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February 20, 2024

To: The Honorable Marc Korman  
Chair, Environment and Transportation Committee

From: Karen S. Straughn  
Consumer Protection Division

Re: House Bill 831 – Common Ownership Communities and Zoning Authorities – Operation of Family Child Care Homes - Limitations (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General submits the following written testimony in support of House Bill 831 submitted by Delegates Jessica Feldmark et al. This bill defines a family child care home when operating in a common ownership community and prevents the community's association from restricting the number of children to an amount lower than permitted by the Department of Education. It further extends the protections of family child care homes to a cooperative association. Finally, the bill permits a cooperative association to require that the daycare provider obtain insurance as a result of the operation of the family child care home.

Home-based child care homes serve as an essential workforce support that allows parents to go to work or school to support their families. Family care providers are often sought in the same or a nearby neighborhood, so convenience plays a strong role in the desire to use home-based businesses. In addition, many home-based businesses maintain a smaller number of children, making the option more attractive to some. For these reasons, there is a clear desirability to permit home-based child care businesses.

In 1989, the General Assembly passed laws to prevent condominium and homeowner associations from restricting or prohibiting family day care businesses in residents' homes. This was later changed to label the businesses as family child care homes. However, to date, no

similar provisions exist in the Maryland Cooperative Act. This bill brings this language for cooperatives in line with homeowner and condominium associations. It further prevents a common ownership community from limiting the number of children to a number lower than permitted by the Department of Education.

For these reasons, we ask that the Environment and Transportation Committee return a favorable report on this bill.

cc: The Honorable Jessica Feldmark  
The Honorable Vanessa E. Atterbeary  
The Honorable Michele Guyton  
The Honorable Pam Lanman Guzzone  
The Honorable Terri L. Hill  
The Honorable Mary A. Lehman  
The Honorable Aletheia McCaskill  
The Honorable Edith J. Patterson  
The Honorable Emily Shetty  
The Honorable Deni Taveras  
The Honorable Jen Terrasa  
The Honorable Natalie Ziegler  
Members, Environment and Transportation Committee