
OLR Bill Analysis

sSB 291

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

SUMMARY

This bill makes various changes in laws about licensed family and group child care homes located in residences (see BACKGROUND).

The bill limits a landlord's ability to refuse to allow family and group child care homes in rental properties and voids certain restrictions on the properties' use for this purpose. (It is unclear if the bill retroactively voids existing restrictions or only voids those established after the bill's effective date).

Conversely, the bill provides certain protections for the landlords of family and group child care home operators, including (1) limiting landlords' civil liability for an operator's act or omission; (2) requiring operators to add them as an additional insured on applicable insurance policies if the landlord requests it; and (3) allowing landlords to charge group child care home operators an additional, reasonable security deposit.

The bill prohibits municipal zoning regulations from treating licensed group child care homes located in a residence differently than single or multifamily properties, a prohibition that already applies to the treatment of family child care homes in existing law. The bill also prohibits zoning regulations from requiring a special permit or exception to operate either a family or group child care home within a residential zone. Under the bill, each municipality must annually report to the Office of Policy Management (OPM) that its zoning regulations are compliant with these requirements or give the timeframe of when they will be.

Existing law requires the Office of Early Childhood (OEC) to inspect

family child care homes for evident sources of lead poisoning during licensing inspections and send for testing any paint chips it finds.) It also prohibits municipalities from imposing operational conditions (other than those OEC requires) on family child care homes that comply with all codes and ordinances. The bill extends this requirement and prohibition to group child care homes located in a residence.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2022

§§ 4 & 8 — PROHIBITED ACTIONS AND RESTRICTIONS

Prohibited Actions

The bill prohibits landlords and property managers from refusing to rent to a current or prospective tenant a (1) multifamily dwelling, zoned for residential use, because he or she operates or plans to operate a licensed family child care home in it or (2) single-family dwelling, zoned for residential use, because he or she operates or plans to operate either a licensed family or group child care home in it. The bill similarly prohibits landlords and property managers from refusing to negotiate the rental of, or otherwise making unavailable or denying, these properties to prospective tenants for the same reasons.

The bill also prohibits individuals from attempting to deny, restrict, or encumber single-family residences from being rented for use or occupancy as a licensed group child care home.

Voided Restrictions

Under the bill, a "restriction" refers to those that are imposed orally, in writing, or by conduct, and includes prohibitions. The bill voids the following restrictions on property:

1. any provision of a written real estate instrument that prohibits a property from being leased for use or occupancy as a licensed family child care home, or claims to do so with respect to a single-family residence's use or occupancy as a licensed group child care home;

2. attempts to deny, restrict, or encumber a property from being leased for use or occupancy as a licensed family child care home;
3. restrictions in covenants, contracts, or occupancy conditions that directly or indirectly limit the use or occupancy of a single-family dwelling in which the zoning regulations allow for residential use as a child care home; and
4. restrictions in covenants, contracts, or occupancy conditions that directly or indirectly limit the use or occupancy of a multifamily dwelling in which the zoning regulations allow for use as a licensed family child care home.

Exceptions

The bill excludes from its prohibited restrictions those that are imposed by (1) an association of unit owners for a condominium or (2) unit owners' association for a dwelling in common interest community.

Rental Agreements

Under the bill, rental agreements entered into or renewed on or after October 1, 2022, may not prohibit or restrict a tenant's operating a licensed family child care home.

§§ 5, 6 & 9 — LANDLORD PROTECTIONS

The bill provides certain protections to landlords who rent to family and group child care home operators; specifically, it does the following:

1. explicitly authorizes operators to add their landlord as an additional insured on their renter's or homeowner's insurance policies that provide coverage for the child care homes, and requires they do so at their landlord's request;
2. protects landlords from civil liability arising from a tenant's act or omission operating a family or group child care home in a rental unit; and
3. allows landlords to demand an additional security deposit (see BACKGROUND) of a reasonable amount from tenants operating

group child care homes (however, the bill does not define "reasonable").

§ 1 — MUNICIPAL REPORTING REQUIREMENT

Annually, beginning by December 1, 2022, the bill requires each municipality's chief executive officer to submit to OPM a sworn compliance statement for the laws restricting the municipal zoning regulation of family and group child care homes, as amended by the bill. The statement must either:

1. declare that the municipality's zoning regulations (a) treat family and group child care homes located in a residence 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. give the specific time frame within which the municipality will bring its zoning regulations into compliance with these requirements.

§§ 1 & 2 — LIMITS ON MUNICIPAL ZONING REGULATION

Under current law, zoning regulations cannot prohibit family or group child care homes from operating in residential zones. The bill specifies that this restriction applies only to those located in a residence. Additionally, under the bill, zoning regulations cannot require special permits or exceptions for the operation of these family and group child care homes. (Special permits and exceptions are synonymous; they allow recipients to use a property in a way explicitly permitted by the zoning regulations, subject to conditions not applicable to other uses in the same district.)

Under current law, municipal zoning regulations may not treat family child care homes differently than single or multifamily properties. The bill extends this limitation to group child care homes located in a residence.

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 the children are cared for between three and 12 hours per day on a regular basis (CGS § 19a-77(a)(3)) .

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 definition of a family child care home except that it operates in a facility other than a private family home (CGS § 19a-77(a)(2)).

Security Deposits

By law, landlords cannot demand a security deposit that exceeds (1) two months' rent for tenants under age 62 or (2) one month's rent for tenants age 62 or older.

COMMITTEE ACTION

Housing Committee

Joint Favorable

Yea 12 Nay 3 (03/15/2022)