

SB 1051 STAFF MEASURE SUMMARY

House Committee On Early Childhood and Family Supports

Action Date: 05/25/17

Action: Without recommendation as to passage and be referred to Rules.

Vote: 8-1-0-0

Yeas: 8 - Bynum, Hack, Huffman, Keny-Guyer, Lively, Malstrom, Piluso, Smith DB

Nays: 1 - Hayden

Fiscal: No fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Prohibits communities governed by Homeowner Associations (HOA) from having by-laws and other governing document provisions that restrict use of property as certified or registered family child care home. Prohibits enforcement of condominium or HOA restrictions of use of unit as certified or registered family child care home. Applies to instruments conveying fee title to real property that are executed, and provisions of governing documents and guidelines that are adopted, on or after effective date.

ISSUES DISCUSSED:

- Characteristics of license-exempt (regulated) child care providers
- State and federal health and safety requirements for child care providers
- Use of employment-related day care subsidies by families in home-based care
- Common wall and insurance by-laws of Homeowner Associations and condominiums
- Barriers to accessing quality and affordable child care

EFFECT OF AMENDMENT:

No amendment.

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 governed by Homeowner Associations can have by-laws and other documents with provisions that ban certified, registered or license-exempt child care in their units.