



What a Licensed Child Care Home Requires from Local City Government

WHO REGULATES CHILD CARE?

The Office of Child Care is responsible for licensing child care. The Office of Child Care has administrative rules for three types of licenses:

- 1) Registered Family Child Care Homes**
(OAR 414-205-0000 through 414-205-0170),
- 2) Certified Family Child Care Homes**
(OAR 414-350-0000 through 414-350-0405), and
- 3) Certified Child Care Centers**
(OAR 414-300-0000 through 414-300-0415)

What is a Licensed Family Child Care Home?

There are two types of licensed family child care homes: Registered and Certified. A Registered Family child care provider may care for up to 10 children in the home, the ages are specified in statute. Most Certified Family child care providers are certified to care for up to 12 children, however some may be certified to care for 16 children. The ages of the children in care are determined by the space available and staff qualifications.

Both Registered Family Child Care and Certified Family Child Care facilities are located in private residences. Child care centers are usually in a commercial setting.

When does a provider need to furnish the Office of Child Care with documentation from the municipal department that oversees city planning and development?

According to ORS 329A.440 (1), "A Registered or Certified Family Child Care Home shall be considered a residential use of property for zoning purposes." This holds true as long as the provider resides in the home where he or she is providing care.

According to OAR 414-350-0130 (1), "Certified Family child care shall be provided in:"

- A home located in an area zoned residential or commercial
- A home constructed as a single family dwelling
- Space designed or remodeled as living space

If the Certified Home meets the above criteria and the provider resides in the home, the provider does not need to furnish the Office of Child Care with any documentation from the local planning department at the time of licensure.

If the provider does **NOT** live in the home where he or she is providing care, then a Licensing Specialist will ask the provider to furnish Office of Child Care with documentation from the city. The documentation should state that the use of the home is in line with the local planning and zoning codes.

When does a provider need to furnish the Office of Child Care with documentation from the local department that oversees building construction?

According to ORS 329A.440 (1), "A Registered or Certified Family Child Care Home shall be considered a residential use of property for zoning purposes." This holds true as long as the provider resides in the home where he or she is providing care.

According to OAR 414-350-0130 (1), a Certified Family Child Care Home shall be conducted in space designed or remodeled for living quarters.

If the provider is using space that is part of the home's usual living quarters and the provider lives in the home, a Licensing Specialist will not ask the provider to furnish the Office of Child Care with any documentation from the building department regarding the home.

If a provider is using a part of the home that is not generally considered to be living quarters for child care (such as a converted garage or outbuilding) then Office of Child Care staff may ask for documentation that the city has inspected and approved the area as part of the living quarters for the home. If the provider does not reside in the home where care is provided the Office of Child Care will ask the provider to furnish approval from the city that the home may be used for child care.

Also, according to rule, if the Office of Child Care staff notice a structural or maintenance problem that could present a safety hazard to children, the staff may request that the provider have the home inspected by the appropriate authority. If the Office of Child Care requires an inspection, the provider will be asked to furnish the Office of Child Care with documentation of the safety of the structure.