

Town of

Zoning Department

*William Mulholland*

Zoning Official



East Lyme

108 Pennsylvania Ave

Niantic, Connecticut 06357

(860) 691-4114

Fax (860) 691-0351

October 16, 2024

Richard Gordon, Chairman  
c/o Gary Goeschel, Director of Planning, Town of East Lyme  
East Lyme Planning Commission  
Town of East Lyme  
PO Box 519  
Niantic, CT 06357

RE: East Lyme Zoning Commission  
Referral/ Zoning Regulation Text Amendment Proposal

Dear Mr. Gordon,

I am writing to refer the following applications for your review and comment in accordance with Section 8-3 a of chapter 124 of the Connecticut General Statutes.

1. Text Amendments to Sections 1, 3, 4, 5, 6, 7, 8, 9, 12 of the East Lyme Zoning Regulations to comply with State PA 23-142.

The Zoning Commission has scheduled a public hearing for **November 21, 2024**. Please forward any comments for inclusion into the public hearing record. If you have any questions, please do not hesitate to contact the Zoning Commission staff person, Mr. Mulholland.

Sincerely,

A handwritten signature in blue ink that reads "Nancy Kalal".

Nancy Kalal

Secretary, East Lyme Zoning Commission

Hand Delivered: G. Goeschel

Email Return Read Receipt Send Date 10/15/2024 [ggoeschel@eltownhall.com](mailto:ggoeschel@eltownhall.com)



**WALLER  
SMITH &  
PALMER**<sup>PC</sup>  
Attorneys at Law

EDWARD B. O'CONNELL  
FRANK M. COLLINS  
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CHARLES C. ANDERSON  
KEVIN M. WOODS  
MARK S. ZANARIN  
CATHERINE A. THURLOW  
TIMOTHY D. BLEASDALE

October 10, 2024

For Office:  
ROBERT M. HARRISON  
ROBERT P. ANDERSON, Jr.  
FREDERICK B. JOHNSON  
+ ALL ADMITTED TO THE  
NEW YORK BAR

Anne Thurlow, Chair  
Zoning Commission  
108 Pennsylvania Ave.  
Niantic, CT 06357

**Received**

**OCT 9 2024**

Town of East Lyme  
Land Use

RE: NECESSARY TEXT AMENDMENTS TO COMPLY  
WITH STATE STATUTORY REQUIREMENTS

Dear Ms. Thurlow,

As you know, this office serves as the Town Attorney for the Town of East Lyme. The matter before the Commission in the present application is a text amendment application made by the Town Attorney's Office on behalf of the Town to make certain amendments to the East Lyme Zoning Regulations which are necessary to comply with certain state statutory requirements.

This application was prompted by Public Act 23-142, which made numerous changes to Connecticut's zoning statutes. The immediate effect of the passage of the Public Act was that any inconsistent provision of the Town's Zoning Regulations was automatically overridden by the new requirements in state statutes. One new requirement of Public Act 23-142 is that the first selectman is required to certify to the Connecticut Office of Policy and Management on an annual basis that the Town's Zoning Regulations comply with certain new requirements related to in-home child care businesses. Last year, the first selectman was required to certify that the Zoning Regulations did not then comply and that the Town would be applying to the Zoning Commission to make necessary conforming amendments in the 2024 calendar year. This is that application.

The statutory changes at issue in this application concern child care operations known as "Family Child Care Homes" and "Group Child Care Homes." These operations must be located within a residence and must be licensed by the Connecticut Office of Early Childhood pursuant to Chapter 368a, specifically General Statutes §§ 19a-87b and 19a-80. Public Act 23-142 made changes to General Statutes §§ 8-2 and 8-3j that require municipal zoning regulations to treat "Family Child Care Homes" and "Group Child Care Homes" the same as any single or multifamily dwelling, and bars municipal zoning

regulations from prohibiting the operation of "Family Child Care Homes" and "Group Child Care Homes" in any residential zone or requiring any special permit or special exception permit to do so.

