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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 8-3j of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

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

(b) Not later than December 1, 2019, each municipality shall certify compliance with this section and submit such certification to the Commissioner of Early Childhood.

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 Subsection (b) of section 19a-80 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(b) (1) Upon receipt of an application for a license, the commissioner shall issue such license if, upon inspection and investigation, said commissioner finds that the applicant, the facilities and the program meet the health, educational and social needs of children likely to attend the child care center or group child care home and comply with requirements established by regulations adopted under this section.
and sections 19a-77 to 19a-79a, inclusive, and sections 19a-82 to 19a-87a, inclusive. Any inspection of a group child care home under this subsection shall include an inspection for evident sources of lead poisoning, and shall provide for a chemical analysis of any paint chips found on such premises. The commissioner shall offer an expedited application review process for an application submitted by a municipal agency or department. A currently licensed person or entity, as described in subsection (a) of this section, seeking a change of operator, ownership or location shall file a new license application, except such person or entity may request the commissioner to waive the requirement that a new license application be filed. The commissioner may grant or deny such request. Each license shall be for a term of four years, shall be nontransferable, and may be renewed upon receipt by the commissioner of a renewal application and accompanying licensure fee. The commissioner may suspend or revoke such license after notice and an opportunity for a hearing as provided in section 19a-84 for violation of the regulations adopted under this section and sections 19a-77 to 19a-79a, inclusive, and sections 19a-82 to 19a-87a, inclusive. In the case of an application for renewal of a license that has expired, the commissioner may renew such expired license within thirty days of the date of such expiration upon receipt of a renewal application and accompanying licensure fee.

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

(3) The commissioner, or the commissioner's designee, shall make
52 an unannounced visit, inspection or investigation of each licensed
53 child care center and group child care home at least once each year. At
54 least once every two years, the local health director, or the local health
director's designee, shall make an inspection of each licensed child care
56 center and group child care home.

57 (4) A municipality shall not subject the operation of a licensed group
58 child care home to any conditions, other than those imposed by the
59 commissioner pursuant to this subsection, if the home complies with
60 all local codes and ordinances applicable to single and multifamily
61 dwellings.

62 Sec. 3. Subsection (a) of section 8-2 of the general statutes is repealed
63 and the following is substituted in lieu thereof (Effective October 1,
64 2019):

