



General Assembly

January Session, 2019

***Raised Bill No. 7276***

LCO No. 5043



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

***AN ACT CONCERNING CERTAIN GROUP CHILD CARE 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 Section 8-3j of the general statutes is repealed and the  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, 2019*):

3 No zoning regulation shall treat any family child care home  
4 [registered] or group child care home, identified by the Office of Early  
5 Childhood pursuant to section 17b-733, in a manner different from  
6 single or multifamily dwellings.

7 Sec. 2. Subsection (b) of section 19a-80 of the general statutes is  
8 repealed and the following is substituted in lieu thereof (*Effective*  
9 *October 1, 2019*):

10 (b) (1) Upon receipt of an application for a license, the commissioner  
11 shall issue such license if, upon inspection and investigation, said  
12 commissioner finds that the applicant, the facilities and the program  
13 meet the health, educational and social needs of children likely to  
14 attend the child care center or group child care home and comply with

15 requirements established by regulations adopted under this section  
16 and sections 19a-77 to 19a-79a, inclusive, and sections 19a-82 to 19a-  
17 87a, inclusive. Any such inspection of a group child care home shall  
18 include an inspection for evident sources of lead poisoning and shall  
19 provide for a chemical analysis of any paint chips found on such  
20 premises. The commissioner shall offer an expedited application  
21 review process for an application submitted by a municipal agency or  
22 department. A currently licensed person or entity, as described in  
23 subsection (a) of this section, seeking a change of operator, ownership  
24 or location shall file a new license application, except such person or  
25 entity may request the commissioner to waive the requirement that a  
26 new license application be filed. The commissioner may grant or deny  
27 such request. Each license shall be for a term of four years, shall be  
28 nontransferable, and may be renewed upon receipt by the  
29 commissioner of a renewal application and accompanying licensure  
30 fee. The commissioner may suspend or revoke such license after notice  
31 and an opportunity for a hearing as provided in section 19a-84 for  
32 violation of the regulations adopted under this section and sections  
33 19a-77 to 19a-79a, inclusive, and sections 19a-82 to 19a-87a, inclusive.  
34 In the case of an application for renewal of a license that has expired,  
35 the commissioner may renew such expired license within thirty days  
36 of the date of such expiration upon receipt of a renewal application  
37 and accompanying licensure fee.

38 (2) The commissioner shall collect from the licensee of a child care  
39 center a fee of five hundred dollars prior to issuing or renewing a  
40 license for a term of four years. The commissioner shall collect from  
41 the licensee of a group child care home a fee of two hundred fifty  
42 dollars prior to issuing or renewing a license for a term of four years.  
43 The commissioner shall require only one license for a child care center  
44 operated in two or more buildings, provided the same licensee  
45 provides child care services in each building and the buildings are  
46 joined together by a contiguous playground that is part of the licensed  
47 space.

48 (3) The commissioner, or the commissioner's designee, shall make

49 an unannounced visit, inspection or investigation of each licensed  
50 child care center and group child care home at least once each year. At  
51 least once every two years, the local health director, or the local health  
52 director's designee, shall make an inspection of each licensed child care  
53 center and group child care home.

54 (4) A licensed group child care home shall not be subject to any  
55 conditions on the operation of such home by local officials, other than  
56 those imposed by the commissioner pursuant to this subsection, if the  
57 home complies with all local codes and ordinances applicable to single  
58 and multifamily dwellings.

59 Sec. 3. Subsection (a) of section 8-2 of the general statutes is repealed  
60 and the following is substituted in lieu thereof (*Effective October 1,*  
61 *2019*):