Enclosed with this letter is an application to amend the Zoning Regulations by adding new sections 1.27.1, 1.30.1, 3.1.6, 3.1.7, 4.1.6, 4.1.7, 5.1.6, 5.1.7, 6.1.4, 6.1.5, 7.1.4, 7.1.5, 8.1.12, 8.1.13, 9.1.12, 9.1.13, 12.01, 12.01.1, and 12.01.2. These amendments create new defined uses/terms in Section 1 for "Family Child Care Homes" and "Group Child Care Homes", defining each to comply with PA 23-142 and General Statutes §§ 8-2(d)(1) and 8-3j, and then adding these newly defined uses to each section which permits single or multifamily dwellings as required by PA 23-142 and General Statutes §§ 8-2(d)(1) and 8-3j.

These changes will bring East Lyme's Zoning Regulations into compliance with the requirements of state statutes and allow the first selectman to certify compliance to the Connecticut Office of Policy and Management this year. The Office of Policy and Management use these municipal certifications to create a list of compliant and non-complaint towns. It is important that the Commission approve these conforming changes as soon as possible. At present, there is no penalty specified in state statutes for failing to comply with these new statutory requirements; however, recent history has shown that our state zoning statutes are rapidly evolving and each session of the General Assembly sees a multitude of new proposals to amend the zoning laws. There is risk that the General Assembly may add a non-compliance penalty to these requirements, particularly given that the state is collection data on municipal compliance. It is the advice of the Town Attorney's Office that this application be approved so that East Lyme will be in compliance with statutory requirements and removed from the Office of Policy and Management's list of non-compliant towns.

In deliberating on this application, the Commission is required by General Statutes § 8-3(b) to take into consideration the East Lyme Plan of Conservation and Development ("POCD") and to state on the record in the Commission's approval the Commission's finding that the proposed amendments are consistent with the POCD. The POCD does not contain any provisions specific to child care facilities, either in favor or against such facilities. Nonetheless, these necessary amendments to the Zoning Regulations can be viewed as promoting the goals of Chapter 9 of the POCD, which state the Town's policies for economic development. Chapter 9 sets forth the policy of promoting sustainable year-round economic activities that improve the quality of life for residents. In general, these required amendments expand opportunities for residents to operate small businesses in East Lyme while also adding to the quality of life of residents by expanding options for child care within the Town. Expanding the child care opportunities within the Town will also help keep residents' child care dollars in East Lyme instead of seeing those funds spent in neighboring towns with more child care options.

In sum, the Town Attorney's Office on behalf of the Town of East Lyme urges the Commission to approve this application at its earliest convenience in order to bring the East Lyme Zoning Regulations into compliance with the requirements of state statutes

and to allow the first selectman to certify the Town's compliance to the Office of Policy and Management for calendar year 2024.

Very truly yours,



Timothy D. Bleasdale

Encl.

Text Amendment Application Form  
Proposed Text Amendments  
Copy PA 23-142  
Copy General Statutes § 8-3j  
Copy General Statutes § 8-2  
Copy of General Statutes § 19a-87b  
Copy of General Statutes § 19a-80  
Copy OPM Chart dated 5/7/24 Tracking Municipal Compliance  
Copy of OPM Letter dated 9/12/23 re Tracking Municipal Compliance  
Copy of Affidavit of Kevin Seery dated November 28, 2023  
Copy Chapter 9 Economic Development of 2020 POCD

# Town of East Lyme

108 Pennsylvania Ave.  
Niantic, CT 06357  
Ph. (860) 691-4114  
Fax: (860) 691-0351

Zone TA Permit # \_\_\_\_\_

## APPLICATION FOR ZONING REGULATION TEXT AMENDMENT

Date of Application: 10/10/2024 Email: tbleasdale@wallersmithpalmer.com

Applicant's Name: Town of East Lyme by Town Attorney's Office

Applicant's Address: 108 Pennsylvania Ave., Niantic, CT Telephone: 860-691-4114

Text Amendment of Section #: To add new sections as indicated below + in attachments

