIN), or an Employee Identification Number (EIN) letter, along with a government-issued photo ID.

Setup Direct Deposit: To establish automated direct deposits, you must attach a voided check or a formal bank letter to your request, alongside a secondary phone number. The Department of Finance and Administration (DFA) will use this number to verbally verify your banking details prior to authorizing electronic fund transfers.

STEP 5: Site Inspection Visit

Final Licensing Timeline: Once submitted, an ECECD supervisor will review the application for completeness. If any elements are missing, they will contact you to assist. Once complete, ECECD will officially schedule your mandatory initial onsite licensing visit **within 14 calendar days**.

Mandatory Pre-Opening Operational Rules

Absolute Prohibition on Pre-License Operations: A home can serve up to four nonresidential children without being licensed. No child care home serving more than four nonresidential children may operate before their formal license is actively issued by ECECD.

No Retroactive Reimbursements: ECECD is legally barred from issuing retroactive state child care assistance payments for care that was provided before the official date your license or registration was issued.

Enrollment-Based Reimbursement Model: The state pays child care providers monthly based upon a child's active enrollment with the provider (as detailed in the formal child care placement agreement) rather than tracking daily attendance. Rates are structurally determined based upon the facility classification type, the age of the child, the average hours of care per week, and your facility's specific quality STAR rating.

Regulatory Contacts and Support Channels

ECECD Child Care Services Bureau - Licensing Unit

Central Intake Email: ECECD-CCPApplication@eecd.nm.gov

Wonderschool Technical Portal Support Team for Online Application

Technical Support Helpline: (888) 899-2550

Portal Support Email: hello@wonderschool.com

Definitions

Building Permit	A type of permit issued by a city or county that allows for the erection, construction, alteration, repair, demolition, removal or relocation of existing buildings or structures.
By Right Zoning	A zoning designation indicating that a child care facility is recognized as an allowable, permitted use of the land. The local municipality cannot mandate discretionary public hearings, variance applications, or conditional approvals.
Certificate of Occupancy (CO)	An official document issued by the local building department certifying that a structure has passed all final electrical, plumbing, mechanical, and safety inspections and is legally approved for its specified occupant load and classification.
Child Care Center	A facility required to be licensed under these regulations that provides care, services, and supervision for less than 24-hours a day to children. A child care center is in a nonresidential setting and meets the applicable state and local building and safety codes.
Child Care Family Home	A private dwelling required to be licensed under these ECECD licensing that provides care, services and supervision for a period of less than 24 hours of any day for no more than six children. The licensee will reside in the home and be the primary educator.
Child Care Group Home	A home required to be licensed pursuant to ECECD licensing regulations, which provides care, services, and supervision for at least seven but not more than 12 children. The licensee will reside in the home and be the primary educator.
Child Care Registered Home	A private dwelling that provides care, services and supervision for a period of less than 24 hours of any day for no more than four non-resident children. The licensee will reside in the home and be the primary educator.
Child Care License	A license issued by the New Mexico Early Care and Education Department (ECECD), which allows operation of a child care home or center in New Mexico.

Definitions cont.

Child Care Provider	A term used in this toolkit to refer to the entity or person who operates a child care facility.
Conditional Use Permit (or Special Use Permit)	A discretionary municipal zoning entitlement process required if a child care facility seeks to locate in a zone where it is not permitted by right. This track often requires public notices and a formal public hearing.
Zoning	Cities and counties can divide land into areas called zones where each zone has specific rules and regulations for land development.

Relevant Government Agencies

New Mexico Early Child Care and Education Department (ECECD): ECECD aims to create a more cohesive, equitable, and effective early childhood system in New Mexico. That means coordinating a continuum of programs from prenatal to five—and ensuring that families in every corner of the state can access the services they need. The Department also oversees child care programs—as well as food and nutrition programs—that serve older children and families.

New Mexico Environment Department (NMED): The New Mexico Environment Department (NMED) reviews and approves food service and processing systems for child care facilities to ensure health and safety standards are met. Additionally, NMED conducts comprehensive safety inspections and reviews for facilities that utilize a private water supply, private waste or sewage disposal system, or feature a swimming pool on the premises.

Name/Title: _____

Department: _____

Email: _____

Phone: _____

Local Zoning or Land Use Department:

Name/Title: _____

Department: _____

Email: _____

Phone: _____

Local Business Licensing Department:

Name/Title: _____

Department: _____

Email: _____

Phone: _____

Definitions cont.

Local Fire Marhsal:

Name/Title: _____
Department: _____
Email: _____
Phone: _____

Laws and Policy You Should Know About:

NM Senate Bill 96 passed in the 2026 regular session: SB96 amended the following statutes: NMSA 1978, Sections 3-21-1, 3-21-11, 3-38-4, 47-16-18, 59A-52-18. Those amendments created the following changes:

Allowed by Right Zoning: Under the law, child care homes are recognized as a residential use of property. The law clarifies that local authorities should not enforce rules or regulations on child care homes that do not also apply to other private residences in the same zone. Under the law, child care centers are permitted "by right" in all zones designated for commercial, mixed-use, or multi-family residential. A “By Right” designation means that child care is an allowable use that does not require discretionary approvals.

Prohibition of Local Operating Fees: Municipalities are prohibited from imposing local fees for the operation of a child care home or center.

Homeowners’ Association (HOA) Limitations: HOAs must treat child care homes with the same standards as any other residence in the community and cannot impose greater restrictions on child care homes than they would on homes used as a residence. HOAs cannot charge or collect special fees or taxes for the privilege of operating a child care home. Furthermore, state licensing requirements take precedence over any conflicting local restrictive covenants. HOAs may still enforce rules regarding parking, noise, safety, architectural standards, and access to or use of common elements, provided they are applied equally to all lot owners and do not effectively prohibit child care homes.

State Policy on Fees:

State Application Fees: Effective November 1, 2025, all application fees for child care providers have been completely eliminated by ECECD. Providers no longer pay for initial or amended licenses or registrations.

City or County Laws Affecting Child Care:

