

HB 2468 A STAFF MEASURE SUMMARY

House Committee On Rules

Action Date: 05/11/23

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Breese-Iverson, Fahey, Kropf, Nosse, Scharf, Valderrama, Wallan

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Matthew Perreault

Meeting Dates: 4/27, 5/11

WHAT THE MEASURE DOES:

Authorizes Early Learning Council (ELC) to adopt rules establishing reasonable requirements for landlord of tenant operating family child care home. Exempts family child care home operator's children who are between ages 10 and 12 from capacity and adult to child ratio requirements unless children require additional care due to special needs or disabilities. Replaces statutory references to "regulated subsidy facility" with "subsidized care facility." Requires ELC to adopt rules establishing timeline for Department of Early Learning and Care (DELDC) to issue payments to Employment Related Day Care providers and pay supplemental premium of nine percent for late payments. Requires Director of Department of Consumer and Business Services to notify DELDC when modifying rules relating to building codes that may affect child care providers. Authorizes Department of Administrative Services to establish union benefit trust for providing child care or retirement benefits through collective bargaining agreement with family child care providers.

ISSUES DISCUSSED:

- Impact of COVID-19 public health emergency on child care supply
- Services provided by family child care homes
- Regulation of family child care homes by Office of Child Care

EFFECT OF AMENDMENT:

Removes provisions relating to operation of family child care homes in rental housing properties. Maintains authorization for Early Learning Council (ELC) to adopt rules establishing reasonable requirements for landlords of tenants who operate family child care homes. Exempts family child care home operator's children who are between ages 10 and 12 from capacity and adult to child ratio requirements unless children require additional care due to special needs or disabilities. Removes definition of "reasonable time" for purposes of unannounced inspections of child care facilities by Office of Child Care. Removes provisions relating to child care provider representation by counsel at contested case hearings. Modifies amount of supplemental payments made to providers. Removes provisions relating to planned community's governing documents that restrict operation of family child care home.

BACKGROUND:

The Early Learning Council (ELC) is the policy-setting and rulemaking body for the state's early learning system. The Early Learning Division (ELD) of the Oregon Department of Education operates the state's early learning and child care programs at ELC's direction. House Bill 3073 (2021) and House Bill 4005 (2022) converted ELD into an independent agency called the Department of Early Learning and Care beginning July 1, 2023. Within ELD, the Office of Child Care (OCC) oversees the registration and certification of child care facilities. OCC enforces regulations for child care providers in line with federal requirements for usage of the Child Care and Development

HB 2468 A STAFF MEASURE SUMMARY

Fund.

Home-based facilities caring for up to 10 children with no square footage requirements must be registered with OCC, while those caring for up to 16 children and a square footage requirement per child must be certified. Other differences generally include staff training, inspection requirements, and renewal timelines. Operators of both registered and certified family child care homes must clear background checks and adhere to adult to child ratio requirements. Current law 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.

House Bill 2468 A modifies the authority of OCC to regulate providers of family child care homes.