DESCRIPTION OF TEXT AMENDMENT OF ZONING REGULATIONS REQUESTED (must comply all other applicable Zoning Regulations of the Town of East Lyme):

See attached proposed amendments to create new sections 1.27.1, 1.30.1, 3.1.6, 3.1.7, 4.1.6, 4.1.7, 5.1.6, 5.1.7, 6.1.4, 6.1.5, 7.1.4, 7.1.5, 8.1.12, 8.1.13, 9.1.12, 9.1.13, 12.01, 12.01.1, 12.01.2 in order to bring Town Zoning Regulations into compliance with state statutory requirements enacted through PA 23-142

Signature of Applicant: [Signature]

\*\*\*\*\*

### Below this line for Office Use Only:

\*\*\*\*\*

Attach a copy of what is being changed, omitted or added to the Zoning Regulations.

AMENDMENT PROPOSAL ATTACHED      YES    NO

PERMIT FEE: TEXT AMENDMENT      \$300.00

STATE FEE:      \$60.00

CHECK #: \_\_\_\_\_

TOTAL DUE:      \$ \_\_\_\_\_

Date Approved: _____	Date Denied: _____
Approval subject to conditions below:	
_____	
_____	
Dated: _____	_____
East Lyme Zoning Commission	

**AMENDMENTS TO SECTION 1 – DEFINITIONS**

**New Sections:**

- 1.27.1        **FAMILY CHILD CARE HOME** – Shall mean a family child care home located in a residence and licensed by the Connecticut Office of Early Childhood pursuant to Chapter 368a of the Connecticut General Statutes.
- 1.30.1        **GROUP CHILD CARE HOME** – Shall mean a group child care home located in a residence and licensed by the Connecticut Office of Early Childhood pursuant to Chapter 368a of the Connecticut General Statutes.

**AMENDMENTS TO SECTION 3 – RU-120**

**New Section:**

- 3.1.6        Family Child Care Home
- 3.1.7        Group Child Care Home

**AMENDMENTS TO SECTION 4 – RU-180**

**New Section:**

- 4.1.6        Family Child Care Home
- 4.1.7        Group Child Care Home

**AMENDMENTS TO SECTION 5 – RU-40**

**New Section:**

- 5.1.6        Family Child Care Home
- 5.1.7        Group Child Care Home

**AMENDMENTS TO SECTION 6 – R-12**

**New Section:**

- 6.1.4        Family Child Care Home
- 6.1.5        Group Child Care Home

**AMENDMENTS TO SECTION 7 – R-10**

**New Section:**

- 7.1.4        Family Child Care Home
- 7.1.5        Group Child Care Home

**AMENDMENTS TO SECTION 8 – CA Commercial District**

**New Section:**

8.1.12 Family Child Care Home

8.1.13 Group Child Care Home

**AMENDMENTS TO SECTION 9 – CB Commercial District**

**New Section:**

9.1.12 Family Child Care Home

9.1.13 Group Child Care Home

**AMENDMENTS TO SECTION 12 – SU SPECIAL USE DISTRICT**

**New Section:**

12.01 PERMITTED USES

12.01.1 Family Child Care Home

12.01.2 Group Child Care Home



**Substitute House Bill No. 6590**

**Public Act No. 23-142**

**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



**Substitute House Bill No. 6590**

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

**Substitute House Bill No. 6590**

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

**Substitute House Bill No. 6590**

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

**Substitute House Bill No. 6590**

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 dwellings.

Sec. 4. 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

**Substitute House Bill No. 6590**

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] inspect each licensed

**Substitute House Bill No. 6590**

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.

Approved June 26, 2023

Connecticut General Statutes Annotated

Title 8. Zoning, Planning, Housing and Economic and Community Development (Refs & Annos)

Chapter 124. Zoning (Refs & Annos)

C.G.S.A. § 8-3j

§ 8-3j. Regulation of family child care homes

Effective: October 1, 2023

Currentness

(a) No zoning regulation shall treat any family child care home or group child care home, located in a residence and licensed by the Office of Early Childhood pursuant to chapter 368a,<sup>1</sup> 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, 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.

