



General Assembly

February Session, 2020

Raised Bill No. 5121

LCO No. 848



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 Section 8-3j of the general statutes is repealed and the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, 2020*):

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

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

16 amended by this act.

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 Section 8-2 of the general statutes is repealed and the following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

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

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

38 (3) Such zoning regulations may, except as otherwise specified in this
39 section, provide that certain classes or kinds of buildings, structures or
40 uses of land are permitted only after obtaining a special permit or
41 special exception from a zoning commission, planning commission,
42 combined planning and zoning commission or zoning board of appeals,
43 whichever commission or board the regulations may, notwithstanding
44 any special act to the contrary, designate, subject to standards set forth
45 in the regulations and to conditions necessary to protect the public
46 health, safety, convenience and property values. [Such]

47 (b) Zoning regulations adopted pursuant to subsection (a) of this

48 section shall: [be]

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

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

60 (3) Be made with reasonable consideration as to the character of the
61 district and its peculiar suitability for particular uses and with a view to
62 conserving the value of buildings and encouraging the most appropriate
63 use of land throughout such municipality; [. Such regulations may, to
64 the extent consistent with soil types, terrain, infrastructure capacity and
65 the plan of conservation and development for the community, provide
66 for cluster development, as defined in section 8-18, in residential zones.
67 Such regulations shall also encourage]

68 (4) Encourage the development of housing opportunities, including
69 opportunities for multifamily dwellings, consistent with soil types,
70 terrain and infrastructure capacity, for all residents of the municipality
71 and the planning region in which the municipality is located, as
72 designated by the Secretary of the Office of Policy and Management
73 under section 16a-4a; [. Such regulations shall also promote]

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

77 (6) Encourage the development of housing which will meet the
78 housing needs identified in the state's consolidated plan for housing and

79 community development prepared pursuant to section 8-37t and in the
80 housing component and the other components of the state plan of
81 conservation and development prepared pursuant to section 16a-26; [. Zoning regulations shall be made]

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

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

88 (9) Provide that proper provision be made for soil erosion and
89 sediment control pursuant to section 22a-329.

90 (c) Zoning regulations adopted pursuant to subsection (a) of this
91 section may; [be]

92 (1) To the extent consistent with soil types, terrain, infrastructure
93 capacity and the plan of conservation and development for the
94 community, provide for cluster development, as defined in section 8-18,
95 in residential zones;

96 (2) Be made with reasonable consideration for the protection of
97 historic factors; [and shall be made with reasonable consideration for
98 the protection of existing and potential public surface and ground
99 drinking water supplies. On and after July 1, 1985, the regulations shall
100 provide that proper provision be made for soil erosion and sediment
101 control pursuant to section 22a-329. Such regulations may also
102 encourage]

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

106 (4) Provide for incentives for developers who use passive solar
107 energy techniques, as defined in subsection (b) of section 8-25, in
108 planning a residential subdivision development [. The incentives may

109 include, but not be] including, but not limited to, cluster development,
110 higher density development and performance standards for roads,
111 sidewalks and underground facilities in the subdivision; [. Such
112 regulations may provide]

113 (5) Provide for a municipal system for the creation of development
114 rights and the permanent transfer of such development rights, which
115 may include a system for the variance of density limits in connection
116 with any such transfer; [. Such regulations may also provide]

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

119 (7) Provide for conditions on operations to collect spring water or
120 well water, as defined in section 21a-150, including the time, place and
121 manner of such operations. [No such regulations shall prohibit]

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

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

128 (2) (A) Prohibit the use of receptacles for the storage of items
129 designated for recycling in accordance with section 22a-241b or require
130 that such receptacles comply with provisions for bulk or lot area, or
131 similar provisions, except provisions for side yards, rear yards and front
132 yards; [. No such regulations shall] or (B) unreasonably restrict access to
133 or the size of such receptacles for businesses, given the nature of the
134 business and the volume of items designated for recycling in accordance
135 with section 22a-241b, that such business produces in its normal course
136 of business, provided nothing in this section shall be construed to
137 prohibit such regulations from requiring the screening or buffering of
138 such receptacles for aesthetic reasons; [. Such regulations shall not
139 impose]