62 (a) The zoning commission of each city, town or borough is  
63 authorized to regulate, within the limits of such municipality, the  
64 height, number of stories and size of buildings and other structures;  
65 the percentage of the area of the lot that may be occupied; the size of  
66 yards, courts and other open spaces; the density of population and the  
67 location and use of buildings, structures and land for trade, industry,  
68 residence or other purposes, including water-dependent uses, as  
69 defined in section 22a-93, and the height, size, location, brightness and  
70 illumination of advertising signs and billboards. Such bulk regulations  
71 may allow for cluster development, as defined in section 8-18. Such  
72 zoning commission may divide the municipality into districts of such  
73 number, shape and area as may be best suited to carry out the  
74 purposes of this chapter; and, within such districts, it may regulate the  
75 erection, construction, reconstruction, alteration or use of buildings or  
76 structures and the use of land. All such regulations shall be uniform  
77 for each class or kind of buildings, structures or use of land throughout  
78 each district, but the regulations in one district may differ from those  
79 in another district, and may provide, except as otherwise specified in  
80 this subsection, that certain classes or kinds of buildings, structures or  
81 uses of land are permitted only after obtaining a special permit or

82 special exception from a zoning commission, planning commission,  
83 combined planning and zoning commission or zoning board of  
84 appeals, whichever commission or board the regulations may,  
85 notwithstanding any special act to the contrary, designate, subject to  
86 standards set forth in the regulations and to conditions necessary to  
87 protect the public health, safety, convenience and property values.  
88 Such regulations shall be made in accordance with a comprehensive  
89 plan and in adopting such regulations the commission shall consider  
90 the plan of conservation and development prepared under section 8-  
91 23. Such regulations shall be designed to lessen congestion in the  
92 streets; to secure safety from fire, panic, flood and other dangers; to  
93 promote health and the general welfare; to provide adequate light and  
94 air; to prevent the overcrowding of land; to avoid undue concentration  
95 of population and to facilitate the adequate provision for  
96 transportation, water, sewerage, schools, parks and other public  
97 requirements. Such regulations shall be made with reasonable  
98 consideration as to the character of the district and its peculiar  
99 suitability for particular uses and with a view to conserving the value  
100 of buildings and encouraging the most appropriate use of land  
101 throughout such municipality. Such regulations may, to the extent  
102 consistent with soil types, terrain, infrastructure capacity and the plan  
103 of conservation and development for the community, provide for  
104 cluster development, as defined in section 8-18, in residential zones.  
105 Such regulations shall also encourage the development of housing  
106 opportunities, including opportunities for multifamily dwellings,  
107 consistent with soil types, terrain and infrastructure capacity, for all  
108 residents of the municipality and the planning region in which the  
109 municipality is located, as designated by the Secretary of the Office of  
110 Policy and Management under section 16a-4a. Such regulations shall  
111 also promote housing choice and economic diversity in housing,  
112 including housing for both low and moderate income households, and  
113 shall encourage the development of housing which will meet the  
114 housing needs identified in the state's consolidated plan for housing  
115 and community development prepared pursuant to section 8-37t and  
116 in the housing component and the other components of the state plan

117 of conservation and development prepared pursuant to section 16a-26.  
118 Zoning regulations shall be made with reasonable consideration for  
119 their impact on agriculture, as defined in subsection (q) of section 1-1.  
120 Zoning regulations may be made with reasonable consideration for the  
121 protection of historic factors and shall be made with reasonable  
122 consideration for the protection of existing and potential public surface  
123 and ground drinking water supplies. On and after July 1, 1985, the  
124 regulations shall provide that proper provision be made for soil  
125 erosion and sediment control pursuant to section 22a-329. Such  
126 regulations may also encourage energy-efficient patterns of  
127 development, the use of solar and other renewable forms of energy,  
128 and energy conservation. The regulations may also provide for  
129 incentives for developers who use passive solar energy techniques, as  
130 defined in subsection (b) of section 8-25, in planning a residential  
131 subdivision development. The incentives may include, but not be  
132 limited to, cluster development, higher density development and  
133 performance standards for roads, sidewalks and underground facilities  
134 in the subdivision. Such regulations may provide for a municipal  
135 system for the creation of development rights and the permanent  
136 transfer of such development rights, which may include a system for  
137 the variance of density limits in connection with any such transfer.  
138 Such regulations may also provide for notice requirements in addition  
139 to those required by this chapter. Such regulations may provide for  
140 conditions on operations to collect spring water or well water, as  
141 defined in section 21a-150, including the time, place and manner of  
142 such operations. No such regulations shall prohibit the operation of  
143 any family child care home or group child care home in a residential  
144 zone, nor shall such regulations require any special permit or special  
145 exception for such operation. No such regulations shall prohibit the  
146 use of receptacles for the storage of items designated for recycling in  
147 accordance with section 22a-241b or require that such receptacles  
148 comply with provisions for bulk or lot area, or similar provisions,  
149 except provisions for side yards, rear yards and front yards. No such  
150 regulations shall unreasonably restrict access to or the size of such  
151 receptacles for businesses, given the nature of the business and the

