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 Section 8-3j of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2023):

(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, 2023, and annually thereafter, each municipality shall submit to the Office of Policy and Management a sworn statement from the chief executive officer of the municipality stating (1) that the municipality's zoning ordinances are in compliance with (A) subsection (a) of this section, and (B) the provisions of subdivision (1) of 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 ordinances into compliance with subsection (a) of this section and subsection (d) of section 8-2, as amended by this act.
Sec. 2. Subsection (d) of section 8-2 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2023):

(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;

(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; 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;

(3) Impose conditions and requirements on manufactured homes, including mobile 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, including mobile manufactured home parks, if those conditions and requirements are substantially different from conditions and requirements imposed on (A) single-family dwellings; (B) lots containing single-family dwellings; or (C) multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments;

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

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

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

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

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

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

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

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

(a) No person, group of persons, association, organization,
corporation, institution or agency, public or private, shall maintain a
family child care home, as described in section 19a-77, without a license
issued by the Commissioner of Early Childhood. Licensure forms shall
be obtained from the Office of Early Childhood. Applications for
licensure shall be made to the commissioner on forms provided by the
office and shall contain the information required by regulations adopted
under this section. The licensure and application forms shall contain a
notice that false statements made therein are punishable in accordance
with section 53a-157b. Applicants shall state, in writing, that they are in
compliance with the regulations adopted by the commissioner pursuant
to subsection (f) of this section. Before a family child care home license
is granted, the office shall make an inquiry and investigation which shall
include a visit and inspection of the premises for which the license is
requested. Any inspection conducted by the office shall include an
inspection for evident sources of lead poisoning. The office shall provide
for a chemical analysis of any paint chips found on such premises.
Neither the commissioner nor the commissioner's designee shall require
an annual inspection for homes seeking license renewal or for licensed
homes, except that the commissioner or the commissioner's designee
shall make an unannounced visit, inspection or investigation of each
licensed family child care home at least once every year. A licensed
family child care home shall not be subject to any conditions on the
operation of such home by local officials, other than those imposed by
the office pursuant to this subsection, if the home complies with all
[local] codes and ordinances applicable to single and multifamily
Sec. 4. Subsection (a) of section 47a-4 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2023):

(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) in any rental agreement entered into or renewed on or after October 1, 2023, is prohibited from operating a licensed family child care home, as described in section 19a-77, or is otherwise restricted in the operation of a licensed family child care home.

Sec. 5. (NEW) (Effective October 1, 2023) A landlord may require that (1) any prospective operator of a family child care home or group child care home on the premises of such landlord provide notice to the landlord when such prospective operator receives a license to operate pursuant to chapter 368a of the general statutes, and (2) any operator of
a licensed family child care home or group child care home that operates on the premises of such landlord shall maintain liability insurance in an amount that provides reasonable protection for such operator against claims for injury sustained by clients and guests due to the negligence of such operator or such operator's employees. In any renter's, homeowner's or liability insurance policy providing coverage for the operator of a licensed family child care home or group child care home, such operator may, and at the landlord's request shall, 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. (NEW) (Effective October 1, 2023) In any civil action arising from an act or omission of an operator of a licensed family child care home or group child care home in the course of operating such child care home in a dwelling unit, the landlord of such dwelling unit shall not be liable for such act or omission of such operator. 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" and "dwelling unit" have the same meanings as provided in section 47a-1 of the general statutes.

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

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

(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 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 codes and ordinances
applicable to single and multifamily dwellings.

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

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

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

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

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

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

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

(f) A restriction, whether by way of covenant, contract or condition
upon use or occupancy, that restricts directly or indirectly limits the use, or occupancy of a multifamily dwelling in which the underlying zoning allows for use as a licensed family child care home is void.

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

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

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

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<td>2</td>
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**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.]