
OLR Bill Analysis

sHB 6291 (as amended by House "A")*

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 licensed 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 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 child care homes from operating in such zones.

Under the bill, each municipality must provide the Office of Policy Management (OPM), annually beginning by December 1, 2019, with a statement that (1) its zoning regulations treat group and family child care homes the same as residential properties or (2) it will bring the regulations into compliance within a specific timeframe.

The bill also:

1. 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);
2. extends to group child care homes the requirement that the Office of Early Childhood (OEC) inspect child care homes for evident sources of lead poisoning during licensing inspections and have tested any paint chips it finds (§2); and

3. prohibits rental agreements from barring or restricting tenants from operating licensed family child care homes (§ 4).

EFFECTIVE DATE: October 1, 2019

*House Amendment "A" (1) requires municipalities to provide the certification about their regulation of family and group child care homes on an annual basis to OPM, rather than just once to the Office of Early Childhood, and modifies its required components; (2) eliminates provisions (a) prohibiting rental agreements and condominium covenants from barring family and group child care homes and (b) making municipalities ineligible for any state grants if they violate the restrictions on regulating family and group child care homes; and (3) makes minor and conforming changes.

MUNICIPAL REPORTING REQUIREMENT

Annually, beginning by December 1, 2019, the bill requires each municipality's chief planning official to submit to OPM a sworn statement regarding its compliance with the laws restricting the municipal regulation of licensed group and family child care homes, as amended by the bill. The statement must:

1. declare that its zoning regulations (a) treat licensed group and family child care homes 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. provide the specific timeframe by 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 (§§ 1-3)

By law, zoning regulations cannot prohibit family or group child care homes from operating in residential zones. Under the bill, zoning regulations additionally cannot prohibit municipalities from issuing special zoning permits or exemptions to either type of homes (special

permits and exceptions are synonymous; they allow recipients 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 comply with all codes and ordinances applicable to residential properties. The bill similarly limits a municipality's authority to regulate group child care homes.

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)

Planning and Development Committee

Joint Favorable

Yea 12 Nay 8 (04/17/2019)