

SB 1591-1
(LC 297)
2/3/22 (HRL/ps)

Requested by Senator ARMITAGE

**PROPOSED AMENDMENTS TO
SENATE BILL 1591**

1 On page 1 of the printed bill, line 10, delete “20” and insert “18”.

2 In line 20, delete “20” and insert “18”.

3 On page 2, line 1, delete “20” and insert “18”.

4 Delete lines 27 through 45.

5 On page 3, delete lines 1 through 34 and insert:

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

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

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

1 of time. The rules must require compliance with the provisions of ORS
2 329A.600.

3 “(3) In addition to rules adopted for and applied to a certified family child
4 care home providing child care for not more than [18] **16** children, the
5 council shall adopt and apply separate rules appropriate for any child care
6 facility that is a child care center.

7 “(4) Any person seeking to operate a child care facility may apply for a
8 certification for the facility from the Office of Child Care and receive a
9 certification upon meeting certification requirements.

10 “(5) A facility described in ORS 329A.250 (5)(d) may, but is not required
11 to, apply for a certification under this section and receive a certification
12 upon meeting certification requirements.

13 **“SECTION 4.** ORS 329A.440, as amended by section 2 of this 2022 Act,
14 is amended to read:

15 “329A.440. (1) As used in this section:

16 “(a) ‘Child care center’ means a child care facility, other than a family
17 child care home, that is certified under ORS 329A.280 (3).

18 “(b) ‘Family child care home’ means a child care facility in a dwelling
19 that is caring for not more than [18] **16** children and is certified under ORS
20 329A.280 (2) or is registered under ORS 329A.330.

21 “(c) ‘Land use regulation’ and ‘local government’ have the meanings given
22 those terms in ORS 197.015.

23 “(2)(a) A family child care home is considered a residential use of prop-
24 erty for zoning purposes. A family child care home is a permitted use in all
25 areas zoned for residential or commercial purposes, including areas zoned for
26 single-family dwellings.

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

30 “(c) A local government may not impose land use regulations, special fees

1 or conditions on the establishment or maintenance of a family child care
2 home more restrictive than those imposed on other residential dwellings in
3 the same zone.

4 “(3) Notwithstanding subsection (2)(c) of this section, a county may im-
5 pose reasonable conditions on the establishment of a family child care home
6 in an area zoned for farm use.

7 “(4)(a) A child care center is a permitted use in all areas zoned for com-
8 mercial or industrial use, except areas specifically designated by the local
9 government for heavy industrial use.

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

14 “(5) Notwithstanding subsection (4) of this section, a local government
15 may impose reasonable conditions upon the establishment or maintenance
16 of a child care center in an area zoned for industrial uses.

17 “(6) As used in this section, ‘reasonable conditions’ includes, but is not
18 limited to, siting restrictions for properties designated on the Department
19 of Environmental Quality’s statewide list of contaminated properties as
20 having known or suspected releases of hazardous substances.”.

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