152 volume of items designated for recycling in accordance with section  
153 22a-241b, that such business produces in its normal course of business,  
154 provided nothing in this section shall be construed to prohibit such  
155 regulations from requiring the screening or buffering of such  
156 receptacles for aesthetic reasons. Such regulations shall not impose  
157 conditions and requirements on manufactured homes having as their  
158 narrowest dimension twenty-two feet or more and built in accordance  
159 with federal manufactured home construction and safety standards or  
160 on lots containing such manufactured homes which are substantially  
161 different from conditions and requirements imposed on single-family  
162 dwellings and lots containing single-family dwellings. Such  
163 regulations shall not impose conditions and requirements on  
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 the continuance of any nonconforming  
171 use, building or structure existing at the time of the adoption of such  
172 regulations or require a special permit or special exception for any  
173 such continuance. Such regulations shall not provide for the  
174 termination of any nonconforming use solely as a result of nonuse for a  
175 specified period of time without regard to the intent of the property  
176 owner to maintain that use. Such regulations shall not terminate or  
177 deem abandoned a nonconforming use, building or structure unless  
178 the property owner of such use, building or structure voluntarily  
179 discontinues such use, building or structure and such discontinuance  
180 is accompanied by an intent to not reestablish such use, building or  
181 structure. The demolition or deconstruction of a nonconforming use,  
182 building or structure shall not by itself be evidence of such property  
183 owner's intent to not reestablish such use, building or structure. Unless  
184 such town opts out, in accordance with the provisions of subsection (j)  
185 of section 8-1bb, such regulations shall not prohibit the installation of  
186 temporary health care structures for use by mentally or physically

187 impaired persons in accordance with the provisions of section 8-1bb if  
188 such structures comply with the provisions of said section. Any city,  
189 town or borough which adopts the provisions of this chapter may, by  
190 vote of its legislative body, exempt municipal property from the  
191 regulations prescribed by the zoning commission of such city, town or  
192 borough; but unless it is so voted municipal property shall be subject  
193 to such regulations.

194 Sec. 4. Section 47a-4 of the general statutes is repealed and the  
195 following is substituted in lieu thereof (*Effective October 1, 2019*):

196 (a) A rental agreement shall not provide that the tenant: (1) Agrees  
197 to waive or forfeit rights or remedies under this chapter and sections  
198 47a-21, as amended by this act, 47a-23 to 47a-23b, inclusive, 47a-26 to  
199 47a-26g, inclusive, 47a-35 to 47a-35b, inclusive, 47a-41a, 47a-43 and  
200 47a-46, or under any section of the general statutes or any municipal  
201 ordinance unless such section or ordinance expressly states that such  
202 rights may be waived; (2) authorizes the landlord to confess judgment  
203 on a claim arising out of the rental agreement; (3) agrees to the  
204 exculpation or limitation of any liability of the landlord arising under  
205 law or to indemnify the landlord for that liability or the costs  
206 connected therewith; (4) agrees to waive his right to the interest on the  
207 security deposit pursuant to section 47a-21, as amended by this act; (5)  
208 agrees to permit the landlord to dispossess him without resort to court  
209 order; (6) consents to the distraint of his property for rent; (7) agrees to  
210 pay the landlord's attorney's fees in excess of fifteen per cent of any  
211 judgment against the tenant in any action in which money damages  
212 are awarded; (8) agrees to pay a late charge prior to the expiration of  
213 the grace period set forth in section 47a-15a or to pay rent in a reduced  
214 amount if such rent is paid prior to the expiration of such grace period;  
215 [or] (9) agrees to pay a heat or utilities surcharge if heat or utilities is  
216 included in the rental agreement; or (10) is prohibited from operating a  
217 licensed family child care home or group child care home, as those  
218 terms are described in section 19a-77, or otherwise restricted in any  
219 operation of such a home.

