



General Assembly

January Session, 2021

Raised Bill No. 6612

LCO No. 4338



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING PROTECTIONS FOR FAMILY CHILD CARE HOMES AND THE ZONING ENABLING ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-3j of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) No zoning regulation shall treat any family child care home
4 [registered] licensed pursuant to section [17b-733] 19a-87b in a manner
5 different from single or multifamily dwellings.

6 (b) Not later than December 1, 2021, and annually thereafter, each
7 municipality shall submit to the Office of Policy and Management a
8 sworn statement from the chief planning official of the municipality
9 stating (1) that the municipality's zoning ordinance is in compliance
10 with (A) subsection (a) of this section, and (B) the provision relating to
11 family child care homes in subsection (d) of section 8-2, as amended by
12 this act, or (2) the time frame within which the municipality will bring
13 its zoning ordinance into compliance with subsection (a) of this section
14 and subsection (d) of section 8-2, as amended by this act.

15 Sec. 2. Section 8-2 of the general statutes is repealed and the following
16 is substituted in lieu thereof (*Effective October 1, 2021*):

17 (a) (1) The zoning commission of each city, town or borough is
18 authorized to regulate, within the limits of such municipality: [, the] (A)
19 The height, number of stories and size of buildings and other structures;
20 (B) the percentage of the area of the lot that may be occupied; (C) the
21 size of yards, courts and other open spaces; (D) the density of
22 population and the location and use of buildings, structures and land
23 for trade, industry, residence or other purposes, including water-
24 dependent uses, as defined in section 22a-93; [,] and (E) the height, size,
25 location, brightness and illumination of advertising signs and
26 billboards. Such bulk regulations may allow for cluster development, as
27 defined in section 8-18.

28 (2) Such zoning commission may divide the municipality into
29 districts of such number, shape and area as may be best suited to carry
30 out the purposes of this chapter; and, within such districts, it may
31 regulate the erection, construction, reconstruction, alteration or use of
32 buildings or structures and the use of land. All [such] zoning regulations
33 shall be uniform for each class or kind of buildings, structures or use of
34 land throughout each district, but the regulations in one district may
35 differ from those in another district. [, and may]

36 (3) Such zoning regulations may, except as otherwise specified in this
37 section, provide that certain classes or kinds of buildings, structures or
38 uses of land are permitted only after obtaining a special permit or
39 special exception from a zoning commission, planning commission,
40 combined planning and zoning commission or zoning board of appeals,
41 whichever commission or board the regulations may, notwithstanding
42 any special act to the contrary, designate, subject to standards set forth
43 in the regulations and to conditions necessary to protect the public
44 health, safety, convenience and property values. [Such regulations shall
45 be]

46 (b) Zoning regulations adopted pursuant to subsection (a) of this

47 section shall:

48 (1) Be made in accordance with a comprehensive plan and in
49 [adopting such regulations the commission shall consider]
50 consideration of the plan of conservation and development [prepared]
51 adopted under section 8-23; [. Such regulations shall be]

52 (2) Be designed to (A) lessen congestion in the streets; [to] (B) secure
53 safety from fire, panic, flood and other dangers; [to] (C) promote health
54 and the general welfare; [to] (D) provide adequate light and air; [to] (E)
55 prevent the overcrowding of land; [to] (F) avoid undue concentration of
56 population; and [to] (G) facilitate the adequate provision for
57 transportation, water, sewerage, schools, parks and other public
58 requirements; [. Such regulations shall be]

59 (3) Be made with reasonable consideration as to the character of the
60 district and its peculiar suitability for particular uses and with a view to
61 conserving the value of buildings and encouraging the most appropriate
62 use of land throughout [such] a municipality; [. Such regulations may,
63 to the extent consistent with soil types, terrain, infrastructure capacity
64 and the plan of conservation and development for the community,
65 provide for cluster development, as defined in section 8-18, in
66 residential zones. Such regulations shall also encourage]

