

Senate Bill 1591

Sponsored by Senator ARMITAGE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Increases maximum number of children that may be cared for in certified family child care home. Sunsets July 1, 2024.
Takes effect July 1, 2022.

A BILL FOR AN ACT

1
2 Relating to licensure requirements for child care; creating new provisions; amending ORS 329A.280
3 and 329A.440; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 329A.280 is amended to read:

6 329A.280. (1) A person may not operate a child care facility, except a facility subject to the
7 registration requirements of ORS 329A.330, without a certification for the facility from the Office
8 of Child Care.

9 (2) The Early Learning Council shall adopt rules for the certification of a family child care home
10 caring for not more than [16] **20** children. Rules may be adopted specifically for certified child care
11 facilities operated in a single-family dwelling or other dwelling. Notwithstanding fire and other
12 safety regulations, the rules that the council adopts for certified child care facilities shall set stan-
13 dards that can be met without significant architectural modification. In adopting the rules, the
14 council may consider and set limits according to factors including the age of children in care, the
15 ambulatory ability of children in care, the number of the provider's children present, the length of
16 time a particular child is continuously cared for and the total amount of time a particular child is
17 cared for within a given unit of time. The rules must require compliance with the provisions of ORS
18 329A.600.

19 (3) In addition to rules adopted for and applied to a certified family child care home providing
20 child care for not more than [16] **20** children, the council shall adopt and apply separate rules ap-
21 propriate for any child care facility that is a child care center.

22 (4) Any person seeking to operate a child care facility may apply for a certification for the fa-
23 cility from the Office of Child Care and receive a certification upon meeting certification require-
24 ments.

25 (5) A facility described in ORS 329A.250 (5)(d) may, but is not required to, apply for a certi-
26 fication under this section and receive a certification upon meeting certification requirements.

27 **SECTION 2.** ORS 329A.440 is amended to read:

28 329A.440. (1) As used in this section:

29 (a) "Child care center" means a child care facility, other than a family child care home, that is
30 certified under ORS 329A.280 (3).

31 (b) "Family child care home" means a child care facility in a dwelling that is caring for not

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 more than [16] **20** children and is certified under ORS 329A.280 (2) or is registered under ORS
2 329A.330.

3 (c) “Land use regulation” and “local government” have the meanings given those terms in ORS
4 197.015.

5 (2)(a) A family child care home is considered a residential use of property for zoning purposes.
6 A family child care home is a permitted use in all areas zoned for residential or commercial pur-
7 poses, including areas zoned for single-family dwellings.

8 (b) A local government may not enact or enforce a land use regulation prohibiting the use of a
9 residential dwelling, located in an area zoned for residential or commercial use, as a family child
10 care home.

11 (c) A local government may not impose land use regulations, special fees or conditions on the
12 establishment or maintenance of a family child care home more restrictive than those imposed on
13 other residential dwellings in the same zone.

14 (3) Notwithstanding subsection (2)(c) of this section, a county may impose reasonable conditions
15 on the establishment of a family child care home in an area zoned for farm use.

16 (4)(a) A child care center is a permitted use in all areas zoned for commercial or industrial use,
17 except areas specifically designated by the local government for heavy industrial use.

18 (b) A local government may not impose land use regulations, special fees or conditions on the
19 establishment or maintenance of a child care center in an area zoned for commercial or industrial
20 use that are more restrictive than those imposed for other uses in the same zone.

21 (5) Notwithstanding subsection (4) of this section, a local government may impose reasonable
22 conditions upon the establishment or maintenance of a child care center in an area zoned for in-
23 dustrial uses.

24 (6) As used in this section, “reasonable conditions” includes, but is not limited to, siting re-
25 strictions for properties designated on the Department of Environmental Quality’s statewide list of
26 contaminated properties as having known or suspected releases of hazardous substances.

27 **SECTION 3.** ORS 329A.280, as amended by section 1 of this 2022 Act, is amended to read:

28 329A.280. (1) A person may not operate a child care facility, except a facility subject to the
29 registration requirements of ORS 329A.330, without a certification for the facility from the Office
30 of Child Care.

31 (2) The Early Learning Council shall adopt rules for the certification of a family child care home
32 caring for not more than [20] **16** children. Rules may be adopted specifically for certified child care
33 facilities operated in a single-family dwelling or other dwelling. Notwithstanding fire and other
34 safety regulations, the rules that the council adopts for certified child care facilities shall set stan-
35 dards that can be met without significant architectural modification. In adopting the rules, the
36 council may consider and set limits according to factors including the age of children in care, the
37 ambulatory ability of children in care, the number of the provider’s children present, the length of
38 time a particular child is continuously cared for and the total amount of time a particular child is
39 cared for within a given unit of time. The rules must require compliance with the provisions of ORS
40 329A.600.

41 (3) In addition to rules adopted for and applied to a certified family child care home providing
42 child care for not more than [20] **16** children, the council shall adopt and apply separate rules ap-
43 propriate for any child care facility that is a child care center.

44 (4) Any person seeking to operate a child care facility may apply for a certification for the fa-
45 cility from the Office of Child Care and receive a certification upon meeting certification require-

1 ments.

2 (5) A facility described in ORS 329A.250 (5)(d) may, but is not required to, apply for a certi-
 3 fication under this section and receive a certification upon meeting certification requirements.

4 **SECTION 4.** ORS 329A.440, as amended by section 2 of this 2022 Act, is amended to read:
 5 329A.440. (1) As used in this section:

6 (a) “Child care center” means a child care facility, other than a family child care home, that is
 7 certified under ORS 329A.280 (3).

8 (b) “Family child care home” means a child care facility in a dwelling that is caring for not
 9 more than [20] 16 children and is certified under ORS 329A.280 (2) or is registered under ORS
 10 329A.330.

11 (c) “Land use regulation” and “local government” have the meanings given those terms in ORS
 12 197.015.

13 (2)(a) A family child care home is considered a residential use of property for zoning purposes.
 14 A family child care home is a permitted use in all areas zoned for residential or commercial pur-
 15 poses, including areas zoned for single-family dwellings.

16 (b) A local government may not enact or enforce a land use regulation prohibiting the use of a
 17 residential dwelling, located in an area zoned for residential or commercial use, as a family child
 18 care home.

19 (c) A local government may not impose land use regulations, special fees or conditions on the
 20 establishment or maintenance of a family child care home more restrictive than those imposed on
 21 other residential dwellings in the same zone.

22 (3) Notwithstanding subsection (2)(c) of this section, a county may impose reasonable conditions
 23 on the establishment of a family child care home in an area zoned for farm use.

24 (4)(a) A child care center is a permitted use in all areas zoned for commercial or industrial use,
 25 except areas specifically designated by the local government for heavy industrial use.

26 (b) A local government may not impose land use regulations, special fees or conditions on the
 27 establishment or maintenance of a child care center in an area zoned for commercial or industrial
 28 use that are more restrictive than those imposed for other uses in the same zone.

29 (5) Notwithstanding subsection (4) of this section, a local government may impose reasonable
 30 conditions upon the establishment or maintenance of a child care center in an area zoned for in-
 31 dustrial uses.

32 (6) As used in this section, “reasonable conditions” includes, but is not limited to, siting re-
 33 strictions for properties designated on the Department of Environmental Quality’s statewide list of
 34 contaminated properties as having known or suspected releases of hazardous substances.

35 **SECTION 5. The amendments to ORS 329A.280 and 329A.440 by sections 3 and 4 of this**
 36 **2022 Act become operative on July 1, 2024.**

37 **SECTION 6. This 2022 Act takes effect on July 1, 2022.**

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