



General Assembly

Amendment

January Session, 2021

LCO No. 9575



Offered by:
SEN. LOPES, 6th Dist.

To: Subst. Senate Bill No. 87

File No. 181

Cal. No. 143

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 8-3j of the general statutes is repealed and the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

5 (a) No zoning regulation shall (1) treat any family child care home
6 [registered] or group child care home located in a residence and licensed
7 by the Office of Early Childhood pursuant to [section 17b-733] chapter
8 368a, in a manner different from single or multifamily dwellings, or (2)
9 require any special zoning permit or special zoning exception for such
10 operation.

11 (b) Not later than December 1, 2021, and annually thereafter, each
12 municipality shall submit to the Office of Policy and Management a
13 sworn statement from the chief executive officer of the municipality
14 stating (1) that the municipality's zoning ordinance is in compliance

15 with (A) subsection (a) of this section, and (B) the provision relating to
16 family child care homes and group child care homes located in a
17 residence in subsection (a) of section 8-3j, as amended by this act, or (2)
18 the specific time frame within which the municipality will bring its
19 zoning ordinance into compliance with subsection (a) of this section and
20 subsection (a) of section 8-3j, as amended by this act.

21 Sec. 2. Subsection (b) of section 19a-80 of the general statutes is
22 repealed and the following is substituted in lieu thereof (*Effective October*
23 *1, 2021*):

24 (b) (1) Upon receipt of an application for a license, the commissioner
25 shall issue such license if, upon inspection and investigation, [said] the
26 commissioner finds that the applicant, the facilities and the program
27 meet the health, educational and social needs of children likely to attend
28 the child care center or group child care home and comply with
29 requirements established by regulations adopted under this section and
30 sections 19a-77 to 19a-79a, inclusive, and sections 19a-82 to 19a-87a,
31 inclusive. Any such inspection under this subsection of a group child
32 care home located in a residence shall include an inspection for evident
33 sources of lead poisoning, and shall provide for a chemical analysis of
34 any paint chips found on such premises. The commissioner shall offer
35 an expedited application review process for an application submitted by
36 a municipal agency or department. A currently licensed person or
37 entity, as described in subsection (a) of this section, seeking a change of
38 operator, ownership or location shall file a new license application,
39 except such person or entity may request the commissioner to waive the
40 requirement that a new license application be filed. The commissioner
41 may grant or deny such request. Each license shall be for a term of four
42 years, shall be nontransferable, and may be renewed upon receipt by the
43 commissioner of a renewal application and accompanying licensure fee.
44 The commissioner may suspend or revoke such license after notice and
45 an opportunity for a hearing as provided in section 19a-84 for violation
46 of the regulations adopted under this section and sections 19a-77 to 19a-
47 79a, inclusive, and sections 19a-82 to 19a-87a, inclusive. In the case of an
48 application for renewal of a license that has expired, the commissioner

49 may renew such expired license within thirty days of the date of such
50 expiration upon receipt of a renewal application and accompanying
51 licensure fee.

52 (2) The commissioner shall collect from the licensee of a child care
53 center a fee of five hundred dollars prior to issuing or renewing a license
54 for a term of four years. The commissioner shall collect from the licensee
55 of a group child care home a fee of two hundred fifty dollars prior to
56 issuing or renewing a license for a term of four years. The commissioner
57 shall require only one license for a child care center operated in two or
58 more buildings, provided the same licensee provides child care services
59 in each building and the buildings are joined together by a contiguous
60 playground that is part of the licensed space.

61 (3) The commissioner, or the commissioner's designee, shall make an
62 unannounced visit, inspection or investigation of each licensed child
63 care center and group child care home at least once each year. At least
64 once every two years, the local health director, or the local health
65 director's designee, shall make an inspection of each licensed child care
66 center and group child care home.

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

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

74 (a) A rental agreement shall not provide that the tenant: (1) Agrees to
75 waive or forfeit rights or remedies under this chapter and sections 47a-
76 21, 47a-23 to 47a-23b, inclusive, 47a-26 to 47a-26g, inclusive, 47a-35 to
77 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46, or under any section of
78 the general statutes or any municipal ordinance unless such section or
79 ordinance expressly states that such rights may be waived; (2)
80 authorizes the landlord to confess judgment on a claim arising out of the

81 rental agreement; (3) agrees to the exculpation or limitation of any
 82 liability of the landlord arising under law or to indemnify the landlord
 83 for that liability or the costs connected therewith; (4) agrees to waive his
 84 right to the interest on the security deposit pursuant to section 47a-21;
 85 (5) agrees to permit the landlord to dispossess him without resort to
 86 court order; (6) consents to the distraint of his property for rent; (7)
 87 agrees to pay the landlord's attorney's fees in excess of fifteen per cent
 88 of any judgment against the tenant in any action in which money
 89 damages are awarded; (8) agrees to pay a late charge prior to the
 90 expiration of the grace period set forth in section 47a-15a or to pay rent
 91 in a reduced amount if such rent is paid prior to the expiration of such
 92 grace period; [or] (9) agrees to pay a heat or utilities surcharge if heat or
 93 utilities is included in the rental agreement; or (10) in any rental
 94 agreement entered into or renewed on or after October 1, 2021, is
 95 prohibited from operating a licensed family child care home, as
 96 described in section 19a-77, or is otherwise restricted in the operation of
 97 such family child care home.

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

100 Sec. 4. (NEW) (*Effective October 1, 2021*) In any renter's or
 101 homeowner's insurance policy providing coverage for the operator of a
 102 licensed family child care home or group child care home, such operator
 103 may, and shall at the landlord's request, name such operator's landlord
 104 as an additional insured on such policy. For the purposes of this section,
 105 "family child care home" and "group child care home" have the same
 106 descriptions as provided in section 19a-77 of the general statutes and
 107 "landlord" has the same meaning as provided in section 47a-1 of the
 108 general statutes."

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| 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> | 19a-80(b) |
| Sec. 3 | <i>October 1, 2021</i> | 47a-4 |

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| Sec. 4 | October 1, 2021 | New section |
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