Credits

(1990, P.A. 90-286, § 4, eff. June 8, 1990; 2015, P.A. 15-227, § 25, eff. July 1, 2015; 2023, P.A. 23-142, § 1, eff. Oct. 1, 2023.)

Footnotes

<sup>1</sup> C.G.S.A. § 19a-1a et seq.

C. G. S. A. § 8-3j, CT ST § 8-3j

The statutes and Constitution are current with all enactments of the 2024 Regular Session enrolled and approved by the Governor on or before July 1, 2024 and effective on or before July 1, 2024. Some sections may be more current than others, see credits for details.

 KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

Connecticut General Statutes Annotated  
Title 8. Zoning, Planning, Housing and Economic and Community Development (Refs & Annos)  
Chapter 124. Zoning (Refs & Annos)

C.G.S.A. § 8-2

§ 8-2. Regulations

Effective: October 1, 2023  
Currentness

(a) (1) The zoning commission of each city, town or borough is authorized to regulate, within the limits of such municipality: (A) The height, number of stories and size of buildings and other structures; (B) the percentage of the area of the lot that may be occupied; (C) the size of yards, courts and other open spaces; (D) the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses, as defined in section 22a-93; and (E) the height, size, location, brightness and illumination of advertising signs and billboards, except as provided in subsection (f) of this section.

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

(3) Such zoning regulations may provide that certain classes or kinds of buildings, structures or use of land are permitted only after obtaining a special permit or special exception from a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals, whichever commission or board the regulations may, notwithstanding any special act to the contrary, designate, subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values.

(b) Zoning regulations adopted pursuant to subsection (a) of this section shall:

(1) Be made in accordance with a comprehensive plan and in consideration of the plan of conservation and development adopted under section 8-23;

(2) Be designed to (A) lessen congestion in the streets; (B) secure safety from fire, panic, flood and other dangers; (C) promote health and the general welfare; (D) provide adequate light and air; (E) protect the state's historic, tribal, cultural and environmental resources; (F) facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; (G) consider the impact of permitted land uses on contiguous municipalities and on the planning region, as defined in section 4-124i, in which such municipality is located; (H) address significant disparities in housing needs and



**§ 8-2. Regulations, CT ST § 8-2**

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access to educational, occupational and other opportunities; (I) promote efficient review of proposals and applications; and (J) affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et seq., as amended from time to time;

(3) Be drafted with reasonable consideration as to the physical site characteristics of the district and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land throughout a municipality;

(4) Provide for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a;

(5) Promote housing choice and economic diversity in housing, including housing for both low and moderate income households;

(6) Expressly allow the development of housing which will meet the housing needs identified in the state's consolidated plan for housing and community development prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26;

(7) Be made with reasonable consideration for the impact of such regulations on agriculture, as defined in subsection (q) of section 1-1;

(8) Provide that proper provisions be made for soil erosion and sediment control pursuant to section 22a-329;

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

(10) In any municipality that is contiguous to or on a navigable waterway draining to Long Island Sound, (A) be made with reasonable consideration for the restoration and protection of the ecosystem and habitat of Long Island Sound; (B) be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris on Long Island Sound; and (C) provide that such municipality's zoning commission consider the environmental impact on Long Island Sound coastal resources, as defined in section 22a-93, of any proposal for development.

