

**Barbara Ruth Robbins**

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February 7, 2021

TO:

Chair Rep. Karin Power <https://www.oregonlegislature.gov/power>  
Vice-Chair Rep. Lisa Reynolds <https://www.oregonlegislature.gov/reynolds>  
Vice-Chair Rep. Jack Zika <https://www.oregonlegislature.gov/zika>  
Rep. John Lively <https://www.oregonlegislature.gov/lively>  
Rep. Courtney Neron <https://www.oregonlegislature.gov/neron>  
Rep. Sheri Schouten <https://www.oregonlegislature.gov/schouten>  
Rep. Suzanne Weber <https://www.oregonlegislature.gov/weber>  
Rep. Boomer Wright <https://www.oregonlegislature.gov/wright>

RE: HB 2484

Thank you for providing this second opportunity to speak on the merits of HB 2484. I am absolutely supportive of the Legislature's efforts to expand the availability of early childcare facilities. I applaud the Legislature for taking on the challenge.

We all know that there is a crisis regarding availability of childcare. I have read and reread the proposed bill with great interest, because I am a grandmother who struggled to find childcare for my two preschool grandsons about 11-12 years ago. I am also the owner of two small duplex rental properties in Oregon, so I have dual interests in this topic and in this particular proposed legislation.

I have already written to committee members regarding one unintended consequence of HB 2484 as written. The requirement for liability insurance for the tenant/childcare provider is ignored. Parents of children placed in such a facility have every reason to expect that, in the event of an accident or child abuse, liability insurance would be available from the childcare provider to cover damages. The owner/landlord also requires property coverage which now would have to include liability coverage specifically for a childcare operation; the availability of such coverage in Oregon remains to be determined.

In this second letter I draw to your attention what I hope is another unintended consequence of this legislation as it is currently written, and not a deliberate effort to circumvent commercial and residential zoning laws and regulations.

I believe that this bill as written provides a backdoor opportunity to solve the problems of locating and leasing commercial property for a small childcare business. I suspect that one of the issues facing anyone who is motivated to operate a small childcare business are the many legal requirements of commercial zoning, not to mention the up-front costs involved in leasing a commercial space suitable for childcare and installing all the necessary (and legally required) facilities such as additional bathrooms and kitchen space.

As written, HB 2484 legislates that a residential home childcare operation may serve up to 16 children. Any single-family home of any size, including apartments, that is available for rent in any residential neighborhood would be available for commercial childcare operators to lease or rent for their childcare operations. Essentially any small childcare business, by renting a home in a residential area, would avoid all the legal and financial barriers of commercial zoning. The only requirement is that at least one caregiver must reside on the premises.

Did I mention that the landlord has no voice in how their property is to be used? HB 2484 specifically eliminates any opportunity for the property owner to refuse the use of their rental home as a childcare facility, or to evict an existing tenant who decides to provide childcare.

HB 2484 includes only the most minimal requirements regarding standards, with almost all decisions being left to an unnamed agency to develop and enforce regulations. There is no provision for budgeting funds for this unnamed agency; we already know that state agencies are often underfunded and understaffed. Oversight could be minimal, just when it is most needed to inspect the anticipated many new childcare operations.

There is the question of who would pay for any modifications needed to the rental. Imagine a tenant/caregiver who is told by this unnamed agency that an additional bathroom is required. Remember that the property owner has no voice in how their property will be used. Is the property owner expected to finance an additional bathroom? Is the property owner expected to provide fencing? Is the property owner expected to absorb the costs for wear-and-tear caused by the daily presence of up to 16 children? Is any of this reasonable?

Finally, a tenant in a rental property who chooses to provide childcare for up to 16 children cannot be compared in any way to a homeowner who provides childcare in a home they own and maintain. I understand the intent of HB 2484 but, as written, there is no equivalence.

The need for childcare cannot be ignored, but the proposed HB 2484, as written, ignores all the complications created when a small commercial childcare business, serving up to 16 children, is permitted in a neighborhood zoned for residential living, in a dwelling that was constructed for residential occupancy, that was not designed or constructed for any commercial activity.

I absolutely agree that the childcare issue is urgent. And I thank the Oregon Legislature for its willingness to tackle this difficult social problem. But my research suggests that the proposed HB 2484, as written, creates at least two unanticipated serious problems: issues for the property owner with liability insurance, which I discussed in my first letter; and opening the door to permit a small commercial childcare operation in a home zoned for residential life.

I continue to believe solutions can be found when all parties who have a vested interest work together to explore possibilities and propose solutions. Thank you for your time reading this, and for your thoughtful consideration.

Sincerely,

*Barbara Ruth Robbins*

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