

SB 599 -1 STAFF MEASURE SUMMARY

Senate Committee On Housing and Development

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Meeting Dates: 2/1, 2/6

WHAT THE MEASURE DOES:

Requires landlords to allow the use of a dwelling unit as a family child care home (Home) if the Home is certified or registered with the Office of Child Care, the tenant has notified the landlord, and the Home does not violate zoning, an association's governing documents, or Early Learning Council (ELC) rules. Exempts housing for older persons. Stipulates Act does not prohibit landlord from: 1) requiring tenant to pay in advance for costs of certain modifications; 2) prohibiting use not allowed under zoning or a homeowner association's governing documents; or 3) prohibiting use not allowed by Early Learning Council rules (ELC). Authorizes landlord to require tenant using property as Home to either require parents of children under the care of the facility to sign a document addressing liability and acknowledging the Home does not maintain liability coverage; or to carry and maintain a surety bond or liability policy covering injuries that meet certain parameters. Prohibits landlord retaliation against tenant operating or intending to operate the Home provided the tenant is in compliance with this Act. Requires ELC to adopt rules establishing reasonable requirements for landlords of tenants operating a registered Home, while authorizing ELC to do so for landlords of tenants operating certified Homes.

FISCAL: Has minimal fiscal impact

REVENUE: No revenue impact

ISSUES DISCUSSED:

- Changes made by -1 Amendment to liability coverage and Early Learning Council rules
- Child care access and effects of COVID-19 on availability
- Link between child care and economic outcomes
- Link between housing prices, cultural considerations, and presence of child care family homes in rental housing

EFFECT OF AMENDMENT:

-1 Clarifies liability and insurance language. Removes language tying coverage amount to Early Learning Division rule developed with Department of Consumer and Business Services.

Removes language specifically including compliance with Early Learning Council rules from requirements of landlords of tenants operating child care facilities, and removes related authorization and requirement the Early Learning Council establish rules for landlords.

BACKGROUND:

The Oregon Department of Education's Early Learning Division oversees the registration and certification of child care facilities. Home-based facilities caring for up to 10 children with no square footage requirements are considered "registered" while those caring for up to 16 children and a square footage requirement per child are considered "certified." Other differences generally include staff training, inspection requirements, and renewal timelines.

Current statute does not prohibit landlords from barring tenants' use of rented dwelling units as home-based child care facilities, meaning that landlords may evict or otherwise take action towards tenants who operate such facilities.

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Senate Bill 599 requires landlords allow tenants' use of rented dwelling units as child care facilities, provided the facilities are certified or registered and do not violate other rules, such as local zoning codes or association rules; housing for older persons is exempt from this requirement. The measure prohibits a landlord from retaliating against a tenant for such operations. Landlords may require liability coverage or surety bonds. The Early Learning Council's rules may establish requirements for landlords for a certified facility but must do so for a registered facility.