



General Assembly

January Session, 2023

Raised Bill No. 6590

LCO No. 3619



Referred to Committee on HOUSING

Introduced by:
(HSG)

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 Section 8-3j of the general statutes is repealed and the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 licensed
5 by the Office of Early Childhood pursuant to [section 17b-733] chapter
6 368a in a manner different from single or multifamily dwellings.

7 (b) Not later than December 1, 2023, and annually thereafter, each
8 municipality shall submit to the Office of Policy and Management a
9 sworn statement from the chief executive officer of the municipality
10 stating (1) that the municipality's zoning ordinances are in compliance
11 with (A) subsection (a) of this section, and (B) the provisions of
12 subdivision (1) of subsection (d) of section 8-2, as amended by this act,
13 or (2) the specific time frame within which the municipality will bring
14 its zoning ordinances into compliance with subsection (a) of this section
15 and subsection (d) of section 8-2, as amended by this act.

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 Subsection (d) of section 8-2 of the general statutes is repealed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

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

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

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

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

45 (4) (A) Prohibit the continuance of any nonconforming use, building
46 or structure existing at the time of the adoption of such regulations; (B)
47 require a special permit or special exception for any such continuance;

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

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

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

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

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

72 (9) Require more than one parking space for each studio or one-
73 bedroom dwelling unit or more than two parking spaces for each
74 dwelling unit with two or more bedrooms, unless the municipality opts
75 out in accordance with the provisions of section 8-2p; or

76 (10) Be applied to deny any land use application, including for any
77 site plan approval, special permit, special exception or other zoning
78 approval, on the basis of (A) a district's character, unless such character

79 is expressly articulated in such regulations by clear and explicit physical
80 standards for site work and structures, or (B) the immutable
81 characteristics, source of income or income level of any applicant or end
82 user, other than age or disability whenever age-restricted or disability-
83 restricted housing may be permitted.

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

87 (a) No person, group of persons, association, organization,
88 corporation, institution or agency, public or private, shall maintain a
89 family child care home, as described in section 19a-77, without a license
90 issued by the Commissioner of Early Childhood. Licensure forms shall
91 be obtained from the Office of Early Childhood. Applications for
92 licensure shall be made to the commissioner on forms provided by the
93 office and shall contain the information required by regulations adopted
94 under this section. The licensure and application forms shall contain a
95 notice that false statements made therein are punishable in accordance
96 with section 53a-157b. Applicants shall state, in writing, that they are in
97 compliance with the regulations adopted by the commissioner pursuant
98 to subsection (f) of this section. Before a family child care home license
99 is granted, the office shall make an inquiry and investigation which shall
100 include a visit and inspection of the premises for which the license is
101 requested. Any inspection conducted by the office shall include an
102 inspection for evident sources of lead poisoning. The office shall provide
103 for a chemical analysis of any paint chips found on such premises.
104 Neither the commissioner nor the commissioner's designee shall require
105 an annual inspection for homes seeking license renewal or for licensed
106 homes, except that the commissioner or the commissioner's designee
107 shall make an unannounced visit, inspection or investigation of each
108 licensed family child care home at least once every year. A licensed
109 family child care home shall not be subject to any conditions on the
110 operation of such home by local officials, other than those imposed by
111 the office pursuant to this subsection, if the home complies with all
112 [local] codes and ordinances applicable to single and multifamily

113 dwellings.

114 Sec. 4. Subsection (a) of section 47a-4 of the general statutes is
115 repealed and the following is substituted in lieu thereof (*Effective October*
116 *1, 2023*):

117 (a) A rental agreement shall not provide that the tenant: (1) Agrees to
118 waive or forfeit rights or remedies under this chapter and sections 47a-
119 21 47a-23 to 47a-23b, inclusive, 47a-26 to 47a-26g, inclusive, 47a-35 to
120 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46, or under any section of
121 the general statutes or any municipal ordinance unless such section or
122 ordinance expressly states that such rights may be waived; (2)
123 authorizes the landlord to confess judgment on a claim arising out of the
124 rental agreement; (3) agrees to the exculpation or limitation of any
125 liability of the landlord arising under law or to indemnify the landlord
126 for that liability or the costs connected therewith; (4) agrees to waive his
127 right to the interest on the security deposit pursuant to section 47a-21;
128 (5) agrees to permit the landlord to dispossess him without resort to
129 court order; (6) consents to the distraint of his property for rent; (7)
130 agrees to pay the landlord's attorney's fees in excess of fifteen per cent
131 of any judgment against the tenant in any action in which money
132 damages are awarded; (8) agrees to pay a late charge prior to the
133 expiration of the grace period set forth in section 47a-15a or to pay rent
134 in a reduced amount if such rent is paid prior to the expiration of such
135 grace period; [or] (9) agrees to pay a heat or utilities surcharge if heat or
136 utilities is included in the rental agreement; or (10) in any rental
137 agreement entered into or renewed on or after October 1, 2023, is
138 prohibited from operating a licensed family child care home, as
139 described in section 19a-77, or is otherwise restricted in the operation of
140 a licensed family child care home.