67 (4) Provide for the development of housing opportunities, including
68 opportunities for multifamily dwellings, consistent with soil types,
69 terrain and infrastructure capacity, for all residents of the municipality
70 and the planning region in which the municipality is located, as
71 designated by the Secretary of the Office of Policy and Management
72 under section 16a-4a; [. Such regulations shall also promote]

73 (5) Promote housing choice and economic diversity in housing,
74 including housing for both low and moderate income households; [, and
75 shall encourage]

76 (6) Provide for the development of housing which will meet the
77 housing needs identified in the state's consolidated plan for housing and

78 community development prepared pursuant to section 8-37t and in the
79 housing component and the other components of the state plan of
80 conservation and development prepared pursuant to section 16a-26; [.]
81 Zoning regulations shall be]

82 (7) Be made with reasonable consideration for their impact on
83 agriculture, as defined in subsection (q) of section 1-1; [.]

84 (8) Provide that proper provisions be made for soil erosion and
85 sediment control pursuant to section 22a-329;

86 (9) Be made with reasonable consideration for the protection of
87 existing and potential public surface and ground drinking water
88 supplies; and

89 (10) In any municipality that is contiguous to Long Island Sound, (A)
90 be made with reasonable consideration for the restoration and
91 protection of the ecosystem and habitat of Long Island Sound; (B) be
92 designed to reduce hypoxia, pathogens, toxic contaminants and
93 floatable debris on Long Island Sound; and (C) provide that such
94 municipality's zoning commission consider the environmental impact
95 on Long Island Sound of any proposal for development.

96 (c) Zoning regulations adopted pursuant to subsection (a) of this
97 section may: [be]

98 (1) To the extent consistent with soil types, terrain and infrastructure
99 capacity and the plan of conservation and development for the
100 community, provide for cluster development, as defined in section 8-18;

101 (2) Be made with reasonable consideration for the protection of
102 historic factors; [and shall be made with reasonable consideration for
103 the protection of existing and potential public surface and ground
104 drinking water supplies. On and after July 1, 1985, the regulations shall
105 provide that proper provision be made for soil erosion and sediment
106 control pursuant to section 22a-329. Such regulations may also
107 encourage]

108 (3) Encourage energy-efficient patterns of development, the use of
109 solar and other renewable forms of energy, and energy conservation; [. The regulations may also provide]

111 (4) Provide for incentives for developers who use passive solar
112 energy techniques, as defined in subsection (b) of section 8-25, in
113 planning a residential subdivision development; [. The incentives may
114 include, but not be] including, but not limited to, cluster development,
115 higher density development and performance standards for roads,
116 sidewalks and underground facilities in the subdivision; [. Such
117 regulations may provide]

118 (5) Provide for a municipal system for the creation of development
119 rights and the permanent transfer of such development rights, which
120 may include a system for the variance of density limits in connection
121 with any such transfer; [. Such regulations may also provide]

122 (6) Provide for notice requirements in addition to those required by
123 this chapter; [. Such regulations may provide]

124 (7) Provide for conditions on operations to collect spring water or
125 well water, as defined in section 21a-150, including the time, place and
126 manner of such operations; [. No such regulations shall prohibit] and

127 (8) In any municipality where a traprock ridge or an amphibolite
128 ridge is located, (A) provide for development restrictions in ridgeline
129 setback areas; and (B) restrict quarrying and clear cutting, except that
130 the following operations and uses shall be permitted in ridgeline setback
131 areas, as of right: (i) Emergency work necessary to protect life and
132 property; (ii) any nonconforming uses that were in existence and that
133 were approved on or before the effective date of regulations adopted
134 pursuant to this section; and (iii) selective timbering, grazing of
135 domesticated animals and passive recreation.

