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**TO:** Senate Committee on Judiciary Proceedings

**BILL:** HB 785 - Common Ownership Communities and Zoning Authorities - Operation of Family Child Care Homes - Limitations

**DATE:** March 27, 2025

**POSITION:** Support

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The Maryland State Department of Education (MSDE) and the State Board of Education support House Bill (HB) 785 - Common Ownership Communities and Zoning Authorities - Operation of Family Child Care Homes - Limitations. The legislation prohibits a provision in certain documents of certain cooperative housing corporations and certain homeowners associations from prohibiting or restricting the establishment or operation of certain family child care homes (inclusive of large family homes), prohibits a provision in certain documents of certain cooperative housing corporations from limiting the number of children for which certain family child care homes provide child care, and repeals the authority of certain condominium associations and certain homeowners associations to include a provision in their governing documents that prohibits the establishment or operation of certain family child care homes as it generally relates to common ownership communities, zoning, and the operation of family child care homes. The proposed legislation also includes stipulations about liability insurance and reasonable fees for use of common elements.

Family child care programs are generally approved for a maximum capacity of eight children, while large family child care programs can be approved for up to twelve children. Due to their small-scale capacity, in comparison to child care centers, family child care programs are small businesses. Many small businesses, including family child care programs, struggle with more financial hardships than corporate child care center counterparts due to their restrictive capacities, limited resources, and the fact that they are self-run. Subsequently, additional restrictions in capacity for a smaller-scale program, specifically for a family child care provider residing in cooperative housing or a condominium association, can create financial hardships that may lead to an unsustainable child care program. For instance, some homeowners associations have been known to limit a family child care provider to a capacity of no more than four children, causing prospective applicants to choose to work outside of their homes or close after seeking approval in fear of the inability to live off of a salary based on a maximum of four children in care.

MSDE Office of Child Care, Licensing Branch supports HB 785 because the proposed bill may lead to less stringent provisions and decrease challenges faced by applicants requesting approvals for both family child care homes and large family child care homes. The bill may result in a potential increase in family child care homes, which will provide more options for families seeking child care. Existing programs would also have the option to increase their capacity if they were previously restricted to only a certain number of children.

We request that the committee consider this information as it deliberates **HB 785**. Please contact Dr. Akilah Alleyne, Executive Director of Government Affairs, at [akilah.alleyne@maryland.gov](mailto:akilah.alleyne@maryland.gov) or at 410-767-0504, if you would like any additional information.