140 (3) Impose conditions and requirements on (A) manufactured homes
141 having as their narrowest dimension twenty-two feet or more and built
142 in accordance with federal manufactured home construction and safety
143 standards or on lots containing such manufactured homes which are
144 substantially different from conditions and requirements imposed on
145 single-family dwellings and lots containing single-family dwellings; [. Such regulations shall not impose conditions and requirements on] or
146 Such regulations shall not impose conditions and requirements on] or
147 (B) developments to be occupied by manufactured homes having as
148 their narrowest dimension twenty-two feet or more and built in
149 accordance with federal manufactured home construction and safety
150 standards which are substantially different from conditions and
151 requirements imposed on multifamily dwellings, lots containing
152 multifamily dwellings, cluster developments or planned unit
153 developments; [. Such regulations shall not prohibit]

154 (4) (A) Prohibit the continuance of any nonconforming use, building
155 or structure existing at the time of the adoption of such regulations or
156 require a special permit or special exception for any such continuance; [. Such regulations shall not] (B) provide for the termination of any
157 nonconforming use solely as a result of nonuse for a specified period of
158 time without regard to the intent of the property owner to maintain that
159 use; [. Such regulations shall not] or (C) terminate or deem abandoned
160 a nonconforming use, building or structure unless the property owner
161 of such use, building or structure voluntarily discontinues such use,
162 building or structure and such discontinuance is accompanied by an
163 intent to not reestablish such use, building or structure. The demolition
164 or deconstruction of a nonconforming use, building or structure shall
165 not by itself be evidence of such property owner's intent to not
166 reestablish such use, building or structure; [. Unless such town opts out,
167 in accordance with the provisions of subsection (j) of section 8-1bb, such
168 regulations shall not prohibit]

170 (5) Prohibit the installation of temporary health care structures for
171 use by mentally or physically impaired persons [in accordance with the
172 provisions of section 8-1bb if such structures comply with the provisions
173 of said section] pursuant to section 8-1bb, as amended by this act, unless

174 the municipality opts out in accordance with the provisions of
175 subsection (j) of section 8-1bb, as amended by this act.

176 (e) Any city, town or borough which adopts the provisions of this
177 chapter may, by vote of its legislative body, exempt municipal property
178 from the regulations prescribed by the zoning commission of such city,
179 town or borough; but unless it is so voted municipal property shall be
180 subject to such regulations.

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

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

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

206 Sec. 3. Subsection (b) of section 19a-80 of the general statutes is
207 repealed and the following is substituted in lieu thereof (*Effective October*
208 *1, 2020*):

209 (b) (1) Upon receipt of an application for a license, the commissioner
210 shall issue such license if, upon inspection and investigation, said
211 commissioner finds that the applicant, the facilities and the program
212 meet the health, educational and social needs of children likely to attend
213 the child care center or group child care home and comply with
214 requirements established by regulations adopted under this section and
215 sections 19a-77 to 19a-79a, inclusive, and sections 19a-82 to 19a-87a,
216 inclusive. Any such inspection of a group child care home under this
217 subsection shall include an inspection for evident sources of lead
218 poisoning, and shall provide for a chemical analysis of any paint chips
219 found on such premises. The commissioner shall offer an expedited
220 application review process for an application submitted by a municipal
221 agency or department. A currently licensed person or entity, as
222 described in subsection (a) of this section, seeking a change of operator,
223 ownership or location shall file a new license application, except such
224 person or entity may request the commissioner to waive the
225 requirement that a new license application be filed. The commissioner
226 may grant or deny such request. Each license shall be for a term of four
227 years, shall be nontransferable, and may be renewed upon receipt by the
228 commissioner of a renewal application and accompanying licensure fee.
229 The commissioner may suspend or revoke such license after notice and
230 an opportunity for a hearing as provided in section 19a-84 for violation
231 of the regulations adopted under this section and sections 19a-77 to 19a-
232 79a, inclusive, and sections 19a-82 to 19a-87a, inclusive. In the case of an
233 application for renewal of a license that has expired, the commissioner
234 may renew such expired license within thirty days of the date of such
235 expiration upon receipt of a renewal application and accompanying
236 licensure fee.

237 (2) The commissioner shall collect from the licensee of a child care
238 center a fee of five hundred dollars prior to issuing or renewing a license
239 for a term of four years. The commissioner shall collect from the licensee

240 of a group child care home a fee of two hundred fifty dollars prior to
241 issuing or renewing a license for a term of four years. The commissioner
242 shall require only one license for a child care center operated in two or
243 more buildings, provided the same licensee provides child care services
244 in each building and the buildings are joined together by a contiguous
245 playground that is part of the licensed space.

