

SB 1099 -2 STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

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Meeting Dates: 5/1

WHAT THE MEASURE DOES:

The measure requires counties and cities to allow preschool or prekindergarten education on real property where places of worship are permitted.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

SENATE VOTE: Ayes, 29; Excused, 1.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 The amendment declares an emergency and is effective on passage.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

BACKGROUND:

[ORS 215.441](#) and [ORS 227.500](#) enable counties and cities, respectively, to regulate a place of worship's use of real property via zoning ordinances. Under these statutes, which were enacted by Senate Bill 470 (2001), if a nonresidential place of worship is allowed on real property under applicable state and local laws, rules, ordinances, and regulations, a local government must allow the reasonable use of the real property for activities customarily associated with the practice of religious activity. This includes worship services, religion classes, weddings, funerals, meal programs, and child care. A local government is not required to allow private or parochial preschool to grade 12 education in a place of worship, but may authorize it under other applicable laws and regulations. The local government may institute reasonable regulations, prohibit, or restrict the use of real property by a place of worship for these uses if the local government finds that the level of services of public facilities is not adequate.

In 2023, the Legislative Assembly passed [House Bill 2727](#), which directed the Department of Land Conservation and Development (DLCD), in consultation with DELC, to convene a work group to examine strategies to expand early learning and care facilities. DLCD released a [report](#) in 2024 that examined regulatory barriers to developing and expanding early learning and child care facilities in Oregon and made recommendations based on its findings. According to the report, many cities in Oregon require a special procedure or conditional use permit for the approval of a child care facility in a particular location, for example, colocated with or on the same property as a place of worship (DLCD, 2024, p. 24; p. 94; p. 151).