(a) The zoning commission of each city, town or borough is
66 authorized to regulate, within the limits of such municipality, the
67 height, number of stories and size of buildings and other structures;
68 the percentage of the area of the lot that may be occupied; the size of
69 yards, courts and other open spaces; the density of population and the
70 location and use of buildings, structures and land for trade, industry,
71 residence or other purposes, including water-dependent uses, as
72 defined in section 22a-93, and the height, size, location, brightness and
73 illumination of advertising signs and billboards. Such bulk regulations
74 may allow for cluster development, as defined in section 8-18. Such
75 zoning commission may divide the municipality into districts of such
76 number, shape and area as may be best suited to carry out the
77 purposes of this chapter; and, within such districts, it may regulate the
78 erection, construction, reconstruction, alteration or use of buildings or
79 structures and the use of land. All such regulations shall be uniform
80 for each class or kind of buildings, structures or use of land throughout
81 each district, but the regulations in one district may differ from those
82 in another district, and may provide, except as otherwise specified in
83 this subsection, that certain classes or kinds of buildings, structures or
uses of land are permitted only after obtaining a special permit or
special exception from a zoning commission, planning commission,
combined planning and zoning commission or zoning board of
appeals, whichever commission or board the regulations may,
notwithstanding any special act to the contrary, designate, subject to
standards set forth in the regulations and to conditions necessary to
protect the public health, safety, convenience and property values.
Such regulations shall be made in accordance with a comprehensive
plan and in adopting such regulations the commission shall consider
the plan of conservation and development prepared under section 8-23.
Such regulations shall be designed to lessen congestion in the
streets; to secure safety from fire, panic, flood and other dangers; to
promote health and the general welfare; to provide adequate light and
air; to prevent the overcrowding of land; to avoid undue concentration
of population and to facilitate the adequate provision for
transportation, water, sewerage, schools, parks and other public
requirements. Such regulations shall be made with reasonable
consideration as to the character of the district and its peculiar
suitability for particular uses and with a view to conserving the value
of buildings and encouraging the most appropriate use of land
throughout such municipality. Such regulations may, to the extent
consistent with soil types, terrain, infrastructure capacity and the plan
of conservation and development for the community, provide for
cluster development, as defined in section 8-18, in residential zones.
Such regulations shall also encourage the development of housing
opportunities, including opportunities for multifamily dwellings,
consistent with soil types, terrain and infrastructure capacity, for all
residents of the municipality and the planning region in which the
municipality is located, as designated by the Secretary of the Office of
Policy and Management under section 16a-4a. Such regulations shall
also promote housing choice and economic diversity in housing,
including housing for both low and moderate income households, and
shall encourage the development of housing which will meet the
housing needs identified in the state's consolidated plan for housing
and community development prepared pursuant to section 8-37t and
in the housing component and the other components of the state plan
of conservation and development prepared pursuant to section 16a-26.
Zoning regulations shall be made with reasonable consideration for
their impact on agriculture, as defined in subsection (q) of section 1-1.
Zoning regulations may be made with reasonable consideration for the
protection of historic factors and shall be made with reasonable
consideration for the protection of existing and potential public surface
and ground drinking water supplies. On and after July 1, 1985, the
regulations shall provide that proper provision be made for soil
erosion and sediment control pursuant to section 22a-329. Such
regulations may also encourage energy-efficient patterns of
development, the use of solar and other renewable forms of energy,
and energy conservation. The regulations may also provide for
incentives for developers who use passive solar energy techniques, as
defined in subsection (b) of section 8-25, in planning a residential
subdivision development. The incentives may include, but not be
limited to, cluster development, higher density development and
performance standards for roads, sidewalks and underground facilities
in the subdivision. Such regulations may provide for a municipal
system for the creation of development rights and the permanent
transfer of such development rights, which may include a system for
the variance of density limits in connection with any such transfer.
Such regulations may also provide for notice requirements in addition
to those required by this chapter. Such regulations may provide for
conditions on operations to collect spring water or well water, as
defined in section 21a-150, including the time, place and manner of
such operations. No such regulations shall prohibit the operation of
any family child care home or group child care home in a residential
zone, nor shall such regulations require any special zoning permit or
special exception for such operation. No such regulations shall prohibit
the use of receptacles for the storage of items designated for recycling
in accordance with section 22a-241b or require that such receptacles
comply with provisions for bulk or lot area, or similar provisions,
except provisions for side yards, rear yards and front yards. No such regulations shall unreasonably restrict access to or the size of such receptacles for businesses, given the nature of the business and the volume of items designated for recycling in accordance with section 22a-241b, that such business produces in its normal course of business, provided nothing in this section shall be construed to prohibit such regulations from requiring the screening or buffering of such receptacles for aesthetic reasons. Such regulations shall not impose conditions and requirements on manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards or on lots containing such manufactured homes which are substantially different from conditions and requirements imposed on single-family dwellings and lots containing single-family dwellings. Such regulations shall not impose conditions and requirements on developments to be occupied by manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards which are substantially different from conditions and requirements imposed on multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments. Such regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations or require a special permit or special exception for any such continuance. Such regulations shall not provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use. Such regulations shall not terminate or deem abandoned a nonconforming use, building or structure unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property
owner's intent to not reestablish such use, building or structure. Unless such town opts out, in accordance with the provisions of subsection (j) of section 8-1bb, such regulations shall not prohibit the installation of temporary health care structures for use by mentally or physically impaired persons in accordance with the provisions of section 8-1bb if such structures comply with the provisions of said section. Any city, town or borough which adopts the provisions of this chapter may, by vote of its legislative body, exempt municipal property from the regulations prescribed by the zoning commission of such city, town or borough; but unless it is so voted municipal property shall be subject to such regulations.

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

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

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

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

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

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

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

Sec. 7. (NEW) (Effective October 1, 2019) In any renter's or
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homeowner's insurance policy providing coverage for the operator of a licensed child care home or group child care home, such operator may name such operator's landlord, association of unit owners for a condominium or unit owners' association of a common interest community, as applicable, as an additional insured on such policy. For the purposes of this section, "child care home" and "group child care home" have the same meanings as provided in section 19a-77 of the general statutes, "landlord" has the same meaning as provided in section 47a-1 of the general statutes, "condominium" and "association of unit owners" have the same meanings as provided in section 47-68a of the general statutes, and "unit owners' association" and "common interest community" have the same meanings as provided in section 47-202 of the general statutes.

Sec. 8. (NEW) (Effective July 1, 2019) Any municipality that violates section 8-3j of the general statutes, as amended by this act, subdivision (4) of subsection (b) of section 19a-80 of the general statutes, as amended by this act, or the provisions relating to group homes and family care homes in subsection (a) of section 8-2 of the general statutes, as amended by this act, shall be precluded from receiving any grant-in-aid from the state for the fiscal year next succeeding the determination of such a violation by the Department of Housing.

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