

HB 785 _MFN_FAV_Morrow_Family Child Care_X-OVER.pd

Uploaded by: Beth Morrow

Position: FAV



Testimony Concerning HB 785
“Common Ownership Communities and Zoning Authorities - Operation of
Family Child Care Homes - Limitations”
Submitted to the Senate Judicial Proceedings Committee
March 27, 2025

Position: Support

Maryland Family Network (MFN) strongly supports HB 785, which would ensure the operation of a family child care program is considered a residential permitted activity and prohibit local jurisdictions from limiting the number of children in a program below the number authorized by the State.

MFN has worked since 1945 to improve the availability and quality of child care and early childhood education as well as other supports for children and families in Maryland. We have been active in state and federal debates on child care policy and are strongly committed to ensuring that children, along with their parents, have access to high-quality, affordable programs and educational opportunities.

A family child care home is typically operated by a provider in her own residence. The provider undergoes background checks, a prescribed course of training, and safety inspections prior to being licensed. Group size cannot exceed eight children, with no more than two children under age 2. Family child care homes are regulated by Maryland State Department of Education’s Office of Child Care.

Family child care is an important community asset. Sometimes, however, restrictions in leases, Home Owners Association covenants, and local zoning laws have forced family child care providers to close or move. This is bad for the provider’s business, and it significantly limits families’ access to child care in their own neighborhoods. These restrictions are often based on misunderstandings about what family child care is.

Maryland Family Network recently published a resource “[Living with Family Child Care](#)” to help inform landlords, Home Owner Associations, and local zoning boards about the benefits of family child care.

Registered family child care is an important part of Maryland's child care delivery system. MFN respectfully urges favorable consideration of HB 785.

Submitted by Beth Morrow, Director of Public Policy



HB 785 final testimony march 27 2025 judiciary mga

Uploaded by: Christina Peusch

Position: FAV



**Caring For Maryland's Most
Important Natural Resource™**

Maryland State Child Care Association

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The Maryland State Child Care Association (MSCCA) is a non-profit, statewide, professional association incorporated in 1984 to promote the growth and development of child care and learning centers in Maryland. MSCCA has over 5500 members working in the field of child care/early childhood education. We believe children are our most important natural resource and work hard to advocate for children, families and for professionalism within the early childhood community.

**Testimony: HB 785: Common Ownership Communities and Zoning Authorities - Operation of Family
Child Care Homes - Limitations Hearing
Submitted to: Judicial Proceedings Committee**

March 27, 2025

Maryland State Child Care Association strongly supports HB 785.

Family child care programs are essential to the workforce and communities. Licensed family child care is an intimate early childhood education and care environment practiced in a residential setting. HB 785 establishes the distinction of family child care as a residential and preferred activity.

Family child care is conducted in homes and has been critical in supporting working families in developmentally appropriate settings. Research shows that high quality child care not only results in positive development for children, access to child care also increases labor force participation for parents of young children, especially mothers. Child care is an economic driver and increasing child care access in Maryland can help reduce declines in Maryland's Labor Participation Rates.

According to the Comptroller of Maryland recent State of the Economy report from December 31, 2024, [childcare state of economy dec 31 2024 md comptroller.pdf](#), Maryland has lost hundreds of child care programs, especially those run by sole-proprietors out of their homes that serve high percentages of infants and toddlers. There has been a steady and sustained decline in family care providers in Maryland, which likely affects access for child care for infants the most, as well as toddlers.

Additionally, many areas of the state have child care deserts where child care, especially family child care is needed. Maryland is a very culturally diverse state with many immigrant family child care providers who are trusted members of the community who speak the language and embrace the culture of children they educate and families they proudly serve. Maryland must support residential licensed child care options and decrease the unnecessary restrictions outlined in HB 785.

This important legislation addresses the restrictions related to operating or starting a family child care program found in leases, articles of incorporation or bylaws of cooperative housing corporations. We understand the necessity for covenants and bylaws for our communities, however, HB 785 is comprehensive legislation which ensures family child care providers adhere to the strict staff child ratios and all the Maryland State Department of Education COMAR regulations related to family child care. Additionally, the bill speaks to family child care contributing fair fees and requirements for liability insurance.

Child care is an important economic and equity imperative and child care providers are the backbone of society. HB 785 recognizes and addresses the barriers for family child care programs in residences to conduct their programs successfully. It also supports the growth of family child care in our neighborhoods and communities as they are the fabric of family support, while also driving the economy. Maryland cannot afford to lose more child care options for families to work, attend school or training programs. The time to act is now.

MSCCA urges for a favorable report.

