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BILL ANALYSIS



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House Bill 5048 (Substitute H-1 as passed by the House)
Sponsor: Representative John R. Roth
House Committee: Families, Children, and Seniors
Senate Committee: Economic and Small Business Development

Date Completed: 5-26-22

CONTENT

The bill would amend the child care licensing Act to do the following:

- **Require a child care center that was currently licensed and located in a multiple occupancy building to notify the Department of Licensing and Regulatory Affairs (LARA) within 90 days of the bill's effective date if there had been a change in occupancy or use by occupants within the building since the center's license was allowed.**
- **Specify that LARA would have to require each applicant seeking licensure as a child care center within a multiple occupancy building to state on its application that it would be located within a multiple occupancy building and to provide prescribed information regarding other occupants, within 90 days of the bill's effective date.**
- **Require LARA to inspect a child care center located within a multiple occupancy building to verify that reasonable mitigation measures were in place to protect children under the care of the center before issuing or renewing a license.**
- **Allow LARA to require a child care center located within a multiple occupancy building to take certain actions as a condition of its licensure.**
- **Rescind a rule promulgated under the Act pertaining to child care centers in multiple occupancy buildings.**

Under the bill, within 90 days after the bill's effective date, a child care center that was currently licensed and located in a multiple occupancy building would have to notify LARA if there had been any change in occupancy or use by occupants within the building since its license was allowed, in a form and manner as prescribed by LARA. In addition, beginning 90 days after the bill's effective date, LARA would have to require each applicant seeking licensure as a child care center within a multiple occupancy building to state clearly on the application that it would be located within a multiple occupancy building and to describe the nature and character of each of the other occupants and the occupant use within that multiple occupancy building.

("Child care center" means a facility, other than a private residence, receiving one or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child.)

Before issuing or renewing a license or provisional license under the Act to a child care center located within a multiple occupancy building, LARA would have to inspect the location to verify that reasonable mitigation measures were in place to protect the health, safety, and well-

being of children who were under the care of the child care center. As a condition of licensure for a child care center located within a multiple occupancy building, LARA could require the child care center to do all the following:

- Use reasonable measures to mitigate any significant risk associated with other occupants within the multiple occupancy building.
- Ensure the child care center was self-contained, with bathrooms located within the center.
- Secure the child care center against unauthorized entry during hours of operation.
- Ensure the child care center was separated from hazardous operations.
- If alcohol were served within the multiple occupancy building, ensure that alcohol was not transported or consumed within the child care center during hours of the center's operation.
- If an outdoor area were available and shared, ensure that that was a set schedule to keep the children separate from other occupants of that building.
- Satisfy any other reasonable staffing, program, or operation requirements that LARA determined was necessary to protect children within the care of that child care center from any serious risk of harm that could stem from being located within a multiple occupancy building.
- Require the licensee to notify LARA within 90 days of a change of occupants or occupant within that building.

The bill specifies that the child care center hours of operation would not determine the hours of operation for the other occupants of a multiple occupancy building, including occupants that served alcohol.

The bill also would rescind Rule 400.8560 of the Michigan Administrative Code. (Rule 400.8560 specifies the following:

- Child care centers with multiple occupancy of a building may qualify for licensure if the entire building does not present a life safety hazard.
- A center currently licensed in such a building may continue if such occupancies do not change in character.
- A building, part of which is used for hazardous operations or for occupancy that is unpredictable, such as taverns, garages, repair shops, and industrial operations, are not permitted for center use, but an exception may be made for a vocational education center approved LARA.)

Proposed MCL 722.118e

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. Under the bill, LARA would have to perform additional inspections and review submitted materials from the affected child care providers. The possible administrative and staffing costs associated with these increased duties is presently unknown.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.