



General Assembly

January Session, 2021

Committee Bill No. 87

LCO No. 2862



Referred to Committee on HOUSING

Introduced by:
(HSG)

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

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 Section 8-3j of the general statutes is repealed and the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] or group child care home located in a residence and licensed
5 by the Office of Early Childhood pursuant to [section 17b-733] chapter
6 368a, in a manner different from single or multifamily dwellings.

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

16 subsection (d) of section 8-2, as amended by this act.

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 Section 8-2 of the general statutes is repealed and the following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

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

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

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

48 (b) Zoning regulations adopted pursuant to subsection (a) of this
49 section shall: [be]

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

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

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

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

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

78 (6) Encourage the development of housing which will meet the
79 housing needs identified in the state's consolidated plan for housing and
80 community development prepared pursuant to section 8-37t and in the
81 housing component and the other components of the state plan of
82 conservation and development prepared pursuant to section 16a-26; [
83 Zoning regulations shall be made]

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

86 (8) Provide that proper provision be made for soil erosion and
87 sediment control pursuant to section 22a-329;

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

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

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

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

104 (2) Be made with reasonable consideration for the protection of
105 historic factors; [and shall be made with reasonable consideration for
106 the protection of existing and potential public surface and ground
107 drinking water supplies. On and after July 1, 1985, the regulations shall

108 provide that proper provision be made for soil erosion and sediment
109 control pursuant to section 22a-329. Such regulations may also
110 encourage]

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

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

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

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

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

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

138 domesticated animals and passive recreation.

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

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

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

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

170 regulations shall not prohibit]

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

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

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

199 [(b) In any municipality that is contiguous to Long Island Sound the
200 regulations adopted under this section shall be made with reasonable
201 consideration for restoration and protection of the ecosystem and

202 habitat of Long Island Sound and shall be designed to reduce hypoxia,
203 pathogens, toxic contaminants and floatable debris in Long Island
204 Sound. Such regulations shall provide that the commission consider the
205 environmental impact on Long Island Sound of any proposal for
206 development.

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

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

224 Sec. 3. Subsection (b) of section 19a-80 of the general statutes is
225 repealed and the following is substituted in lieu thereof (*Effective October*
226 *1, 2021*):

227 (b) (1) Upon receipt of an application for a license, the commissioner
228 shall issue such license if, upon inspection and investigation, [said] the
229 commissioner finds that the applicant, the facilities and the program
230 meet the health, educational and social needs of children likely to attend
231 the child care center or group child care home and comply with
232 requirements established by regulations adopted under this section and
233 sections 19a-77 to 19a-79a, inclusive, and sections 19a-82 to 19a-87a,

234 inclusive. Any such inspection under this subsection of a group child
235 care home located in a residence shall include an inspection for evident
236 sources of lead poisoning, and shall provide for a chemical analysis of
237 any paint chips found on such premises. The commissioner shall offer
238 an expedited application review process for an application submitted by
239 a municipal agency or department. A currently licensed person or
240 entity, as described in subsection (a) of this section, seeking a change of
241 operator, ownership or location shall file a new license application,
242 except such person or entity may request the commissioner to waive the
243 requirement that a new license application be filed. The commissioner
244 may grant or deny such request. Each license shall be for a term of four
245 years, shall be nontransferable, and may be renewed upon receipt by the
246 commissioner of a renewal application and accompanying licensure fee.
247 The commissioner may suspend or revoke such license after notice and
248 an opportunity for a hearing as provided in section 19a-84 for violation
249 of the regulations adopted under this section and sections 19a-77 to 19a-
250 79a, inclusive, and sections 19a-82 to 19a-87a, inclusive. In the case of an
251 application for renewal of a license that has expired, the commissioner
252 may renew such expired license within thirty days of the date of such
253 expiration upon receipt of a renewal application and accompanying
254 licensure fee.

255 (2) The commissioner shall collect from the licensee of a child care
256 center a fee of five hundred dollars prior to issuing or renewing a license
257 for a term of four years. The commissioner shall collect from the licensee
258 of a group child care home a fee of two hundred fifty dollars prior to
259 issuing or renewing a license for a term of four years. The commissioner
260 shall require only one license for a child care center operated in two or
261 more buildings, provided the same licensee provides child care services
262 in each building and the buildings are joined together by a contiguous
263 playground that is part of the licensed space.