246 (3) The commissioner, or the commissioner's designee, shall make an
247 unannounced visit, inspection or investigation of each licensed child
248 care center and group child care home at least once each year. At least
249 once every two years, the local health director, or the local health
250 director's designee, shall make an inspection of each licensed child care
251 center and group child care home.

252 (4) A municipality may not subject the operation of a licensed group
253 child care home to any conditions, other than those imposed by the
254 commissioner pursuant to this subsection, if the group child care home
255 complies with all local codes and ordinances applicable to single and
256 multifamily dwellings.

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

259 (a) A rental agreement shall not provide that the tenant: (1) Agrees to
260 waive or forfeit rights or remedies under this chapter and sections 47a-
261 21, 47a-23 to 47a-23b, inclusive, 47a-26 to 47a-26g, inclusive, 47a-35 to
262 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46, or under any section of
263 the general statutes or any municipal ordinance unless such section or
264 ordinance expressly states that such rights may be waived; (2)
265 authorizes the landlord to confess judgment on a claim arising out of the
266 rental agreement; (3) agrees to the exculpation or limitation of any
267 liability of the landlord arising under law or to indemnify the landlord
268 for that liability or the costs connected therewith; (4) agrees to waive his
269 right to the interest on the security deposit pursuant to section 47a-21;
270 (5) agrees to permit the landlord to dispossess him without resort to
271 court order; (6) consents to the distraint of his property for rent; (7)

272 agrees to pay the landlord's attorney's fees in excess of fifteen per cent
273 of any judgment against the tenant in any action in which money
274 damages are awarded; (8) agrees to pay a late charge prior to the
275 expiration of the grace period set forth in section 47a-15a or to pay rent
276 in a reduced amount if such rent is paid prior to the expiration of such
277 grace period; [or] (9) agrees to pay a heat or utilities surcharge if heat or
278 utilities is included in the rental agreement; or (10) is prohibited from
279 operating a licensed family child care home, as described in section 19a-
280 77, or is otherwise restricted in the operation of such family child care
281 home.

282 (b) A provision prohibited by subsection (a) of this section included
283 in a rental agreement is unenforceable.

284 Sec. 5. (NEW) (*Effective October 1, 2020*) In any renter's or
285 homeowner's insurance policy providing coverage for the operator of a
286 licensed family child care home or group child care home, such operator
287 may name such operator's landlord, association of unit owners for a
288 condominium or unit owners' association of a common interest
289 community, as applicable, as an additional insured on such policy. For
290 the purposes of this section, "family child care home" and "group child
291 care home" have the same descriptions as provided in section 19a-77 of
292 the general statutes, "landlord" has the same meaning as provided in
293 section 47a-1 of the general statutes, "condominium" and "association of
294 unit owners" have the same meanings as provided in section 47-68a of
295 the general statutes, and "unit owners' association" and "common
296 interest community" have the same meanings as provided in section 47-
297 202 of the general statutes.

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

300 (j) A municipality, by vote of its legislative body or, in a municipality
301 where the legislative body is a town meeting, by vote of the board of
302 selectmen, may opt out of the provisions of this section and the
303 provision of subsection [(a)] (d) of section 8-2, as amended by this act,

304 regarding authorization for the installation of temporary health care
305 structures, provided the zoning commission or combined planning and
306 zoning commission of the municipality: (1) First holds a public hearing
307 in accordance with the provisions of section 8-7d on such proposed opt-
308 out, (2) affirmatively decides to opt out of the provisions of said sections
309 within the period of time permitted under section 8-7d, (3) states upon
310 its records the reasons for such decision, and (4) publishes notice of such
311 decision in a newspaper having a substantial circulation in the
312 municipality not later than fifteen days after such decision has been
313 rendered.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	8-3j
Sec. 2	<i>October 1, 2020</i>	8-2
Sec. 3	<i>October 1, 2020</i>	19a-80(b)
Sec. 4	<i>October 1, 2020</i>	47a-4
Sec. 5	<i>October 1, 2020</i>	New section
Sec. 6	<i>October 1, 2020</i>	8-1bb(j)

Statement of Purpose:

To clarify and enforce protections for licensed group child care homes and licensed family child care homes and prevent landlords and certain homeowners associations from placing restrictions on the operation of such 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.]