136 (d) Zoning regulations adopted pursuant to subsection (a) of this
137 section shall not:

138 (1) (A) Prohibit the operation of any family child care home or group
139 child care home in a residential zone; [. No such regulations shall
140 prohibit] or (B) require any special zoning permit or special zoning
141 exception for the operation of any family child care home in a residential
142 zone;

143 (2) (A) Prohibit the use of receptacles for the storage of items
144 designated for recycling in accordance with section 22a-241b or require
145 that such receptacles comply with provisions for bulk or lot area, or
146 similar provisions, except provisions for side yards, rear yards and front
147 yards; [. No such regulations shall] or (B) unreasonably restrict access to
148 or the size of such receptacles for businesses, given the nature of the
149 business and the volume of items designated for recycling in accordance
150 with section 22a-241b, that such business produces in its normal course
151 of business, provided nothing in this section shall be construed to
152 prohibit such regulations from requiring the screening or buffering of
153 such receptacles for aesthetic reasons; [. Such regulations shall not
154 impose]

155 (3) Impose conditions and requirements on (A) manufactured homes
156 having as their narrowest dimension twenty-two feet or more and built
157 in accordance with federal manufactured home construction and safety
158 standards or on lots containing such manufactured homes which are
159 substantially different from conditions and requirements imposed on
160 single-family dwellings and lots containing single-family dwellings; [. Such regulations shall not impose conditions and requirements on] or
161 (B) developments to be occupied by manufactured homes having as
162 their narrowest dimension twenty-two feet or more and built in
163 accordance with federal manufactured home construction and safety
164 standards which are substantially different from conditions and
165 requirements imposed on multifamily dwellings, lots containing
166 multifamily dwellings, cluster developments or planned unit
167 developments; [. Such regulations shall not prohibit]

169 (4) (A) Prohibit the continuance of any nonconforming use, building
170 or structure existing at the time of the adoption of such regulations; [or]

171 (B) require a special permit or special exception for any such
172 continuance; [. Such regulations shall not] (C) provide for the
173 termination of any nonconforming use solely as a result of nonuse for a
174 specified period of time without regard to the intent of the property
175 owner to maintain that use; [. Such regulations shall not] or (D)
176 terminate or deem abandoned a nonconforming use, building or
177 structure unless the property owner of such use, building or structure
178 voluntarily discontinues such use, building or structure and such
179 discontinuance is accompanied by an intent to not reestablish such use,
180 building or structure. The demolition or deconstruction of a
181 nonconforming use, building or structure shall not by itself be evidence
182 of such property owner's intent to not reestablish such use, building or
183 structure; [. Unless such town opts out, in accordance with the
184 provisions of subsection (j) of section 8-1bb, such regulations shall not
185 prohibit]

186 (5) Prohibit the installation of temporary health care structures for
187 use by mentally or physically impaired persons [in accordance with the
188 provisions of section 8-1bb if such structures comply with the provisions
189 of said section] pursuant to section 8-1bb, as amended by this act, unless
190 the municipality opts out pursuant to subsection (j) of said section.

191 (e) Any city, town or borough which adopts the provisions of this
192 chapter may, by vote of its legislative body, exempt municipal property
193 from the regulations prescribed by the zoning commission of such city,
194 town or borough, [;] but unless it is so voted, municipal property shall
195 be subject to such regulations.

196 [(b) In any municipality that is contiguous to Long Island Sound the
197 regulations adopted under this section shall be made with reasonable
198 consideration for restoration and protection of the ecosystem and
199 habitat of Long Island Sound and shall be designed to reduce hypoxia,
200 pathogens, toxic contaminants and floatable debris in Long Island
201 Sound. Such regulations shall provide that the commission consider the
202 environmental impact on Long Island Sound of any proposal for
203 development.

204 (c) In any municipality where a traprock ridge, as defined in section
205 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the
206 regulations may provide for development restrictions in ridgeline
207 setback areas, as defined in said section. The regulations may restrict
208 quarrying and clear cutting, except that the following operations and
209 uses shall be permitted in ridgeline setback areas, as of right: (1)
210 Emergency work necessary to protect life and property; (2) any
211 nonconforming uses that were in existence and that were approved on
212 or before the effective date of regulations adopted under this section;
213 and (3) selective timbering, grazing of domesticated animals and
214 passive recreation.]

