

May11, 2017

To: House Committee On Early Childhood and Family Supports

Dear Chair Lively and members of the Committee,

I would like to share my position regarding SB 1051 and a dash 2 amendment. Big picture: the amendment appears to reposition the HOA as the governing agent over an HOA/provider relationship which I'm not in favor of. HOA's having governing control is what has created the problem to begin with.

The Bill is supposed to equalize such that providers have an opportunity to remedy any issues/concerns raised by an HOA but the amendment puts the HOA in control.

For example (and the LC Emily is the one who wrote this):

1. It is unclear if Licensed Exempt providers are, or are not, allowed in units with common walls
  - o License exempt are limited to 3 children. But if I live in a townhome that is an end unit, having 6 children might have little impact on anyone. Or, two joined units with the garages in common.
  - o Why put the HOA in charge or have the HOA law govern the number of children? The Oregon Early Learning Division is best equipped to do this work and oversee adherence.
2. Governing HOA bodies have the ability to make new rules and the provider must comply
3. Language that says providers must continue to follow all the HOA rules and policies
  - o #2 & #3 seem redundant. If I'm in an HOA and I signed the CC&Rs, I already know I must comply with the rules.
4. Language that says child care providers may not be allowed if things such as insurance premiums increase
  - o My experience is that an HOA would disallow a child care because of an anticipated outcome. The HOA could definitely create a scenario and get a paper back from the insurance showing a rate increase. However, the provider should have the opportunity to remedy this by acquiring their own policy, getting parents to sign a waiver, or the provider indemnify the HOA.

At the end of the day, we want to make it easier to grow the provider quantity in Oregon, not make it more difficult.

Sincerely,  
Tracy A. Lang