

**HB 3447 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Lively

**House Committee On Early Childhood and Family Supports**

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**Action Date:** 04/18/17

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 9-0-0-0

**Yeas:** 9 - Bynum, Hack, Hayden, Huffman, Keny-Guyer, Lively, Malstrom, Piluso, Smith DB

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Zena Rockowitz, LPRO Analyst

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**WHAT THE MEASURE DOES:**

Prohibits provision in instrument conveying real property restricting use of real property as certified or registered family child care home or as premises of exempt family child care provider participating in subsidy program.

Specifies following provisions of condominium governing document are void and unenforceable: prohibiting or restricting owner's unit or any limited common element designed for exclusive use by occupants of unit as premises of exempt family child care provider participating in subsidy program or prohibiting or restricting use of owner's unit or limited common element as certified or registered family child care home, if unit does not share common surface with another unit.

Specifies following provisions of planning community governing document are void and unenforceable: prohibiting or restricting owner's unit or lot as premises of exempt family child care provider participating in subsidy program or prohibiting or restricting use of owner's unit or lot as certified or registered family child care home, if unit does not share common surface with another unit; prohibiting or restricting irrigation requirements on owner under certain circumstances.

Exempts application to housing for older persons.

Specifies there is no prohibition from adopting or enforcing governing document or guidelines that regulate parking, noise, odors, nuisance, or use of common activities that impact the cost of insurance policies, provided it is reasonable and does not have the effect of prohibiting or restricting the use of a unit as the premises of an exempt family child care provider participating in the subsidy program or as a certified or registered family child care home.

**ISSUES DISCUSSED:**

- Access to affordable, quality child care
- Rules in communities governing common spaces, parking, noise, and odors
- Insurance costs to communities
- Rules, regulations, health and safety standards for regulating licensed child care providers
- Child care in communities that house seniors
- Attached and unattached projects vary across planned communities and condominiums

**EFFECT OF AMENDMENT:**

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### **BACKGROUND:**

The Office of Child Care (OCC) is part of the Early Learning Division in the Oregon Department of Education, and is responsible for licensing and certifying child care in Oregon and ensuring training, inspections and background checks. There are three types of home-based child care: license-exempt providers (regulated) that receive subsidies to provide care for up to three children not related to the provider; registered family child care programs (licensed) that provide care for up to 10 children and certified family child care programs (licensed) that provide care for up to 16 children. Home-based child care has the benefit of operating outside of traditional center hours.

There is a shortage of child care slots in Oregon. A study conducted by Oregon State University finds that Oregon currently has 17 slots in home-based programs and centers per 100 children (under the age of 13). Presently, condominiums and planned communities by a Home Owner Associations (HOA) can have by-laws and other documents with provisions that ban certified, registered or license-exempt child care in their units.

House Bill 3447-A will allow home-based child care in condominiums and planned communities governed by HOAs. A license-exempt child care provider will be able to operate in communities governed by a HOA when it shares a wall, floor or ceiling space with another unit, but a HOA may restrict a registered or certified family care home from sharing a common surface with another owner. The measure specifies that a HOA can adopt or enforce rules that govern common spaces, parking, noise, odors or use of activities that raise the cost of insurance.