



# House of Representatives

## File No. 773

General Assembly

January Session, 2023

**(Reprint of File No. 181)**

Substitute House Bill No. 6590  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 12, 2023

### **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:

1 Section 1. Section 8-3j of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

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

8 (b) Not later than December 1, 2023, and annually thereafter, each  
9 municipality shall submit to the Office of Policy and Management a  
10 sworn statement from the chief executive officer of the municipality  
11 stating (1) that the municipality's zoning ordinances are in compliance  
12 with (A) subsection (a) of this section, and (B) the provisions of

13 subdivision (1) of subsection (d) of section 8-2, as amended by this act,  
14 or (2) the specific time frame within which the municipality will bring  
15 its zoning ordinances into compliance with subsection (a) of this section  
16 and subsection (d) of section 8-2, as amended by this act.

17 Sec. 2. Subsection (d) of section 8-2 of the general statutes is repealed  
18 and the following is substituted in lieu thereof (*Effective October 1, 2023*):

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

21 (1) (A) Prohibit the operation in a residential zone of any family child  
22 care home or group child care home [in a residential zone] located in a  
23 residence, or (B) require any special zoning permit or special zoning  
24 exception for such operation;

25 (2) (A) Prohibit the use of receptacles for the storage of items  
26 designated for recycling in accordance with section 22a-241b or require  
27 that such receptacles comply with provisions for bulk or lot area, or  
28 similar provisions, except provisions for side yards, rear yards and front  
29 yards; or (B) unreasonably restrict access to or the size of such  
30 receptacles for businesses, given the nature of the business and the  
31 volume of items designated for recycling in accordance with section 22a-  
32 241b, that such business produces in its normal course of business,  
33 provided nothing in this section shall be construed to prohibit such  
34 regulations from requiring the screening or buffering of such receptacles  
35 for aesthetic reasons;

36 (3) Impose conditions and requirements on manufactured homes,  
37 including mobile manufactured homes, having as their narrowest  
38 dimension twenty-two feet or more and built in accordance with federal  
39 manufactured home construction and safety standards or on lots  
40 containing such manufactured homes, including mobile manufactured  
41 home parks, if those conditions and requirements are substantially  
42 different from conditions and requirements imposed on (A) single-  
43 family dwellings; (B) lots containing single-family dwellings; or (C)  
44 multifamily dwellings, lots containing multifamily dwellings, cluster

45 developments or planned unit developments;

46 (4) (A) Prohibit the continuance of any nonconforming use, building  
47 or structure existing at the time of the adoption of such regulations; (B)  
48 require a special permit or special exception for any such continuance;  
49 (C) provide for the termination of any nonconforming use solely as a  
50 result of nonuse for a specified period of time without regard to the  
51 intent of the property owner to maintain that use; or (D) terminate or  
52 deem abandoned a nonconforming use, building or structure unless the  
53 property owner of such use, building or structure voluntarily  
54 discontinues such use, building or structure and such discontinuance is  
55 accompanied by an intent to not reestablish such use, building or  
56 structure. The demolition or deconstruction of a nonconforming use,  
57 building or structure shall not by itself be evidence of such property  
58 owner's intent to not reestablish such use, building or structure;

59 (5) Prohibit the installation, in accordance with the provisions of  
60 section 8-1bb, of temporary health care structures for use by mentally or  
61 physically impaired persons if such structures comply with the  
62 provisions of said section, unless the municipality opts out in  
63 accordance with the provisions of subsection (j) of said section;

64 (6) Prohibit the operation in a residential zone of any cottage food  
65 operation, as defined in section 21a-62b;

66 (7) Establish for any dwelling unit a minimum floor area that is  
67 greater than the minimum floor area set forth in the applicable building,  
68 housing or other code;

69 (8) Place a fixed numerical or percentage cap on the number of  
70 dwelling units that constitute multifamily housing over four units,  
71 middle housing or mixed-use development that may be permitted in the  
72 municipality;

73 (9) Require more than one parking space for each studio or one-  
74 bedroom dwelling unit or more than two parking spaces for each  
75 dwelling unit with two or more bedrooms, unless the municipality opts

76 out in accordance with the provisions of section 8-2p; or

77 (10) Be applied to deny any land use application, including for any  
78 site plan approval, special permit, special exception or other zoning  
79 approval, on the basis of (A) a district's character, unless such character  
80 is expressly articulated in such regulations by clear and explicit physical  
81 standards for site work and structures, or (B) the immutable  
82 characteristics, source of income or income level of any applicant or end  
83 user, other than age or disability whenever age-restricted or disability-  
84 restricted housing may be permitted.

