

Testimony in Support of
LD 1428: An Act to Increase Child Care for Maine Families
On behalf of the Maine Association for the Education of Young Children
And the Family Child Care Association of Maine

Senator Ingwersen, Representative Meyer, and Distinguished Members of the Health and Human Services Committee, my name is Heather Marden, and I am sharing this testimony in support of LD 1428, "An Act to Increase Child Care for Maine Families" on behalf of the Maine Association for the Education of Young Children and the Family Child Care Association of Maine.

Allowing child care facilities and family child care providers as a permitted use in residentially zoned areas is a crucial step toward reducing regulatory and financial hurdles for providers.

Since 1997, the American Planning Association (APA) has offered guidance on incorporating childcare policies into local planning and zoning reforms. In its 2022 *Equity in Zoning Policy Guide*, the APA emphasizes that zoning can contribute to or reinforce inequities by limiting access to essential services like childcare. The guide highlights that severe shortages of convenient childcare disproportionately affect single-parent households, particularly those headed by women.

[Equity-in-Zoning-Policy-Guidev2.pdf](#)

While many local governments permit childcare facilities in specific commercial or residential zones, local planning efforts often fall short of fully addressing community childcare needs. Childcare access is closely tied to housing, transportation, and employment. When childcare is unavailable or unaffordable, parents may be forced to leave the workforce. In contrast, accessible and affordable childcare supports working families and strengthens the local economy.

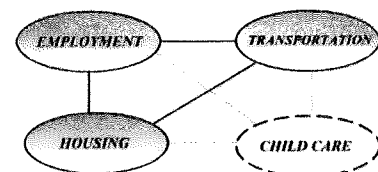


Figure 3. Child care is often the missing link in community planning and economic development.
Amber Anderson

States like California and Minnesota have passed similar laws that preempt overly restrictive local zoning regulations. California's statewide preemption allows small and large family child care homes by right in all residential zones, recognizing child care as a residential-compatible use. The result has been a more diversified and accessible child care market, particularly in neighborhoods where families live.

For Maine, this policy will empower providers—especially family-based ones—to serve their communities without facing lengthy and costly zoning appeals processes. It also allows care to be more seamlessly embedded in the fabric of residential communities where it is most needed.

LD 1428 smartly directs the Maine State Housing Authority to amend its Low-Income Housing Tax Credit rules to allow required community rooms to be used for child care.

This is an innovative and high-impact change. States like Illinois and Colorado have already encouraged or incentivized the inclusion of child care centers in affordable housing developments supported by these tax credits. In doing so, they have seen increased access to child care for lower-income families, reduced transportation barriers, and strengthened community bonds.

Allowing these underutilized spaces in Maine to serve dual purposes—as both community rooms and child care hubs—offers a low-cost, high-value way to expand care capacity without requiring new construction or extensive capital investment.

In addition the provision to allow licensed child care providers to operate without an onsite outdoor play area if a public recreational space exists within a quarter-mile seems to already be allowed in licensing regulations but we would recommend there be flexibility in how the state defines appropriate barriers around outdoor space as often public parks and playgrounds may not always have the required barriers. We would recommend use of visual identifiable barriers such as cones could be sufficient to teach children boundaries that can travel with the program. We also think it is important to have a safety plan for use of outdoor spaces that are not on the program's property that children and staff practice throughout the year.

LD 1428 reflects the kind of smart, practical policy we need to grow Maine's child care supply and support working families. It reduces unnecessary regulatory burdens, uses existing community assets more effectively, and aligns Maine with national best practices.

I urge the Committee to vote Ought to Pass on LD 1428.

Thank you for your time and commitment to Maine's children, families, and providers.

APA Policy Guide on the Provision of Child Care

Revised by the APA Legislative & Policy Committee, July, 1997

Adopted by the Chapter Delegate Assembly, September 20, 1997

Ratified by the Board of Directors, September 21, 1997

Statement of Issue and Findings

Affordable, conveniently located, quality child care is one of the most pressing concerns of contemporary family life. In the 1990s, 75 percent of women with school-aged children are in the labor force. According to the Census Bureau, in 1990, there were 19.2 million employed women with children under 15 years old living with them. Their 31 million children must be cared for while their mothers are at work.

The most rapid increase in the rate of labor force participation since 1970 has been among women with children under the age of three. In 1997, 62 percent of mothers with pre-schoolers are in the work force. Additionally, most of these mothers work full time.

In 1990, an estimated 1.6 million children 5 to 14 years old were "latchkey" children, i.e., left unsupervised for at least part of the day. Child care is clearly a national problem calling out for some form of federal support. In addition, there are numerous state and local level policies and actions which would enhance the provision of quality child care.

In 1990, a common type of arrangement chosen by working parents was family day care homes. It continues to be a preferred choice. Family day care is provided by an adult working in her or his home and typically caring for four to seven children. Local planners can play an important role in facilitating the provision of family day care by working to amend zoning to permit such a use by right in some residential districts. Local planners are also increasing the availability of child care by working with developers to provide affordable space. Child Care in the workplace as another convenient option for working parents.