141 Sec. 5. (NEW) (*Effective October 1, 2023*) A landlord may require that
142 (1) any prospective operator of a family child care home or group child
143 care home on the premises of such landlord provide notice to the
144 landlord when such prospective operator receives a license to operate
145 pursuant to chapter 368a of the general statutes, and (2) any operator of

146 a licensed family child care home or group child care home that operates
147 on the premises of such landlord shall maintain liability insurance in an
148 amount that provides reasonable protection for such operator against
149 claims for injury sustained by clients and guests due to the negligence
150 of such operator or such operator's employees. In any renter's,
151 homeowner's or liability insurance policy providing coverage for the
152 operator of a licensed family child care home or group child care home,
153 such operator may, and at the landlord's request shall, name such
154 operator's landlord as an additional insured on such policy. For the
155 purposes of this section, "family child care home" and "group child care
156 home" have the same descriptions as provided in section 19a-77 of the
157 general statutes and "landlord" has the same meaning as provided in
158 section 47a-1 of the general statutes.

159 Sec. 6. (NEW) (*Effective October 1, 2023*) In any civil action arising from
160 an act or omission of an operator of a licensed family child care home or
161 group child care home in the course of operating such child care home
162 in a dwelling unit, the landlord of such dwelling unit shall not be liable
163 for such act or omission of such operator. For the purposes of this
164 section, "family child care home" and "group child care home" have the
165 same descriptions as provided in section 19a-77 of the general statutes
166 and "landlord" and "dwelling unit" have the same meanings as provided
167 in section 47a-1 of the general statutes.

168 Sec. 7. Section 19a-80 of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective October 1, 2023*):

170 (a) No person, group of persons, association, organization,
171 corporation, institution or agency, public or private, shall maintain a
172 child care center or group child care home without a license issued in
173 accordance with this section and sections 19a-77 to [19a-80] 19a-79a,
174 inclusive, and 19a-82 to 19a-87a, inclusive. Applications for such license
175 shall be made to the Commissioner of Early Childhood on forms
176 provided by the commissioner and shall contain the information
177 required by regulations adopted under said sections. The forms shall
178 contain a notice that false statements made therein are punishable in

179 accordance with section 53a-157b.

180 (b) (1) Upon receipt of an application for a license, the commissioner
181 shall issue such license if, upon inspection and investigation, said
182 commissioner finds that the applicant, the facilities and the program
183 meet the health, educational and social needs of children likely to attend
184 the child care center or group child care home and comply with
185 requirements established by regulations adopted under this section and
186 sections 19a-77 to 19a-79a, inclusive, and sections 19a-82 to 19a-87a,
187 inclusive. Any such inspection under this subsection of a group child
188 care home located in a residence shall include an inspection for evident
189 sources of lead poisoning and shall provide for chemical analysis of any
190 paint chips found on such premises. The commissioner shall offer an
191 expedited application review process for an application submitted by a
192 municipal agency or department. A currently licensed person or entity,
193 as described in subsection (a) of this section, seeking a change of
194 operator, ownership or location shall file a new license application,
195 except such person or entity may request the commissioner to waive the
196 requirement that a new license application be filed. The commissioner
197 may grant or deny such request. Each license shall be for a term of four
198 years, shall be nontransferable, and may be renewed upon receipt by the
199 commissioner of a renewal application and accompanying licensure fee.
200 The commissioner may suspend or revoke such license after notice and
201 an opportunity for a hearing as provided in section 19a-84 for violation
202 of the regulations adopted under this section and sections 19a-77 to 19a-
203 79a, inclusive, and sections 19a-82 to 19a-87a, inclusive. In the case of an
204 application for renewal of a license that has expired, the commissioner
205 may renew such expired license within thirty days of the date of such
206 expiration upon receipt of a renewal application and accompanying
207 licensure fee.

208 (2) The commissioner shall collect from the licensee of a child care
209 center a fee of five hundred dollars prior to issuing or renewing a license
210 for a term of four years. The commissioner shall collect from the licensee
211 of a group child care home a fee of two hundred fifty dollars prior to
212 issuing or renewing a license for a term of four years. The commissioner

213 shall require only one license for a child care center operated in two or
214 more buildings, provided the same licensee provides child care services
215 in each building and the buildings are joined together by a contiguous
216 playground that is part of the licensed space.

