

HB 2484 -2, -4 STAFF MEASURE SUMMARY

House Committee On Early Childhood

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Sub-Referral To: House Committee On Housing

Meeting Dates: 2/8, 3/29, 4/7

WHAT THE MEASURE DOES:

Requires landlords to allow tenants to use dwellings as family child care homes if the family child care home is certified or registered and the tenant has notified the landlord of the use. Requires landlords to take reasonable steps to cooperate with tenants who operate family child care homes. Allows landlords to require that tenants pay in advance for required modifications to dwelling. Provides exception to comply with zoning restrictions or homeowners' association restrictions. Prohibits landlords from increasing rent, decreasing services, terminating or threatening to terminate tenancy if a tenant uses or attempts to use dwelling as a family child care home. Allows Early Learning Council to establish by rule reasonable requirements for landlords of tenants who operate certified family child care homes. Requires Early Learning Council to establish by rule reasonable requirements for landlords of tenants who operate registered family child care homes.

ISSUES DISCUSSED:

- Experiences of child care providers seeking rental properties
- Liability insurance
- Ability of state to regulate uses of private property

EFFECT OF AMENDMENT:

-2 Replaces sections two and three of the introduced measure. Allows tenants to enforce requirements under ORS 90.360. Allows landlords to prohibit uses not allowed under rules established by Early Learning Council. Allows landlord to require that tenant require parents to agree that landlord is not liable for losses or injuries and either require parents to acknowledge that tenant (provider) does not maintain liability coverage for losses from injuries or carry a liability policy. Establishes requirements for liability policies.

REVENUE: No revenue impact

FISCAL: Fiscal impact issued: indeterminate.

-4 Replaces sections 2 and 3 of the measure. Requires landlords to allow tenant's use of a dwelling as a family child care home if certified or registered and notification is provided. Requires landlord to take reasonable steps to cooperate with tenant. Allows tenants to enforce requirements under ORS 90.360. Allows landlord to require tenant to pay in advance for costs of modifications. Allows landlord to prohibit use not allowed under zoning or association's governing documents. Allows landlord to prohibit use not allowed under rules established by Early Learning Council. Allows landlord to require that tenant require parents to agree that landlord is not liable for losses or injuries and either require parents to acknowledge that tenant (provider) does not maintain liability coverage for losses from injuries or carry a liability policy. Allows landlord to require that tenant carry and maintain surety bond or liability policy. Exempts housing for older persons. Prohibits landlord from retaliation if tenant uses dwelling as family child care home.

BACKGROUND:

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The Office of Child Care oversees two types of family child care homes: certified and registered. ORS 3229A.280 establishes the Office of Child Care's responsibility to certify family child care homes, defined as single family dwellings where providers care for no more than 16 children. ORS 329A.330 establishes the Office of Child Care's responsibility to register family child care homes where providers care for a maximum of 10 children.