

HB 3447 A STAFF MEASURE SUMMARY

Carrier: Sen. Boquist

Senate Committee On Human Services

Action Date: 05/17/17

Action: Do pass the A-Eng bill.

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Gelser, Knopp, Monnes Anderson, Olsen

Fiscal: No fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Prohibits use restrictions in instruments conveying real property and in "governing documents" for condominiums or planned communities that prevent operation of certified or registered family child care homes or exempt family child care providers. Exempts "housing for older persons." Permits certain regulations if provisions are reasonable and do not have effect of restricting unit's use as exempt family child care provider or certified or registered family child care home. Prohibits planned community from imposing irrigation requirements when local drought exists or is expected.

ISSUES DISCUSSED:

- Impact of measure on existing contracts and administrative rules
- Involvement of stakeholders in development of measure
- Availability of child care outside of traditional hours

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Office of Child Care licenses and certifies home-based child care, including: subsidized license-exempt providers for up to three children; registered family child care homes for up to 10 children; and certified family child care homes for up to 16 children. Home-based child care can operate outside of traditional hours. An Oregon State University study found that there are only 17 openings in home-based programs for every 100 children. Current law allows condominiums and planned communities with Home Owner Associations (HOAs) to restrict or prohibit certified, registered or license-exempt child care in their units.

House Bill 3447-A prohibits real estate conveyance instruments and "governing documents" of condominiums and planned community HOAs from including provisions that restrict a property or unit's use as a certified or registered child care home or as an exempt family child care provider receiving certain subsidies. An exempt family child care provider is permitted even when it shares a wall, floor, or ceiling space with another unit, but HOAs may restrict a registered or certified family care home from sharing a common surface with another unit.

House Bill 3447-A further specifies that HOAs may adopt rules that govern use of parking, noise, odors, nuisance, or use of common spaces if the regulation is reasonable and it does not have the effect of restricting the use of units as exempt child care providers or as certified or registered family child care homes. Finally, the measure prohibits planned community HOAs from imposing irrigation requirements when a local drought exists or is likely to occur.