

HB 3447 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 5/17

WHAT THE MEASURE DOES:

Prohibits instrument in conveyance of real property restricting use of property as certified or registered family child care home or as exempt family child care provider. Prohibits “governing documents” of condominium or planned community from restricting use of owner’s unit as exempt family child care provider and from restricting certain units from use as certified or registered family child care home.

Exempts condominiums or planned communities used as “housing for older persons.” Permits regulation of parking, noise, odors, nuisance, and use of common elements impacting insurance if provisions are reasonable and do not have effect of restricting unit’s use as exempt family child care provider or certified or registered family child care home. Prohibits planned community from imposing irrigation requirements when local drought exists or is expected.

FISCAL: No Expenditure Impact

REVENUE: No Revenue Impact

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Office of Child Care licenses and certifies home-based child care, including: subsidized license-exempt providers for up to three children; registered family child care home for up to 10 children; and certified family child care home for up to 16 children. Home-based child care can operate outside of traditional hours. An Oregon State University study found that there are 17 openings in home-based programs per 100 children, indicating a shortage of child care openings. Current law allows condominiums and planned communities with Home Owner Associations (HOA) to restrict or prohibit certified, registered or license-exempt child care in their units.

House Bill 3447-A prohibits real estate conveyance instruments and “governing documents” of condominiums and planned community HOAs from including provisions restricting a property or unit’s use as a certified or registered child care home or as an exempt family child care provider receiving certain subsidies. An exempt family child care provider is permitted even when it shares a wall, floor, or ceiling space with another unit, but a HOA may restrict a registered or certified family care home from sharing a common surface with another unit.

House Bill 3447-A specifies that a HOA can adopt rules that govern common spaces, parking, noise, odors or use of activities that raise the cost of insurance if the regulation is reasonable and does not have the effect of restricting use of units as exempt child care providers or as certified or registered family child care homes. The measure prohibits planned community HOAs from imposing irrigation requirements when a local drought exists or is likely to occur.