(c) Zoning regulations adopted pursuant to subsection (a) of this section may:

(1) To the extent consistent with soil types, terrain and water, sewer and traffic infrastructure capacity for the community, provide for or require cluster development, as defined in section 8-18;

(2) Be made with reasonable consideration for the protection of historic factors;

(3) Require or promote (A) energy-efficient patterns of development; (B) the use of distributed generation or freestanding solar, wind and other renewable forms of energy; (C) combined heat and power; and (D) energy conservation;

(4) Provide for incentives for developers who use (A) solar and other renewable forms of energy; (B) combined heat and power; (C) water conservation, including demand offsets; and (D) energy conservation techniques, including, but not limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision;

(5) Provide for a municipal system for the creation of development rights and the permanent transfer of such development rights, which may include a system for the variance of density limits in connection with any such transfer;

(6) Provide for notice requirements in addition to those required by this chapter:

(7) Provide for conditions on operations to collect spring water or well water, as defined in section 21a-150, including the time, place and manner of such operations:

(8) Provide for floating zones, overlay zones and planned development districts:

(9) Require estimates of vehicle miles traveled and vehicle trips generated in lieu of, or in addition to, level of service traffic calculations to assess (A) the anticipated traffic impact of proposed developments; and (B) potential mitigation strategies such as reducing the amount of required parking for a development or requiring public sidewalks, crosswalks, bicycle paths, bicycle racks or bus shelters, including off-site; and

(10) In any municipality where a traprock ridge or an amphibolite ridge is located, (A) provide for development restrictions in ridgeline setback areas; and (B) restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (i) Emergency work necessary to protect life and property; (ii) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted pursuant to this section; and (iii) selective timbering, grazing of domesticated animals and passive recreation.

(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 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.

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

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


**Credits**

(1949 Rev., § 837; Nov., 1955, Supp. § N 10; 1959, P.A. 614, § 2; 1959, P.A. 661; 1961, P.A. 569, § 1; 1963, P.A. 133; 1967, P.A. 801; 1977, P.A. 77-509, § 1; 1978, P.A. 78-314, § 1; 1980, P.A. 80-327, § 1; 1981, P.A. 81-334, § 2; 1983, P.A. 83-388, § 6, eff. July 1, 1985; 1984, P.A. 84-263; 1985, P.A. 85-91, § 2, eff. May 1, 1985; 1985, P.A. 85-279, § 3; 1987, P.A. 87-215, § 1, eff. July 1, 1987; 1987, P.A. 87-232; 1987, P.A. 87-474, § 1; 1987, P.A. 87-490, § 1; 1988, P.A. 88-105, § 2; 1988, P.A. 88-203, § 1; 1989, P.A. 89-277, § 1, eff. Oct. 1, 1989; 1991, P.A. 91-170, § 1; 1991, P.A. 91-392, § 1; 1991, P.A. 91-395, § 1, eff. July 1, 1991; 1992, P.A. 92-50; 1993, P.A. 93-385, § 3; 1995, P.A. 95-239, § 2; 1995, P.A. 95-335, § 14, eff. July 1, 1995; 1997, P.A. 97-296, § 2, eff. July 8, 1997; 1998, P.A. 98-105, § 3; 2010, P.A. 10-87, § 4; 2011, P.A. 11-124, § 2; 2011, P.A. 11-188, § 3; 2015, P.A. 15-227, § 25, eff. July 1, 2015; 2017, P.A. 17-39, § 1, eff. July 1, 2017; 2017, P.A. 17-155, § 2; 2018, P.A. 18-28, §§ 1, 2, eff. July 1, 2018; 2018, P.A. 18-132, § 1, eff. July 1, 2018; 2021, P.A. 21-29, § 4, eff. Oct. 1, 2021; 2023, P.A. 23-142, § 2, eff. Oct. 1, 2023.)

**Notes of Decisions (861)**

**C. G. S. A. § 8-2, CT ST § 8-2**

The statutes and Constitution are current with all enactments of the 2024 Regular Session enrolled and approved by the Governor on or before July 1, 2024 and effective on or before July 1, 2024. Some sections may be more current than others, see credits for details.

 KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

Connecticut General Statutes Annotated  
Title 19a. Public Health and Well-Being (Refs & Annos)  
Chapter 368A. Department of Public Health (Refs & Annos)

C.G.S.A. § 19a-87b

§ 19a-87b. License required for family child care homes. Approval required to act as assistant or substitute staff member; provision of child care services by substitute staff members. Comprehensive background checks. Fees. Regulations; waivers. License to operate family child care home in facility that is not private family home

Effective: July 1, 2024  
Currentness

(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 codes and ordinances applicable to single and multifamily dwellings.