264 (3) The commissioner, or the commissioner's designee, shall make an
265 unannounced visit, inspection or investigation of each licensed child
266 care center and group child care home at least once each year. At least

267 once every two years, the local health director, or the local health
268 director's designee, shall make an inspection of each licensed child care
269 center and group child care home.

270 (4) A municipality may not subject the operation of a licensed group
271 child care home located in a residence to any conditions, other than
272 those imposed by the commissioner pursuant to this subsection, if the
273 group child care home complies with all local codes and ordinances
274 applicable to single and multifamily dwellings.

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

277 (a) A rental agreement shall not provide that the tenant: (1) Agrees to
278 waive or forfeit rights or remedies under this chapter and sections 47a-
279 21, 47a-23 to 47a-23b, inclusive, 47a-26 to 47a-26g, inclusive, 47a-35 to
280 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46, or under any section of
281 the general statutes or any municipal ordinance unless such section or
282 ordinance expressly states that such rights may be waived; (2)
283 authorizes the landlord to confess judgment on a claim arising out of the
284 rental agreement; (3) agrees to the exculpation or limitation of any
285 liability of the landlord arising under law or to indemnify the landlord
286 for that liability or the costs connected therewith; (4) agrees to waive his
287 right to the interest on the security deposit pursuant to section 47a-21;
288 (5) agrees to permit the landlord to dispossess him without resort to
289 court order; (6) consents to the distraint of his property for rent; (7)
290 agrees to pay the landlord's attorney's fees in excess of fifteen per cent
291 of any judgment against the tenant in any action in which money
292 damages are awarded; (8) agrees to pay a late charge prior to the
293 expiration of the grace period set forth in section 47a-15a or to pay rent
294 in a reduced amount if such rent is paid prior to the expiration of such
295 grace period; [or] (9) agrees to pay a heat or utilities surcharge if heat or
296 utilities is included in the rental agreement; or (10) is prohibited from
297 operating a licensed family child care home, as described in section 19a-
298 77, or is otherwise restricted in the operation of such family child care

299 home.

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

302 Sec. 5. (NEW) (*Effective October 1, 2021*) In any renter's or
303 homeowner's insurance policy providing coverage for the operator of a
304 licensed family child care home or group child care home, such operator
305 may name such operator's landlord as an additional insured on such
306 policy. For the purposes of this section, "family child care home" and
307 "group child care home" have the same descriptions as provided in
308 section 19a-77 of the general statutes and "landlord" has the same
309 meaning as provided in section 47a-1 of the general statutes.

310 Sec. 6. Subsection (j) of section 8-1bb of the general statutes is repealed
311 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

312 (j) A municipality, by vote of its legislative body or, in a municipality
313 where the legislative body is a town meeting, by vote of the board of
314 selectmen, may opt out of the provisions of this section and the
315 [provision] provisions of subdivision (5) of subsection [(a)] (d) of section
316 8-2, as amended by this act, regarding authorization for the installation
317 of temporary health care structures, provided the zoning commission or
318 combined planning and zoning commission of the municipality: (1) First
319 holds a public hearing in accordance with the provisions of section 8-7d
320 on such proposed opt-out, (2) affirmatively decides to opt out of the
321 provisions of said sections within the period of time permitted under
322 section 8-7d, (3) states upon its records the reasons for such decision,
323 and (4) publishes notice of such decision in a newspaper having a
324 substantial circulation in the municipality not later than fifteen days
325 after such decision has been 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>	19a-80(b)
Sec. 4	<i>October 1, 2021</i>	47a-4
Sec. 5	<i>October 1, 2021</i>	New section
Sec. 6	<i>October 1, 2021</i>	8-1bb(j)

Statement of Purpose:

To clarify and enforce protections for licensed group child care homes and licensed family child care homes and prevent landlords from placing restrictions on the operation of such homes.

[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.]

Co-Sponsors: SEN. ANWAR, 3rd Dist.

S.B. 87