
OLR Bill Analysis

sHB 6291

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

SUMMARY

This bill makes numerous changes concerning the municipal regulation of family and group child care homes (see BACKGROUND). It extends to group child care homes the existing restrictions on a municipality's authority to regulate or impose operational conditions on family child care homes. The bill also prohibits municipal zoning regulations from requiring a special zoning permit or exception to operate either a family or group child care home in a residential zone. Existing law already prohibits municipalities from barring the homes from operating in such zones. The bill requires municipalities, by December 1, 2019, to certify to the Office of Early Childhood (OEC) that their zoning regulations treat group and family child care homes the same as residential properties.

Under the bill, municipalities that violate the restrictions on regulating family and group child care homes are ineligible for any state grants the following fiscal year. The bill authorizes the Department of Housing (DOH) to determine whether a municipality is in violation.

The bill also:

1. extends to group child care homes the requirement that OEC inspect child care homes for evident sources of lead poisoning during licensing inspections and have tested any paint chips it finds (§2);
2. prohibits rental agreements and common interest community, including condominium, declarations from including provisions barring tenants from operating a licensed family or group child

care home or otherwise restricting their operation (§§ 4-6); and

3. explicitly authorizes licensed family and group home operators to add their landlord or unit owner association as an additional insured on their renter's or homeowner's insurance policies that provide coverage for such child care homes (§7).

EFFECTIVE DATE: October 1, 2019, except the state funding provision is effective July 1, 2019.

LIMITS ON MUNICIPAL REGULATIONS

Restrictions on Family and Group Child Care Homes (§§ 1-3)

By law, zoning regulations cannot bar family or group child care homes from operating in residential zones. This bill additionally prohibits such regulations from requiring the homes to obtain a special zoning permit or exemption (special permits and exceptions are synonymous; they allow one to use a property in a manner explicitly permitted by the zoning regulations, but subject to conditions not applicable to other uses in the same district).

Additionally, the bill extends to group child care homes existing limitations on a municipality's authority to regulate family child care homes. 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 are in compliance with all codes and ordinances applicable to residential properties. The bill similarly limits a municipality's authority to regulate group child care homes.

Violations (§ 8)

Under the bill, a municipality is ineligible for state grants for the following fiscal year if DOH determines that:

1. its zoning regulations treat group and family child care homes differently than residential properties,
2. it failed to certify to OEC that its regulations treat group and

family child care homes the same as residential properties, or

3. it imposed operational conditions (other than those OEC requires for licensing) on group child care homes even though the homes were in compliance with all regulations and ordinances pertaining to residential properties, or
4. its zoning regulations bar the homes from operating in residential zones or require them to obtain special zoning permits or exceptions to do so.

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 family day care home definition, except that it is not in a private family home.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 9 Nay 5 (03/07/2019)