

Dear Chairman Beyer, Vice Chairman Thomsen and Members of the committee.

My name is Tracy Lang and I am the constituent of Senate Bill 470 sponsored by Senator Boquist. I am honored to have the privilege of speaking to you today.

In summary, Senate Bill 470 will prohibit an entity, such as an HOA, from denying a home owners right to operate a family certified child care home within the privacy of their residence. Child care homes are small businesses and are vital to the Oregon economy. Child care homes are operated under the standards of state law and do not need further oversight. They constitute an accessory use of residentially zoned properties and do not fundamentally alter the nature of the underlying residential use. Child care homes draw clients and vehicles to their sites during a limited time of day and staggered over time. They do not require the attendance of a large number of employees and equipment. Family child care homes should be situated in normal, traditional, residential surroundings.

An 2016 Oregon Employment Dept reports: while child care employee count grew by 30% from 2005-2015 no change in the **68% of the child care need is being met**. *This shortage was particularly acute for children with special needs, infants and toddlers, and evening care for children of parents who work late shifts. The number of women of childbearing age in the labor force and the number of children under age five are both expected to rise over the next 10 years. The share of children being cared for by parents or other relatives is likely to decline. These trends will increase the demand for paid child care...*Parents are waiting upwards of a year to find care near them. They will wait longer if their child has special needs

Representing nearly 26% of available slots, child care homes are a key component to any solution. Depending on the care location they can near a 25% or more reduction in the cost of care compared to a care center. This particularly important in Oregon where the cost of care can be more that the cost of tuition. And, for single mothers more that 50% of their income.

Child care home help deliver against the Child Care and Development Block Grant Act of 2014 requirements which are to include (abbreviated):

- Provide a full range of child care options (including faith-based, community-based child care centers and family child care homes, nontraditional hours and emergency child care centers)
- Engage the Individuals with Disabilities Education Act for children with disabilities
- Work to establish partnerships with public agencies and private entities, including faith based and community-based child care centers and family child care homes providers, to increase the supply and quality of child care services.

There is also mention of addressing plans for homeless child care. These require areas for bathing and personal hygiene.

However, in communities governed by an HOA, willing capable child care providers who want to solve these problems and deliver on Oregon goals can find it difficult to open, or operate, a child care home due to “NO BUSINESS” clauses.

Without action, this gap widens. Housing with HOAs are growing based on the U.S. Census Bureau’s 2013 American Housing Survey. *A steady increase in the share of U.S. homes with HOA, particularly condos, which are an increasingly popular option for first-time homebuyers. New homes are much more likely than older homes to include an HOA (41% of single-family residence owners in homes built since 2008). Condominiums are increasingly popular among first-time homebuyers – 42% of first-time homebuyers now opt for condominiums, compared to 28% in 2001.*

Without intervention, more HOA’s means fewer available child care homes.

This is our personal story:

My wife and I have been involved with children our entire adult lives through foster care and now a home child care. About 4 years ago my wife started a child care home on our 5 acres north of Philomath. The child care home is certified by the State of Oregon and has achieved a 4-star (out of 5) level within the rating program. The State of Oregon has asked Cheryl to be part of a surveys to engage faith based child care homes in the QRIS program, participate in pilots and forums to better child care within Oregon.

Cheryl is a committed, amazing, provider. She gets great accolades from her licensing specialist, their management and even been asked to consider opening a second child care home. Recently she began participating in the Oregon Council on Developmental Disabilities Inclusive Child Care Program and the Oregon Department of Education Early Intervention Program. Stories of merit include when a local child care home was closed due to child abuse, Oregon’s Family Connections Resource and Referral called my wife’s child care home asking for help. The progress of a child with delayed speech and language skills made (growing from 2 to 30 words in a matter of weeks). A cerebral palsy child made his parents so happy to see his gross motor and language skill improvements in a short time (they had been challenged finding any care at all).

However, we now find ourselves in a dilemma. After 4 years of operation, our HOA has just decided last September that this is a business within a residential community and it must be shut down. The child care home was started with a different interpretation of the HOA rules and it does comply with the guideline of an approved commercial

business (must not look like a business from the front of the home). Our community and humanitarian benefits were described in personal, hand delivered letters (and email) to each community member, including HOA officers. They were invited to discuss concerns and potential options. There was no reply. Merely an official notification thanking Cheryl and I for the letter and issuing a non-compliance notice stating the child care home must stop within the next two months. We continue to work to try and find an amenable outcome.

We find this is not uncommon. There are willing people who have or want to have a child care home don't have the wherewithal to navigate all the policy and legal jargon in their HOAs. Boards, officers, members, CC&R's, Bylaws, Processes and Procedures, hearings, appeals, mitigation, arbitration, Out of Compliance notifications, and the scary part... FINES and LIENS. HOA leadership often has the means and background to function in that role but, when being mismanaged, they make uninformed decisions and, personal biases prevail. Being unfamiliar with these things and perhaps not having financial depth to hire attorneys to fight against the HOA for their rights, they cave in. They either don't start or, worse yet, they close. Think about how disruptive this is to the stable learning environment the average child deserves, not to mention the significant disruption to special needs children.

It feels wrong when a business is possible but I hear mis-information such as, "I'm sure your child care is great but you cannot have a business here."

It feels wrong and self-serving when I hear, "I'm sure it is good for the community, just not in our community."

It feels like bullying when I hear, "Don't try to play the good guy card" when attempting to discuss how to work together and create a mutually beneficial community.

More than feeling wrong, it is wrong. We need change. As a citizens, we all have a right to act freely, and legally, within the privacy of our homes. We should recognize and embrace actions that benefit our community through the creation of jobs and enabling parents to get back to work. We should serve and make provision for special needs children and not shut the door saying, "not in my backyard..."

Please help me pass SB 470 and liberate those who want to have an Oregon certified child care home.