The State of Maryland

Executive Department

ORDER
OF THE
GOVERNOR OF THE STATE OF MARYLAND

EXPANDING CHILD CARE ACCESS

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency continue to exist;

WHEREAS, Providers of health care, emergency medical services, law enforcement, and other services may be in need of child care services for their school-age children when schools are closed;

WHEREAS, To expand capacity for child care services, it will be necessary to suspend certain State child care and local regulations;

WHEREAS, It is necessary to protect the public health, welfare, or safety to suspend the effect of statutes, rules, or regulations regarding child care; and

WHEREAS, It is further necessary to control the occupancy and use of buildings and premises, and authorize the use of private property, to provide child care and other temporary accommodations for children;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, DO HEREBY ORDER:

I. The State Superintendent of Schools (the "State Superintendent") may, upon a finding that the suspension will not endanger the public health, welfare, or safety, suspend the effect of any or all of the provisions within the following regulations for:

a. Operational Requirements:

i. COMAR 13A.15.04 (Family Child Care);
ii. COMAR 13A.16.04 (Child Care Centers);
iii. COMAR 13A.17.04 (Letters of Compliance); and
iv. COMAR 13A.18.04 (Large Family Child Care);

b. Provider or Staff Requirements:

i. COMAR 13A.15.06 (Family Child Care);
ii. COMAR 13A.16.06 (Child Care Centers);
iii. COMAR 13A.17.06 (Letters of Compliance);
iv. COMAR 13A.18.06 (Large Family Child Care); and

c. Child Supervision:

i. COMAR 13A.15.08 (Family Child Care);
ii. COMAR 13A.16.08 (Child Care Centers);
iii. COMAR 13A.17.08 (Letters of Compliance); and
iv. COMAR 13A.18.08 (Large Family Child Care).

II. If, after suspending the effect of any or all of the provisions within the regulations described in § I, the State Superintendent determines that there continues to be insufficient availability of child care in the state, the State Superintendent may, to increase capacity, and upon a finding that the suspension will not endanger the public health, welfare, or safety:

a. Further suspend the effect of any or all provisions within the following regulation subtitles:

i. COMAR 13A.15 (Family Child Care);
ii. COMAR 13A.16 (Child Care Centers);
iii. COMAR 13A.17 (Letters of Compliance); and
iv. COMAR 13A.18 (Large Family Child Care); and

b. Issue guidelines permitting family and friend child care providers to provide care to up to five unrelated children in the provider's home.

III. To the extent necessary to allow for child care approved by the State Superintendent, and upon a finding by the unit that the suspension will not endanger the public health, welfare, or safety, any unit of State or local government may, in consultation with the State Superintendent, suspend the effect of a statute, rule, or regulation that it administers or enforces relating to the following:

a. Zoning, so as to waive any required permits for the use of land;

b. Building, use, and occupancy permitting, so as to remove limits on the use of a building based on a child's age;

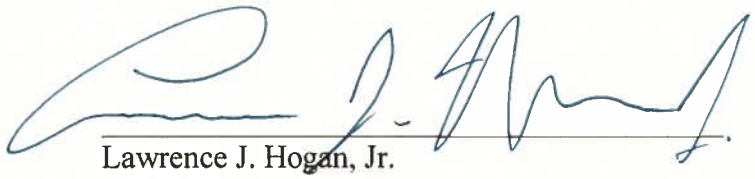
c. Fire inspection; and

d. Testing of water, sewers and sewage, drainage, sanitation, refuse disposal, or pollution on private property.

IV. This Order remains effective until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

V. The State Superintendent may suspend the effect of any other statute, rule, or regulation of an agency of the State or a political subdivision to the extent necessary to provide sufficient availability for child care in the state or that is otherwise inconsistent with this Order.

ISSUED UNDER MY HAND THIS 13TH DAY OF MARCH, 2020, AND EFFECTIVELY IMMEDIATELY.



Lawrence J. Hogan, Jr.
Governor