

House Bill 21–1222: Bill to Increase the Supply of Family Child Care Homes

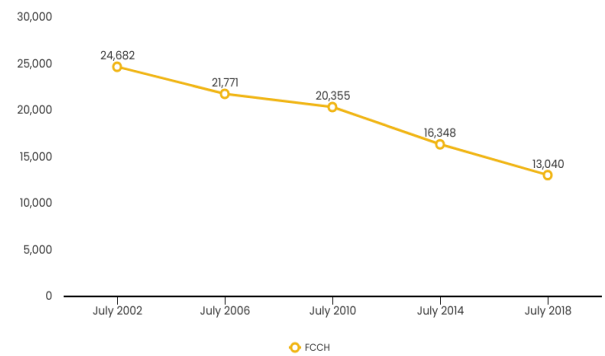
Sponsors: Reps. A. Valdez and Van Winkle / Sens. Smallwood and Winter

Colorado’s family child care home (FCCH) and infant child care shortage crisis prompted the state legislature to pass [Senate Bill 19-063 Infant and Family Child Care Action Plan](#) to examine and address the reasons for the decline through a strategic action plan. [This action plan](#) identified that a major contributing factor to the shortage of family child care homes is **conflicting regulation between state licensing allowances and local regulations, including zoning, fire, life safety, and building codes**. State licensing regulations already require FCCHs to meet health and safety standards to ensure the wellbeing of all children in care. Therefore, to reduce burdensome and unnecessary regulations, this bill requires local regulatory entities to treat family child care homes as residences for regulatory purposes such as zoning, fire, life safety, and building codes.

The Problem: Quality child care is a necessity for Colorado’s economy and working families with young children, yet the number of licensed child care facilities have declined over the last decade. Between 2002 and 2018, Colorado has lost more than 11,600 licensed slots in family child care homes, and the loss of child care for working families has only worsened with the pandemic. Due to COVID-19, 10 percent of child care providers have permanently closed their doors and 44 percent of families with young children are without child care plans for 2020-2021.¹ Colorado’s child care supply gaps continue to worsen, and without efficient policy solutions, Colorado cannot increase the number of quality child care options to meet the needs of all working families.

Child care is provided by informal care providers such as family, friends, and neighbors, or by formal licensed providers in centers, homes, or school districts. Licensed child care offered in a provider’s primary place of residence is commonly referred to as a family child care home. **FCCHs may be the preferred option** for families due to their smaller group sizes, in-home learning environments, accessibility, and flexibility to accommodate nontraditional work schedules. Historically, most of the infants and toddlers in licensed child care are cared for in FCCHs.

FCCH LICENSED CAPACITY CHANGE, ALL AGES 2002-2018



Source: Dr. Ajay Chaudry SB63 Analysis In CO Senate Bill 19-063 Infant and Family Child Care Action Plan

What is contributing to a shortage of Family Child Care Homes in Colorado? The Office of Early Childhood (OEC) regulates child care operations in licensed facilities to ensure quality, health, and safety standards are met for all children in care. Even though OEC regulates health and safety standards, some localities and municipalities categorize the “use” of a child care provider’s home as a commercial “use,” a categorization with increased requirements that limit the viability and operations of FCCHs.

Local regulations that conflict with OEC’s licensure allowances can often lead to:

- **Reduced number of children** that can attend a FCCH (below levels authorized under OEC regulations),
- **Increased costs** due to commercial fire and zoning requirements such as retrofitting homes with sprinkler systems estimated to cost tens of thousands of dollars,
- Outright **prohibitions of FCCHs** in certain homes because of zoning restrictions, or
- **Failure to open new programs** as providers are discouraged and/or cannot afford to navigate the additional hurdles

¹ Early Milestones Colorado. *COVID-19 EC Research Partnership*. Accessed Fall 2020 from <https://earlymilestones.org/project/covid-ec-research/>

Providing **quality child care is expensive** and the costs are often inaccessible for Colorado families who, on average, spend 20 percent of their household income on child care. Despite the high costs to provide quality child care, providers are unable to set tuition rates high enough to cover their expenses because many families cannot afford the higher rates. Local regulations too often lead to financial costs that make FCCHs unsustainable and result in closures.

Economic impacts of the gaps in Colorado's child care sector on working families, employers, and taxpayers costs our state \$2.2 billion annually in lost earnings, productivity and revenue.
– Ready Nation, Council for Strong America, 2020

What can be done? Policymakers can support this bill to reduce burdensome regulations simply by requiring local regulatory entities to treat family child care homes as residences for regulatory purposes such as zoning, fire, life safety, and building codes. Given that state licensing regulations already require FCCHs to meet health and safety standards to ensure the wellbeing of all children in care, this change will prevent additional or conflicting regulations from being placed on FCCH providers above state licensing requirements. In doing so, the legislature can help increase the availability of quality child care within communities throughout Colorado and boost the economy by enabling working families to maintain employment.

List of Supporters

A Caregivers Network
Boulder County Family Child Care Association
Clayton Early Learning
Colorado Association of Family Child Care
Colorado Business Roundtable
Colorado Children's Campaign
Colorado Head Start Association
Colorado Statewide Parent Coalition
Council for a Strong America – Colorado Chapter
Early Childhood Council Leadership Alliance
Early Childhood Council of Larimer County
Early Childhood Partnership of Adams County
Early Childhood Summit
Energize Colorado
Executives Partnering to Invest in Children
Florence Crittenton Services
Huerfano-Las Animas Counties Early Childhood Council
Illuminate Colorado
Jefferson County Child Care Association
MyVillage
Raise Colorado
Save the Children Action Network
Small Business Majority
Spring Institute for Intercultural Learning
The Bell Policy Center
Women's Foundation of Colorado
Women's Lobby of Colorado

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