
OLR Bill Analysis

sSB 87

AN ACT CONCERNING CERTAIN PROTECTIONS FOR GROUP AND FAMILY CHILD CARE HOMES.

SUMMARY

This bill makes various changes concerning the municipal regulation of family and group child care homes (see BACKGROUND). The bill prohibits municipal zoning regulations from treating licensed group child care homes located in a residence differently than single or multifamily properties, a prohibition that already applies to the treatment of family child care homes. The bill also prohibits zoning regulations from requiring a special permit or exception to operate either a family or group child care home located in a residence within a residential zone.

Under the bill, each municipality must annually report to the Office of Policy Management (OPM) that its zoning ordinance is compliant with these requirements or give the timeframe within which it will be.

Additionally, the bill:

1. extends to group child care homes located in a residence the existing limitations on a municipality's authority to impose operational conditions on family child care homes;
2. explicitly authorizes licensed family and group home operators to add their landlord as an additional insured on their renter's or homeowner's insurance policies that provide coverage for these child care homes (§ 5);
3. extends to group child care homes located in a residence the requirement that the Office of Early Childhood (OEC) inspect for evident sources of lead poisoning during licensing inspections and have tested any paint chips it finds (§ 3);

4. prohibits rental agreements entered into or renewed on or after October 1, 2021, from barring or restricting tenants from operating licensed family child care homes (§ 4); and
5. makes numerous technical and related conforming changes reorganizing provisions of the state's Zoning Enabling Act (i.e., CGS § 8-2)(§§ 2 & 6).

EFFECTIVE DATE: October 1, 2021

MUNICIPAL REPORTING REQUIREMENT

Annually, beginning by December 1, 2021, the bill requires each municipality's chief planning official to submit to OPM a sworn statement on its compliance with the laws restricting the municipal zoning regulation of licensed group and family child care homes located in a residence, as amended by the bill. The statement must either:

1. declare that its zoning regulations (a) treat licensed family child care homes and group child care homes located in a residence the same as single and multifamily dwellings and (b) do not prohibit their operation in a residential zone or require any special zoning permit or special exception for their operation or
2. give the specific time frame within which the municipality will bring its zoning regulations into compliance with these requirements.

LIMITS ON MUNICIPAL REGULATIONS

Restrictions on Family and Group Child Care Homes

By law, zoning regulations cannot prohibit family or group child care homes from operating in residential zones. The bill specifies that this restriction applies only to those located in a residence. Additionally, under the bill, zoning regulations cannot require special permits or exceptions for the operation of these child care homes. (Special permits and exceptions are synonymous; they allow recipients to use a property in a way explicitly permitted by the zoning regulations, but subject to conditions not applicable to other uses in the

same district.)

The bill also extends the existing limitations on a municipality's authority to regulate family child care homes to group child care homes located in a residence. Under existing law, (1) municipal zoning regulations may not treat family child care homes differently than single or multifamily properties and (2) municipalities may not impose any operational conditions (other than those OEC requires) on family child care homes that comply with all codes and ordinances applicable to residential properties.

BACKGROUND

Family and Group Child Care Homes

A family child care home is a private family home generally caring for up to six children, including the provider's own children not in school full-time, where a child is cared for between three and 12 hours per day on a regular basis.

A group child care home (1) offers or provides supplementary care to between seven and 12 children on a regular basis or (2) meets the definition of a family child care home, except that it operates in a facility other than a private family home.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 12 Nay 3 (03/11/2021)