85 Sec. 3. Subsection (a) of section 19a-87b of the general statutes is  
86 repealed and the following is substituted in lieu thereof (*Effective October*  
87 *1, 2023*):

88 (a) No person, group of persons, association, organization,  
89 corporation, institution or agency, public or private, shall maintain a  
90 family child care home, as described in section 19a-77, without a license  
91 issued by the Commissioner of Early Childhood. Licensure forms shall  
92 be obtained from the Office of Early Childhood. Applications for  
93 licensure shall be made to the commissioner on forms provided by the  
94 office and shall contain the information required by regulations adopted  
95 under this section. The licensure and application forms shall contain a  
96 notice that false statements made therein are punishable in accordance  
97 with section 53a-157b. Applicants shall state, in writing, that they are in  
98 compliance with the regulations adopted by the commissioner pursuant  
99 to subsection (f) of this section. Before a family child care home license  
100 is granted, the office shall make an inquiry and investigation which shall  
101 include a visit and inspection of the premises for which the license is  
102 requested. Any inspection conducted by the office shall include an  
103 inspection for evident sources of lead poisoning. The office shall provide  
104 for a chemical analysis of any paint chips found on such premises.  
105 Neither the commissioner nor the commissioner's designee shall require  
106 an annual inspection for homes seeking license renewal or for licensed  
107 homes, except that the commissioner or the commissioner's designee  
108 shall make an unannounced visit, inspection or investigation of each

109 licensed family child care home at least once every year. A licensed  
110 family child care home shall not be subject to any conditions on the  
111 operation of such home by local officials, other than those imposed by  
112 the office pursuant to this subsection, if the home complies with all  
113 [local] codes and ordinances applicable to single and multifamily  
114 dwellings.

115 Sec. 4. Section 19a-80 of the general statutes is repealed and the  
116 following is substituted in lieu thereof (*Effective October 1, 2023*):

117 (a) No person, group of persons, association, organization,  
118 corporation, institution or agency, public or private, shall maintain a  
119 child care center or group child care home without a license issued in  
120 accordance with this section and sections 19a-77 to [19a-80] 19a-79a,  
121 inclusive, and 19a-82 to 19a-87a, inclusive. Applications for such license  
122 shall be made to the Commissioner of Early Childhood on forms  
123 provided by the commissioner and shall contain the information  
124 required by regulations adopted under said sections. The forms shall  
125 contain a notice that false statements made therein are punishable in  
126 accordance with section 53a-157b.

127 (b) (1) Upon receipt of an application for a license, the commissioner  
128 shall issue such license if, upon inspection and investigation, said  
129 commissioner finds that the applicant, the facilities and the program  
130 meet the health, educational and social needs of children likely to attend  
131 the child care center or group child care home and comply with  
132 requirements established by regulations adopted under this section and  
133 sections 19a-77 to 19a-79a, inclusive, and sections 19a-82 to 19a-87a,  
134 inclusive. Any such inspection under this subsection of a group child  
135 care home located in a residence shall include an inspection for evident  
136 sources of lead poisoning and shall provide for chemical analysis of any  
137 paint chips found on such premises. The commissioner shall offer an  
138 expedited application review process for an application submitted by a  
139 municipal agency or department. A currently licensed person or entity,  
140 as described in subsection (a) of this section, seeking a change of  
141 operator, ownership or location shall file a new license application,

142 except such person or entity may request the commissioner to waive the  
143 requirement that a new license application be filed. The commissioner  
144 may grant or deny such request. Each license shall be for a term of four  
145 years, shall be nontransferable, and may be renewed upon receipt by the  
146 commissioner of a renewal application and accompanying licensure fee.  
147 The commissioner may suspend or revoke such license after notice and  
148 an opportunity for a hearing as provided in section 19a-84 for violation  
149 of the regulations adopted under this section and sections 19a-77 to 19a-  
150 79a, inclusive, and sections 19a-82 to 19a-87a, inclusive. In the case of an  
151 application for renewal of a license that has expired, the commissioner  
152 may renew such expired license within thirty days of the date of such  
153 expiration upon receipt of a renewal application and accompanying  
154 licensure fee.

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

164 (3) The commissioner, or the commissioner's designee, shall make an  
165 unannounced visit, inspection or investigation of each licensed child  
166 care center and group child care home at least once each year. At least  
167 once every two years, the local health director, or the local health  
168 director's designee, shall [make an inspection of] inspect each licensed  
169 child care center and group child care home.

170 (4) A municipality may not subject the operation of a licensed group  
171 child care home located in a residence to any conditions, other than  
172 those imposed by the commissioner pursuant to this subsection, if the  
173 group child care home complies with all codes and ordinances  
174 applicable to single and multifamily dwellings.