217 (3) The commissioner, or the commissioner's designee, shall make an
218 unannounced visit, inspection or investigation of each licensed child
219 care center and group child care home at least once each year. At least
220 once every two years, the local health director, or the local health
221 director's designee, shall make an inspection of each licensed child care
222 center and group child care home.

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

228 (c) The commissioner shall require each prospective employee of a
229 child care center or group child care home for a position that requires
230 the provision of care to a child or involves unsupervised access to any
231 child in such child care center or group child care home, to submit to
232 comprehensive background checks, including state and national
233 criminal history records checks. The criminal history records checks
234 required pursuant to this subsection shall be conducted in accordance
235 with section 29-17a. The commissioner shall also request a check of the
236 state child abuse registry established pursuant to section 17a-101k. The
237 Commissioner of Early Childhood shall notify each licensee of the
238 provisions of this subsection. No such prospective employee shall begin
239 working in such child care center or group child care home until the
240 provisions of 45 CFR 98.43(d)(4), as amended from time to time, have
241 been satisfied.

242 (d) The commissioner shall inform each licensee, by way of a plain
243 language summary provided not later than sixty days after the
244 regulation's effective date, of new or changed regulations adopted

245 under this section and sections 19a-77 to [19a-80] 19a-79a, inclusive, or
246 sections 19a-82 to 19a-87a, inclusive, with which a licensee must comply.

247 Sec. 8. (NEW) (*Effective October 1, 2023*) (a) Any provision in a written
248 instrument relating to real property that prohibits the leasing of the real
249 property for use or occupancy as a licensed family child care home is
250 void.

251 (b) Any provision in a written instrument relating to real property
252 that purports to prohibit the leasing of the real property, in a single-
253 family dwelling, for use or occupancy as a licensed group child care
254 home is void. Any restriction in such written instrument as to the use or
255 occupancy of the property as a licensed group child care home is void.

256 (c) An attempt to deny, restrict or encumber the leasing of real
257 property for use or occupancy as a licensed family child care home is
258 void. A property owner or manager shall not refuse to rent, or refuse to
259 negotiate for the rental of, or otherwise make unavailable or deny, a
260 single or multifamily dwelling in which the underlying zoning allows
261 for residential use to a person because that person operates or intends
262 to operate a licensed family child care home.

263 (d) No person shall attempt to deny, restrict or encumber the leasing
264 of real property, in a single-family dwelling, for use or occupancy as a
265 licensed group child care home. A property owner or manager shall not
266 refuse to rent, or refuse to negotiate the rental of, or otherwise make
267 unavailable or deny, a single-family dwelling in which the underlying
268 zoning allows for residential use to a person because such person
269 operates or intends to operate a licensed group child care home.

270 (e) A restriction, whether by way of covenant, contract or condition
271 upon use or occupancy, that restricts directly or indirectly limits the use,
272 or occupancy of a single-family dwelling in which the underlying
273 zoning allows for residential use as a licensed family child care home or
274 group child care home is void.

275 (f) A restriction, whether by way of covenant, contract or condition

276 upon use or occupancy, that restricts directly or indirectly limits the use,
 277 or occupancy of a multifamily dwelling in which the underlying zoning
 278 allows for use as a licensed family child care home is void.

279 (g) This section shall not apply to any such restriction imposed by an
 280 association of unit owners for a condominium or unit owners'
 281 association if a common interest community imposes such a restriction
 282 upon a dwelling.

283 (h) For the purposes of this section, "restriction" means a restriction
 284 imposed orally, in writing or by conduct and includes prohibition and
 285 "family child care home" and "group child care home" have the same
 286 descriptions as provided in section 19a-77 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	8-3j
Sec. 2	<i>October 1, 2023</i>	8-2(d)
Sec. 3	<i>October 1, 2023</i>	19a-87b(a)
Sec. 4	<i>October 1, 2023</i>	47a-4(a)
Sec. 5	<i>October 1, 2023</i>	New section
Sec. 6	<i>October 1, 2023</i>	New section
Sec. 7	<i>October 1, 2023</i>	19a-80
Sec. 8	<i>October 1, 2023</i>	New section

Statement of Purpose:

To (1) clarify and enforce protections for licensed group child care homes and licensed family child care homes, (2) prevent landlords from placing restrictions on the operation of licensed group child care homes and licensed family child care homes, and (3) provide certain protections to landlords when their property is utilized by operators of licensed group child care homes and licensed family child care homes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]