215 [(d)] (f) Any advertising sign or billboard that is not equipped with
216 the ability to calibrate brightness or illumination shall be exempt from
217 any municipal ordinance or regulation regulating such brightness or
218 illumination that is adopted by a city, town or borough, pursuant to
219 subsection (a) of this section, after the date of installation of such
220 advertising sign or billboard. [pursuant to subsection (a) of this section.]

221 Sec. 3. Section 47a-4 of the general statutes is repealed and the
222 following is substituted in lieu thereof (*Effective October 1, 2021*):

223 (a) A rental agreement shall not provide that the tenant: (1) Agrees to
224 waive or forfeit rights or remedies under this chapter and sections 47a-
225 21, 47a-23 to 47a-23b, inclusive, 47a-26 to 47a-26g, inclusive, 47a-35 to
226 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46, or under any section of
227 the general statutes or any municipal ordinance unless such section or
228 ordinance expressly states that such rights may be waived; (2)
229 authorizes the landlord to confess judgment on a claim arising out of the
230 rental agreement; (3) agrees to the exculpation or limitation of any
231 liability of the landlord arising under law or to indemnify the landlord
232 for that liability or the costs connected therewith; (4) agrees to waive his
233 right to the interest on the security deposit pursuant to section 47a-21;
234 (5) agrees to permit the landlord to dispossess him without resort to
235 court order; (6) consents to the distraint of his property for rent; (7)
236 agrees to pay the landlord's attorney's fees in excess of fifteen per cent

237 of any judgment against the tenant in any action in which money
238 damages are awarded; (8) agrees to pay a late charge prior to the
239 expiration of the grace period set forth in section 47a-15a or to pay rent
240 in a reduced amount if such rent is paid prior to the expiration of such
241 grace period; [or] (9) agrees to pay a heat or utilities surcharge if heat or
242 utilities is included in the rental agreement; or (10) is prohibited from
243 operating a family child care home licensed pursuant to section 19a-87b
244 or otherwise restricted in the operation of such family child care home.

245 (b) A provision prohibited by subsection (a) of this section included
246 in a rental agreement is unenforceable.

247 Sec. 4 (NEW) (*Effective October 1, 2021*) In any renter's or homeowner's
248 insurance policy providing coverage for the operator of a family child
249 care home licensed pursuant to section 19a-87b of the general statutes,
250 such operator may name such operator's landlord, association of unit
251 owners for a condominium or unit owners' association of a common
252 interest community, as applicable, as an additional insured on such
253 policy. For the purposes of this section, "landlord" has the same meaning
254 as provided in section 47a-1 of the general statutes, "condominium" and
255 "association of unit owners" have the same meanings as provided in
256 section 47-68a of the general statutes, and "unit owners' association" and
257 "common interest community" have the same meanings as provided in
258 section 47-202 of the general statutes.

259 Sec. 5. Subsection (j) of section 8-1bb of the general statutes is repealed
260 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

261 (j) A municipality, by vote of its legislative body or, in a municipality
262 where the legislative body is a town meeting, by vote of the board of
263 selectmen, may opt out of the provisions of this section and the
264 provision of subsection [(a)] (d) of section 8-2, as amended by this act,
265 regarding authorization for the installation of temporary health care
266 structures, provided the zoning commission or combined planning and
267 zoning commission of the municipality: (1) First holds a public hearing
268 in accordance with the provisions of section 8-7d on such proposed opt-

269 out, (2) affirmatively decides to opt out of the provisions of said sections
270 within the period of time permitted under section 8-7d, (3) states upon
271 its records the reasons for such decision, and (4) publishes notice of such
272 decision in a newspaper having a substantial circulation in the
273 municipality not later than fifteen days after such decision has been
274 rendered.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	8-3j
Sec. 2	<i>October 1, 2021</i>	8-2
Sec. 3	<i>October 1, 2021</i>	47a-4
Sec. 4	<i>October 1, 2021</i>	New section
Sec. 5	<i>October 1, 2021</i>	8-1bb(j)

Statement of Purpose:

To (1) clarify and enforce protections for licensed family child care homes and prevent landlords and certain homeowners associations from placing restrictions on the operation of such homes, and (2) reorganize the zoning enabling act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]