

HB 3109 B STAFF MEASURE SUMMARY**Carrier:** Sen. Dembrow**Senate Committee On Education****Action Date:** 05/17/21**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 4-1-0-0**Yeas:** 4 - Dembrow, Gelser, Gorsek, Robinson**Nays:** 1 - Thomsen**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Matt Perreault, LPRO Analyst**Meeting Dates:** 5/10, 5/17**WHAT THE MEASURE DOES:**

Prohibits local governments from enacting, enforcing, or imposing any land use regulations or fees that prohibit or place conditions on the use of a residential dwelling for a family child care home. Establishes child care centers as permitted use in all commercial or industrial zoned areas. Exempts areas designated for heavy industrial use. Clarifies types of reasonable conditions that may be imposed on child care centers in industrial areas. Adds child care facilities, preschool recorded programs, and school-age recorded programs as allowable use in areas zoned for exclusive farm use. Prohibits local governments from imposing land use regulations, fees, or conditions on the establishment of child care centers that are more restrictive than those imposed on other uses. Allows certification of family child care homes in dwellings other than single-family dwellings.

ISSUES DISCUSSED:

- Absence of child care facilities due to land use restrictions
- Existence of "child care deserts" in some communities
- Relatively low vacancy rates of child care facilities
- Appropriateness of conditions in industrial areas for child care facilities
- Land use fees charged to child care facilities

EFFECT OF AMENDMENT:

Establishes child care centers as permitted use in all commercial or industrial zoned areas. Exempts areas designated for heavy industrial use. Clarifies types of reasonable conditions that may be imposed on child care centers in industrial areas. Adds child care facilities, preschool recorded programs, and school-age recorded programs as allowable use in areas zoned for exclusive farm use.

BACKGROUND:

Child care homes and centers are regulated by the Office of Child Care in the Oregon Department of Education's Early Learning Division. Current law allows local governments to enact some restrictions on the location of these homes and centers.

House Bill 3109 B prohibits local governments from enacting certain restrictions and fees on family child care homes and child care centers, and allows the use of multi-family dwellings as family child care homes.