

Date of Hearing: June 28, 2017

ASSEMBLY COMMITTEE ON ACCOUNTABILITY AND ADMINISTRATIVE REVIEW

Susan Talamantes Eggman, Chair

SB 401 (Pan) – As Introduced February 15, 2017

**SENATE VOTE:** 36-0

**SUBJECT:** Child care facilities: state employees

**SUMMARY:** Removes the existing limit on the allowable area of indoor space that can be used for child care within state-owned office buildings. Specifically, **this bill:**

- 1) Deletes provisions in current law restricting the indoor area of child care space in state-owned buildings to no larger than 2,100 square feet and to no less than that required to accommodate 30 children and requiring outdoor play area space to correspond with the indoor play area, as specified.
- 2) Requires, instead, indoor and outdoor activity space for child care in state-owned buildings to comply with existing regulations governing all licensed child care facilities.

**EXISTING LAW:**

- 1) Expresses legislative intent relating to the substantial need to provide adequate child care facilities for state employees.
- 2) Requires child care facilities to be included when the state constructs, acquires, or is gifted, an office building that can accommodate 700 or more state employees if a review by the Department of General Services (DGS) and a specified advisory committee shows sufficient need for child care services for 30 or more children.
- 3) Limits the indoor area for a child care facility in state-owned buildings to no more than 2,100 square feet, and to no less than that necessary to accommodate 30 children, excluding space for restrooms, kitchen facilities, storage areas, and teacher offices, and requires that the outdoor play area space correspond with the indoor play area, as specified.
- 4) Requires that space designed within state-owned office buildings for child care facilities shall comply with the prevailing local and state safety building codes for child care facilities.
- 5) Provides for the licensure and regulation of child care facilities pursuant to the California Child Day Care Facilities Act and the California Code of Regulations, Title 22, Division 12.

**FISCAL EFFECT:** According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

**COMMENTS:** Existing law in the Government Code relating to child care in state-owned buildings specifically limits the indoor area to 2,100 square feet. This restriction on size, in addition to other regulations regarding space per child that all day care facilities must follow, means that a state child care facility can only accommodate a maximum of 60 children at one time. This bill lifts this cap on allowable indoor space and, instead, requires indoor and outdoor

activity space for child care facilities that serve state employees to comply with the same standards used for all other child care facilities.

The 2,100 square foot size restriction exclusive to state-owned buildings was established in 1981 pursuant to SB 764, (Watson), Chapter 913, Statutes of 1981. According to the legislative bill analysis of SB 764, it was adopted as a cost control measure and at a time when the idea of work-site child care was new and innovative. There was some concern at the time that worksite child care was a move toward government takeover of child rearing. Since then, workplace attitudes have changed and on-site child care has become more common as a way of addressing the needs of working parents.

According to the author, this bill is needed to update an outdated provision of law that unreasonably limits the capacity of child care centers in state buildings. The author states that eliminating the cap and allowing for larger child care areas would increase quality and access by attracting a larger pool of operators and provide added capacity to help meet state workers' ongoing need for child care at or near their workplaces.

DGS reports that, currently, 21 licensed child care facilities serving nearly 1,300 children are located in state-owned buildings and subject to the 2,100 square foot restriction. Nearly half of these providers who responded to a recent DGS survey indicated that they were at maximum capacity and operating with waitlists.

Supporters note that the existing facility restriction makes it challenging for center operators to administer programs in state buildings. Removing the square footage cap will give the state the flexibility to carry out thoughtful child care design considerations for future office buildings that can accommodate more children.

**DOUBLE REFERRAL:** This measure was previously heard in the Assembly Human Services Committee on June 17, 2017, with a vote of 6-0.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Child Action, Inc.  
KinderCare Education

**Opposition**

None on file.

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