

**TESTIMONY IN OPPOSITION OF RAISED BILL No. 5121  
AN ACT CONCERNING CERTAIN GROUP CHILD CARE AND FAMILY CHILD  
CARE HOMES**

**Planning & Development Committee**

**February 18, 2020**

**Summary**

Raised Bill 5121 concerns certain group child care and family child care homes that would impose legislation that would be supersede any covenant restrictions on home-based commercial activities.

**CAI-CT**

My name is Kim McClain. I serve as the Executive Director of the Connecticut Chapter of the Community Associations Institute. We are part of a National Organization with over 60,000 members and growing stronger. Our mission is to support best practices in association operations throughout our state. We do this by providing robust education programs and valuable resources to enable our members to have the necessary skills to effectively operate their associations.

There are currently over 5,000 common interest communities in Connecticut with approximately 950,000 residents. I wish to present testimony regarding the impact this bill will have on these communities and the owners who have invested in them.

**CAI-CT OPPOSES RB 5121 as written**

When units are purchased in community interest communities, e.g. condominiums, homeowners associations (HOA), co-ops or planned unit developments, the new owners agree to abide by the bylaws and regulations established by that individual community. However, since common interest communities are self-governed entities, that can, at any time, choose to amend their governing documents. These governing documents are the very essence of how the community functions, as they are basically a contract between the group of unit owners within a community. However, the opportunity for amending those documents *always* exists. For example, if an owner in an HOA wished to allow for home-based businesses in their community, they could work with their neighbors to make that change in their documents.

CAI encourages associations to adopt a policy on home-based businesses that provides homeowners with guidelines about which business activities are appropriate for their individual community.

CAI-CT supports the effort to expand safe and affordable care for working families. We also recognize care of children in a home setting is often the preference of many families. However, when that private residential setting is within a common interest community, particularly a condominium unit in a multi-story stacked unit building, questions are raised relating to the rights and expectations of property owners, payment for incurred costs and the demands of

satisfying the “public good.” With respect to liability, would the entire community be subject to any potential claims brought by a client family that occurs on the common property owned by all unit owners?

While RB 5121 provides for support of the expansion of day care homes in our state, CAI-CT believes that there are far too many potential unintended consequences of mandating that all associations must ignore any provisions of their documents that allow them to determine if day care is a safe and appropriate business. The sections of the bill pertaining to common interest communities should be stricken.

Nevertheless, CAI-CT would welcome the opportunity to work with state agencies, especially the Office of Early Childhood, to develop common interest community policies that that would encourage and support the availability of childcare where appropriate in their communities.

In the event you may require additional information, please do not hesitate to contact me. Thank you.

Respectfully submitted,

*Kim K. V. McClain*

Kim K.V. McClain  
Chapter Executive Director  
CAI-CT  
1489 Main Street  
Glastonbury, CT 06033  
kim@caict.org  
860-633-5692  
www.caict.org