HB 785_MDCC_Child Care Providers_Registration and

Uploaded by: Hannah Allen

Position: FAV



LEGISLATIVE POSITION:

Favorable

House Bill 785

Common Ownership Communities and Zoning Authorities - Operation of Family Child Care Homes - Limitations

Senate Judicial Proceedings Committee

Thursday, March 27, 2025

Dear Chairman Smith and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce (the Chamber) is the leading voice for business in Maryland. We are a statewide coalition of more than 7,000 members and federated partners working to develop and promote strong public policy that ensures sustained economic health and growth for Maryland businesses, employees, and families.

HB 785 prohibits a provision in certain documents of a cooperative housing corporation or homeowners association, and does not allow a local jurisdiction from prohibiting or restricting the establishment or operation of family child care homes or limiting the number of children for which family child care homes provides family child care to below the number authorized by the State Department of Education.

The Chamber believes that HB 785 is a necessary step to increase access to childcare facilities that promote the wellbeing and effectiveness of Maryland's workforce and their employers. Over half of Maryland counties are deemed "childcare deserts".¹ In 2023, Ready Nation projected a \$2.2 billion annual impact in Maryland solely from infant and toddler care shortages.² This staggering figure doesn't account for the impact of the lack of affordable, accessible care for older children on our workforce and tax base.

The Maryland Chamber of Commerce and its members are tremendously supportive of measures that aim to increase the availability and affordability of childcare in Maryland. The childcare crisis, exacerbated by the COVID-19 pandemic, is having an exceedingly negative impact on workers' ability to participate in the labor market. The lack of availability and affordability in childcare is a major factor keeping Marylanders out of the workforce, which shrinks an already scarce labor pool and further contributes to the structural inflation that our business and consumers are currently facing.

¹ <https://childcaredeserts.org/2018/index.html?state=MD>

² <https://www.strongnation.org/articles/2124-strengthening-investments-in-child-care-can-bolster-maryland-s-future>

For these reasons, the Maryland Chamber of Commerce respectfully requests a **favorable report** on HB 785.



HB 785 Crossover Letter of Support.pdf

Uploaded by: Karen Straughn

Position: FAV

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March 27, 2025

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Karen S. Straughn
Consumer Protection Division

Re: House Bill 785 – 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 785 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 Judicial Proceedings Committee return a favorable report on this bill.

cc: The Honorable Jessica Feldmark
The Honorable Eric Ebersole
The Honorable Michele Guyton
The Honorable Pam Lanman Guzzone
The Honorable Terri L. Hill
The Honorable Dana Jones
The Honorable Aletheia McCaskill
The Honorable Jen Terrasa
The Honorable Natalie Ziegler
Members, Judicial Proceedings Committee

HB0785- State Board- Support- Crossover.pdf

Uploaded by: Madeline Houck

Position: FAV

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

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 or at 410-767-0504, if you would like any additional information.

HB785.OppositionWrittenTestimony.pdf

Uploaded by: Cynthia Kent

Position: UNF

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Maryland Legislative Action Committee
The Legislative Voice of Maryland Community Association Homeowners

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RE: House Bill 785
Common Ownership Communities and Zoning Authorities - Operation of Family Child
Care Homes - Limitations
Hearing Date: March 27, 2025
Position: Oppose

Dear Senator William C. Smith, Jr.; Senator Jeff Waldstreicher; and members of the Judicial Proceedings Committee:

This letter is submitted on behalf of the Maryland Legislative Action Committee (“MD-LAC”) of the Community Associations Institute (“CAI”). CAI represents individuals and professionals who reside in or work with community associations (condominiums, homeowners’ associations, and cooperatives) throughout the State of Maryland.

House Bill 785 seeks to further limit the ability of Maryland common interests communities (cooperatives, condominium associations, and homeowners associations) from enforcing provisions of their governing documents regarding the regulating of family child care homes in their communities. House Bill 785 infringes on the ability of these communities to self-govern, and to adopt reasonable rules and regulations that such communities, through their internal democratic processes, regarding the safety and security of their communities and children and families who may be served by family child care homes in those communities. While CAI certainly understands that the need to have sufficient child care services available in Maryland is an important and a laudable goal, members of specific common interest communities are best positioned to know the capabilities of their communities to support such services, and should be permitted to make these decisions themselves. In addition, some members of these communities may have decided to purchase homes in these communities because of already existing use restrictions in recorded documents that this bill would abrogate.

Maryland Legislative Action Committee
Post Office Box 6636
Annapolis, Maryland 21401

We are available to answer any questions the Committee Members may have. Please feel free to contact Lisa Harris Jones, lobbyist for the MD-LAC, at 410-366-1500, or by e-mail at lisa.jones@mdlobbyist.com, or Vicki Caine, Chair of the MD-LAC, 215-806-9143.

Sincerely,

Cynthia Hitt Kent
Member, CAI MD-LAC

Vicki Caine
Chair CAI MD-LAC