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Senate Bill 636 (as introduced 11-7-19)
Sponsor: Senator Roger Victory
Committee: Families, Seniors and Veterans

Date Completed: 11-27-19

CONTENT

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

- **Specify that "child care center" would not include a homeless shelter's program that provides child care services to temporary residents.**
- **Specify certain circumstances under which a homeless shelter that provided child care services to temporary residents of that shelter would be exempt from the Act's licensing requirements.**
- **Exempt an adult resident of a homeless shelter from a criminal history check required under the Act if the part of the shelter where child care was provided was secure and the individual did not have access to it.**
- **Modify the definitions for various terms.**

Child Care Center

Under the Act, "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. The term does not include the following:

- A Sunday school, vacation bible school, or a religious instructional class under certain circumstances.
- A facility operated by a religious organization under certain circumstances.
- A program that is of primarily supervised, school-age-child-focused training in a specific subject.
- A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group.
- A program that primarily provides therapeutic services to a child.

Under the bill, "child care center" also would not include a homeless shelter's program that provided child care services to temporary residents.

Homeless Shelter Child Care Services; Exemptions

Generally, Section 5m of the Act prohibits an entity from maintaining a child care center, group child care home, or family child care home unless it is licensed by the Department of Licensing and Regulatory Affairs (LARA). Under the Section, applications must be made in a manner prescribed by LARA. Before the issuance of a license, LARA must investigate the applicant's activities and proposed standards of care and must make an on-site visit of the

proposed or established facility. If LARA is satisfied as to the need for a facility, its financial stability, and that the service, facility, applicant, licensee, child care staff member, or member of the household is conducive to the welfare of the children, LARA must issue or renew the facility's license.

In addition, Section 5n generally requires LARA to review or request certain criminal history and sex offender registry information for certain individuals after receiving an application for a license or renewal of a license to operate a child care center, group child care home, or family child care home. The Department must request a criminal history check in a manner prescribed by the Department of State Police (MSP), after which LARA must determine if an individual is eligible or ineligible.

Under the bill, Section 5m and Section 5n would not apply to a homeless shelter that provided child care services to temporary residents of that shelter.

"Ineligible" means that the individual obtained checks and clearances as described in Sections 5n and 5q and is not considered appropriate to obtain a license, to be a member of the household of a group child care home or family care home, or to be a child care staff member due to violation of Section 5n, 5q, or 5r. Under the bill, the term would not apply to a temporary resident of a homeless shelter that provided child care services to its residents if that individual did not have access to the part of the homeless shelter where child care services were provided.

"Member of the household" means any individual who resides in a family child care home, group child care home, foster family home, or foster family group home on an ongoing basis, or who has a recurrent presence in the home, including overnight stays. For foster family homes and foster family group homes, a member of the household does not include a foster child. For group child care homes and family child care homes, a member of the household does not include a child to whom child care is being provided. Under the bill, for a homeless shelter that provided child care services to temporary residents of the shelter, a member of the household would not include an individual who did not have access to the part of the shelter where child care services were provided.

Under the bill, a homeless shelter that provided child care services to temporary residents of that shelter would be exempt from the Act's licensing requirements if it met all of the following criteria:

- Had paid a nurse on staff who was licensed under Part 172 (Nursing) of the Public Health Code.
- Had at least 75 beds for homeless residents.
- Maintained no more than four infants to each child care staff member or volunteer.
- Was in a residential zoning district.
- Provided a job training program, and job placement assistance to parents who were residents of the homeless shelter.
- Had a written agreement with a local law enforcement agency to have that agency regularly patrol the homeless shelter.

In addition to the criteria above, a homeless shelter that provided child care services to temporary residents of that shelter would be exempt from the Act's licensing requirements if it had the following ratio of child care staff members, volunteers, or both, to the number of beds for temporary homeless residents:

- For a shelter with 75 to 100 beds, four child care staff members, volunteers, or a combination of both.

- For a shelter with 101 beds or more, one additional child care staff member or volunteers for every additional 25 beds.

The bill specifies that an adult resident of a homeless shelter would be exempt from a criminal history check required under the Act if the part of the facility where child care was provided was secure and the individual did not have access to that area. An individual who had access to the part of the building where child care was provided would have to submit to the criminal history check required under the Act. "Secure" would mean the facility had video surveillance and restricted access that can only be accessed by a child care staff member who is authorized to be in the part of the facility where child care is provided.

MCL 722.111 et al.

Legislative Analyst: Tyler VanHuysse

FISCAL IMPACT

The bill would have an unknown but likely negligible fiscal impact on the Department of Licensing and Regulatory Affairs and no fiscal impact on local government. At present, the Department does not categorize child care licensees by facility type. As a result, it is unable to estimate how many child care licensees are held by homeless shelters or whether those facilities would meet the criteria for exemption contained in the bill. The number of facilities would be relatively small and any changes to license revenue would have a minimal fiscal impact on the Department.

The Department notes that the licensing process as well as compliance monitoring and inspections would remain unchanged. Administrative activities undertaken as a result of the bill likely would be minimal and would be funded by existing appropriations.

Fiscal Analyst: Elizabeth Raczkowski

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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.