175 (c) The commissioner shall require each prospective employee of a  
 176 child care center or group child care home for a position that requires  
 177 the provision of care to a child or involves unsupervised access to any  
 178 child in such child care center or group child care home, to submit to  
 179 comprehensive background checks, including state and national  
 180 criminal history records checks. The criminal history records checks  
 181 required pursuant to this subsection shall be conducted in accordance  
 182 with section 29-17a. The commissioner shall also request a check of the  
 183 state child abuse registry established pursuant to section 17a-101k. The  
 184 Commissioner of Early Childhood shall notify each licensee of the  
 185 provisions of this subsection. No such prospective employee shall begin  
 186 working in such child care center or group child care home until the  
 187 provisions of 45 CFR 98.43(d)(4), as amended from time to time, have  
 188 been satisfied.

189 (d) The commissioner shall inform each licensee, by way of a plain  
 190 language summary provided not later than sixty days after the  
 191 regulation's effective date, of new or changed regulations adopted  
 192 under this section and sections 19a-77 to [19a-80] 19a-79a, inclusive, or  
 193 sections 19a-82 to 19a-87a, inclusive, with which a licensee must comply.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	8-3j
Sec. 2	October 1, 2023	8-2(d)
Sec. 3	October 1, 2023	19a-87b(a)
Sec. 4	October 1, 2023	19a-80

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

#### **Explanation**

The bill prohibits municipalities from placing special zoning or operations restrictions on group childcare homes and requires municipalities to annually certify to the Office of Policy and Management (OPM) that their zoning regulations are in compliance. This does not result in a fiscal impact as municipalities have the resources necessary to fulfill the requirements of the bill.

The bill also extends the requirement that the Office of Early Childhood inspect for evident sources of lead poisoning during licensing inspections of group child care homes that are located in residences, which is not anticipated to result in a fiscal impact to the state.

"House A" strikes sections 4, 5, 6, 7, 9 and 10 and has no fiscal impact to the state or municipalities.

#### **The Out Years**

**State Impact:** None

**Municipal Impact:** None



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**OLR Bill Analysis****sHB 6590 (as amended by House "A")\******AN ACT CONCERNING CERTAIN PROTECTIONS FOR GROUP AND FAMILY CHILD CARE HOMES.*****SUMMARY**

This bill generally (1) makes changes to laws related to family and group child care homes (see BACKGROUND), including on how municipalities' zoning regulations may treat them and (2) requires municipalities to annually certify that their zoning regulations comply with certain requirements related to these child care homes.

Current law prohibits zoning regulations from banning family or group child care homes from residential zones. The bill specifies that this restriction applies only to those located in a residence. (A group child care home may be located in a non-residential facility.) Additionally, under the bill, zoning regulations cannot require special permits or exceptions for operating these family or group child care homes. The bill also extends to licensed group child care homes located in a residence, the protection current law provides to licensed family child care homes by prohibiting municipal zoning regulations from treating them differently than single- or multi-family dwellings.

Starting by December 1, 2023, the bill requires each municipality's chief executive officer to annually submit to the Office of Policy and Management a sworn statement (1) confirming that the municipality's zoning ordinances comply with the zoning requirements discussed above or (2) identifying the specific timeframe within which the municipality will bring its zoning ordinances into compliance.

The bill also extends to group child care homes located in a residence the following requirements, which apply only to family child care homes under current law:

1. the Office of Early Childhood (OEC) must inspect them for

evident sources of lead poisoning during licensing inspections and send for testing any paint chips it finds and

2. municipalities may not impose operational conditions (other than those OEC requires) on them if they comply with all codes and ordinances applicable to single- and multi-family dwellings.

Lastly, the bill makes technical and conforming changes.

\*House Amendment "A" eliminates various provisions in the underlying bill that would have established protections for (1) current and prospective tenants who operate, or seek to operate, family and group child care homes in a rental property, and (2) landlords who rent to these tenants.

EFFECTIVE DATE: October 1, 2023

## **BACKGROUND**

### ***Family and Group Child Care Homes***

A family child care home is a private family home generally providing care 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. (If the provider employs an OEC-approved assistant or substitute, he or she may care for up to nine children at a time (CGS § 19a-77(a)(3)).)

A group child care home (1) offers or provides supplementary care to between seven and 12 unrelated 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)).

### ***Special Zoning Permits and Exceptions***

Special zoning permits and special zoning 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.

## **COMMITTEE ACTION**

Housing Committee

Joint Favorable Substitute

Yea 11 Nay 4 (03/02/2023)