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

222 Sec. 5. Subsection (c) of section 47-70 of the general statutes is  
223 repealed and the following is substituted in lieu thereof (*Effective*  
224 *October 1, 2019*):

225 (c) The declaration may include such covenants and restrictions  
226 concerning the use, occupancy and transfer of units as are permitted  
227 by law with reference to real property, [; provided, however, that] (1)  
228 provided the rule against perpetuities and the rule restricting  
229 unreasonable restraints on alienation shall not be applied to defeat any  
230 rights given by the condominium instruments or by this chapter, and  
231 (2) except that the declaration may not include any prohibition on the  
232 operation of a licensed family child care home or group child care  
233 home, as those terms are described in section 19a-77, or any restriction  
234 on any operation of such a home.

235 Sec. 6. Subsection (b) of section 47-224 of the general statutes is  
236 repealed and the following is substituted in lieu thereof (*Effective*  
237 *October 1, 2019*):

238 (b) The declaration may contain any other matters not inconsistent  
239 with this chapter that the declarant considers appropriate, including  
240 any restrictions on the uses of a unit or the number or other  
241 qualifications of persons who may occupy units, except that the  
242 declaration may not contain any prohibition on the operation of a  
243 licensed family child care home or group child care home, as those  
244 terms are described in section 19a-77, or any restriction on any  
245 operation of such a home.

246 Sec. 7. Subsection (b) of section 47a-21 of the general statutes is  
247 repealed and the following is substituted in lieu thereof (*Effective*  
248 *October 1, 2019*):

249 (b) (1) In the case of a tenant under sixty-two years of age, a  
250 landlord shall not demand a security deposit in an amount that

251 exceeds two months' rent.

252 (2) In the case of a tenant sixty-two years of age or older, a landlord  
 253 shall not demand a security deposit in an amount that exceeds one  
 254 month's rent. Any landlord who has received a security deposit in an  
 255 amount that exceeds one month's rent from a tenant who becomes  
 256 sixty-two years of age after paying such security deposit shall return  
 257 the portion of such security deposit that exceeds one month's rent to  
 258 the tenant upon the tenant's request.

259 (3) Notwithstanding the provisions of subdivisions (1) and (2) of  
 260 this subsection, in the case of a tenant who operates a licensed family  
 261 child care home or group child care home, as those terms are described  
 262 in section 19a-77, a landlord may demand a security deposit in an  
 263 amount that exceeds two months' rent.

264 Sec. 8. (NEW) (*Effective October 1, 2019*) In any renter's or  
 265 homeowners insurance policy issued or renewed on or after October 1,  
 266 2019, which policy provides coverage for the operator of a licensed  
 267 child care home or group child care home, as those terms are described  
 268 in section 19a-77 of the general statutes, such operator may name such  
 269 operator's landlord, as defined in section 47a-1 of the general statutes,  
 270 association of unit owners for a condominium, as those terms are  
 271 defined in section 47-68a of the general statutes, or unit owners'  
 272 association of a common interest community, as those terms are  
 273 defined in section 47-202 of the general statutes, as applicable, as an  
 274 additional insured on such policy.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	8-3j
Sec. 2	<i>October 1, 2019</i>	19a-80(b)
Sec. 3	<i>October 1, 2019</i>	8-2(a)
Sec. 4	<i>October 1, 2019</i>	47a-4
Sec. 5	<i>October 1, 2019</i>	47-70(c)
Sec. 6	<i>October 1, 2019</i>	47-224(b)
Sec. 7	<i>October 1, 2019</i>	47a-21(b)

Sec. 8	October 1, 2019	New section
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**Statement of Purpose:**

To (1) protect licensed group child care homes and family child care homes from certain zoning regulations, (2) require the Office of Early Childhood to inspect group child care homes for evident sources of lead poisoning prior to issuing a license for such home, (3) prohibit landlords and homeowners associations from imposing certain restrictions on the operation of licensed group child care homes and family child care homes, and (4) provide for certain protections of such landlords and homeowners associations with regard to tenants and owners operating 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.]*