Policy Positions

- 1. APA advocates the inclusion of child care policies as part of local planning policies.**
- 2. APA supports local or state legislation which provides for small child care homes as permitted land uses in all zoning districts, without the standard home occupation restrictions, but with reasonable compatibility standards; and further supports state preemption of local legislation which does not permit this type of child care home.**
- 3. APA encourages communities to consider amending local zoning ordinances to remove obstacles to the provision of regulated group and family child care in all zoning districts, in locations that are appropriate and safe for children.**
- 4. APA encourages communities to negotiate with developers and to offer incentives to provide space for child care in all types of projects, residential, office, mixed use, and commercial, including new construction and reuse.**

Reasons for these principles include:

The impact of child care shortages is most acutely felt at the local level. A survey of parents seeking child care in five counties in New York State showed the number one problem to be finding a center which was conveniently located. Many communities are already actively

engaged in improving the availability of child care for their residents. For example, in Hartford, Connecticut, developers can receive a FAR bonus in exchange for providing space for day care. Prince George's County, Maryland, has amended its zoning to include a special exception for child care facilities in excess public school buildings undergoing adaptive reuse. Palo Alto, California, includes in its comprehensive plan a variance permitting expanded site coverage in industrial zones when the additional building space is used for child care. Tucson, Arizona, zoning regulations allow by right small child care homes and, conditionally, small child care centers in residential zones. The State of California requires local jurisdictions to classify family day care as a residential use and prohibits the imposition of licenses, fees, or zoning requirements on day care centers with 6 or fewer children. Local jurisdictions may require special use permits for facilities with up to 12 children, but limit local discretion to consideration of spacing, parking, traffic, and noise control, subject to the building meeting state building and fire safety requirements.

It should be noted that, although much attention is being focused on the provision of child care at work, surveys consistently show that most parents prefer that their children be in small facilities close to home. Parents are concerned not just about convenience of child care, but also the quality of child care. Child care for a limited number of children in a home is the preferred choice of many parents. Home occupation restrictions, such as limited use of floor space in the home and prohibitions on the use of outdoor space, unreasonably restrict child care in the home.

Some locations, such as high noise areas near airports and industrial areas with hazardous materials storage, may be inappropriate for child care. In addition, maintaining the quality of life in a neighborhood is important. Traffic and parking, waste disposal, and adequate sound control measures should be considered when providing for child care in a neighborhood. Licensing of child care to assure the quality of care and safety of children should be reasonable requirements.

5. APA supports legislation at the federal, state and local levels providing for child care needs assessment and planning to be performed at the state and local level.

6. APA supports local legislation (zoning ordinances) which provide for child care in locations convenient to neighborhoods and in public facilities such as schools, recreation and social service centers, and subsidized housing projects. Procedures to locate child care facilities should not be overly burdensome and should be related to size and land use impacts of the facility.

7. APA supports national and state legislation which moves toward the goal of providing adequate funding for safe, convenient and affordable child care opportunities for all children.

Reasons for these principles include:

The United States is the only industrialized nation which provides no job protection or child care support for working parents. American women have no statutory entitlement to job protection, health coverage for themselves and their newborn, or access to affordable, convenient and quality child care. The majority of women (80 percent, according to the National Commission on Working Women) work in low-paying, low status jobs. Nearly two thirds (63.6 percent) of all minimum wage earners are women. Twenty percent of mothers in the work force, or over 6 million women, are the sole support of their families. Without public policies in support of parents, we as a society run the risk that many of today's children will not receive the necessary care to grow into productive adults. Regulations which protect the safety of children, enhance the quality of care, or assure child care affordability are appropriate and will help to address concerns of parents and communities about child care.

Child care costs are most burdensome on low-income mothers. Women, especially women of color, are more likely to hold low-wage jobs. Child care costs approximately 27 percent of the monthly income for a family below poverty in 1991.

Increased zoning barriers add to the cost of child care and the lowering of quality of care. Typically, churches and schools are permitted in residential zones as uses that are compatible with and help support the viability of a neighborhood. Child care centers are usually considered commercial land uses, thus making the cost and convenience of child care greater for neighborhood residents.

Welfare reform's impact on the need for child care for low-income mothers has the potential to be significant. Public funding for day care (e.g. the provision of safe, affordable, child care at convenient locations) is essential to implementation of any federal or state program for welfare reform.

Note: The implementation of actions at the state level is at the initiative of the chapter taken in the legislative context particular to each state.

RESOURCES

Ann Cibulskis and Marsha Ritzdof, *Zoning for Child Care*, Planning Advisory Service Report no. 422, 1989.

Bureau of Census, Statistical Briefs. *American Women: A Profile* (SB/95-19); *The Earnings Ladder* (SB/94-3RV); *Who's Minding The Kids?* (SB/94-5)

Abby Cohen, "Zoning For Family Day Care: Transforming a Stumbling Block Into A Building Block," *The Planning Commissioner's Journal*, Number 3, March/April 1992.