AN ACT CONCERNING CERTAIN PROTECTIONS FOR GROUP AND FAMILY CHILD 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 Section 8-3j of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(a) No zoning regulation shall treat any family child care home [registered] or group child care home located in a residence and licensed by the Office of Early Childhood pursuant to [section 17b-733] chapter 368a, in a manner different from single or multifamily dwellings.

(b) Not later than December 1, 2020, and annually thereafter, each municipality shall submit to the Office of Policy and Management a sworn statement from the chief planning official of the municipality stating (1) that the municipality's zoning ordinance is in compliance with (A) subsection (a) of this section, and (B) the provision relating to family child care homes and group child care homes located in a residence in subsection (d) of section 8-2, as amended by this act, or (2) the specific time frame within which the municipality will bring its zoning ordinance into compliance with subsection (a) of this section and subsection (d) of section 8-2, as amended by this act.

Sec. 2. Section 8-2 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(a) (1) The zoning commission of each city, town or borough is
authorized to regulate, within the limits of such municipality: (A) the height, number of stories and size of buildings and other structures; (B) the percentage of the area of the lot that may be occupied; (C) the size of yards, courts and other open spaces; (D) the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses, as defined in section 22a-93; (E) the height, size, location, brightness and illumination of advertising signs and billboards. Such bulk regulations may allow for cluster development, as defined in section 8-18 except as provided in subsection (f) of this section.

(2) Such zoning commission may divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of this chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All such zoning regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district, but the regulations in one district may differ from those in another district, [, and]

(3) Such zoning regulations may, except as otherwise specified in this section, provide 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]

(b) Zoning regulations adopted pursuant to subsection (a) of this section shall: [be]

(1) Be made in accordance with a comprehensive plan and in [adopting such regulations the commission shall consider]
consideration of the plan of conservation and development [prepared] adopted under section 8-23; [Such regulations shall be]

(2) Be designed to (A) lessen congestion in the streets; (B) secure safety from fire, panic, flood and other dangers; (C) promotes health and the general welfare; (D) provide adequate light and air; (E) prevent the overcrowding of land; (F) avoid undue concentration of population; and (G) facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; [Such regulations shall be]

(3) 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] a 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]

(4) 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 encourage]

(5) Promote housing choice and economic diversity in housing, including housing for both low and moderate income households; [and shall encourage]

(6) 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-26t.
Zoning regulations shall be made]

(7) Be made with reasonable consideration for their impact on agriculture, as defined in subsection (q) of section 1-1; []

(8) Provide that proper provision be made for soil erosion and sediment control pursuant to section 22a-329;

(9) Be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies; and

(10) In any municipality that is contiguous to Long Island Sound, (A) be made with reasonable consideration for the restoration and protection of the ecosystem and habitat of Long Island Sound; (B) be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris on Long Island Sound; and (C) provide that such municipality's zoning commission consider the environmental impact on Long Island Sound of any proposal for development.

(c) Zoning regulations adopted pursuant to subsection (a) of this section may:

(1) 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;

(2) 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]

(3) Encourage energy-efficient patterns of development, the use of
solar and other renewable forms of energy, and energy conservation; [. The regulations may also provide]

(4) 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] including, but not limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision; [. Such regulations may provide]

(5) 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]

(6) Provide for notice requirements in addition to those required by this chapter; [. Such regulations may provide] and

(7) 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] and

(8) In any municipality where a traprock ridge or an amphibolite ridge is located, (A) provide for development restrictions in ridgeline setback areas; and (B) restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (i) Emergency work necessary to protect life and property; (ii) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted pursuant to this section; and (iii) selective timbering, grazing of domesticated animals and passive recreation.

(d) Zoning regulations adopted pursuant to subsection (a) of this section shall not:

(1) (A) Prohibit the operation in a residential zone of any family child
care home or group child care home [in a residential zone] located in a
residence, or (B) require any special zoning permit or special zoning
exception for such operation; [. No such regulations shall prohibit]

(2) (A) 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] or (B) 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]

(3) 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] or
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]

(4) (A) Prohibit the continuance of any nonconforming use, building
or structure existing at the time of the adoption of such regulations [. or]
(B) 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 or 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 (5) 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 pursuant to section 8-1bb, as amended by this act, unless the municipality opts out pursuant to the provisions of subsection (j) of said section.

(e) 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.

(b) In any municipality that is contiguous to Long Island Sound the regulations adopted under this section shall be made with reasonable consideration for restoration and protection of the ecosystem and habitat of Long Island Sound and shall be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris in Long Island Sound. Such regulations shall provide that the commission consider the environmental impact on Long Island Sound of any proposal for
development.]

[(c) In any municipality where a traprock ridge, as defined in section 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the regulations may provide for development restrictions in ridgeline setback areas, as defined in said section. The regulations may restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (1) Emergency work necessary to protect life and property; (2) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted under this section; and (3) selective timbering, grazing of domesticated animals and passive recreation.]

[(d)] [(f) Any advertising sign or billboard that is not equipped with the ability to calibrate brightness or illumination shall be exempt from any municipal ordinance or regulation regulating such brightness or illumination that is adopted by a city, town or borough pursuant to subsection (a) of this section after the date of installation of such advertising sign or billboard. [pursuant to subsection (a) of this section.]

Sec. 3. Subsection (b) of section 19a-80 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(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 such inspection under this subsection of a group child care home located in a residence 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 an unannounced visit, inspection or investigation of each licensed child care center and group child care home at least once each year. At 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 center and group child care home.
(4) A municipality may not subject the operation of a licensed group child care home located in a residence to any conditions, other than those imposed by the commissioner pursuant to this subsection, if the group child care home complies with all local codes and ordinances applicable to single and multifamily dwellings.

Sec. 4. Section 47a-4 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(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, as described in section 19a-77, or is otherwise restricted in the operation of such family child care home.

(b) A provision prohibited by subsection (a) of this section included in a rental agreement is unenforceable.
Sec. 5. (NEW) (Effective October 1, 2020) In any renter's or homeowner's insurance policy providing coverage for the operator of a licensed family child care home or group child care home, such operator may name such operator's landlord as an additional insured on such policy. For the purposes of this section, "family child care home" and "group child care home" have the same descriptions as provided in section 19a-77 of the general statutes and "landlord" has the same meaning as provided in section 47a-1 of the general statutes.

Sec. 6. Subsection (j) of section 8-1bb of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(j) A municipality, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, may opt out of the provisions of this section and the provision of subsection [(a)] (d) of section 8-2, as amended by this act, regarding authorization for the installation of temporary health care structures, provided the zoning commission or combined planning and zoning commission of the municipality: (1) First holds a public hearing in accordance with the provisions of section 8-7d on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said sections within the period of time permitted under section 8-7d, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered.

This act shall take effect as follows and shall amend the following sections:

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