(b) (1) No person shall act as an assistant or substitute staff member to a person or entity maintaining a family child care home, as defined in section 19a-77, without an approval issued by the commissioner. Any person seeking to act as an assistant or substitute staff member in a family child care home shall submit an application for such approval to the office. Applications for approval shall: (A) Be made to the commissioner on forms provided by the office, (B) contain the information required by regulations adopted under this section, and (C) be accompanied by a fee of fifteen dollars. The approval application forms shall contain a notice that false statements made in such form are punishable in accordance with section 53a-157b.

(2) A licensee of a family child care home who is attending a medical appointment, receiving medical treatment or completing education or training may use a substitute staff member who has been approved pursuant to this subsection to provide child care services for a duration of time that is greater than one hour while such licensee is absent, provided such licensee provides advance notice to the parents or guardians of children enrolled in the family child care home of the dates and times such substitute staff member will be providing such child care services and such licensee continues to maintain control of the day-to-

day operations of the family child care home. No such use of a substitute staff member under this subdivision shall constitute a transfer or franchise of the family child care home.

(c) The commissioner shall require each initial applicant or prospective employee of a family child care home in a position requiring the provision of care to a child, including an assistant or substitute staff member, and each household member who is eighteen years of age or older, 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 shall notify each licensee of the provisions of this subsection. For purposes of this subsection, "household member" means any person, other than the person who is licensed to conduct, operate or maintain a family child care home, who resides in the family child care home, such as the licensee's spouse or children, tenants and any other occupant.

(d) An application for initial licensure pursuant to this section shall be accompanied by a fee of forty dollars and such license shall be issued for a term of four years. An application for renewal of a license issued pursuant to this section shall be accompanied by a fee of forty dollars and a certification from the licensee that any child enrolled in the family child care home has received age-appropriate immunizations in accordance with regulations adopted pursuant to subsection (f) of this section. A license issued pursuant to this section shall be renewed for a term of four years. In the case of an applicant submitting an application for renewal of a license that has expired, and who has ceased operations of a family child care home due to such expired license, the commissioner may renew such expired license within thirty days of the date of such expiration upon receipt of an application for renewal that is accompanied by such fee and such certification.

(e) An application for initial staff approval or renewal of staff approval shall be accompanied by a fee of fifteen dollars. Such approvals shall be issued or renewed for a term of two years.

(f) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54,<sup>1</sup> to ensure that family child care homes, as described in section 19a-77, meet the health, educational and social needs of children utilizing such homes. Such regulations shall (1) ensure that the family child care home is treated as a residence, and not an institutional facility, (2) specify that each child be protected as age-appropriate by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, haemophilus influenzae type B and any other vaccine required by the schedule of active immunization adopted pursuant to section 19a-7f, (3) specify conditions under which family child care home providers may administer tests to monitor glucose levels in a child with diagnosed diabetes mellitus, and administer medicinal preparations, including controlled drugs specified in the regulations by the commissioner, to a child receiving child care services at a family child care home pursuant to a written order of a physician licensed to practice medicine in this or another state, an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a or a physician assistant licensed to prescribe in accordance with section 20-12d, and the written authorization of a parent or guardian of such child, (4) specify appropriate standards for extended care and intermittent short-term overnight care, (5) specify that a family child care home shall immediately notify the parent or guardian of a child enrolled in such home if such child exhibits or develops an illness or is injured while in the care of such home, (6) specify that a family child care home shall create a written record of any such illness or injury, which shall, (A) include, but not be limited to, (i) a description of such illness or injury, (ii) the date, time of occurrence and location of such illness or injury, (iii) any responsive action taken by an employee of such home, and (iv) whether such child was transported to a hospital emergency room, doctor's office or other medical facility as a result of such illness or injury, (B) be provided to the parent or guardian of such child not later than the next business day, and (C) be maintained by such home for a period of not less than two years and be made immediately available upon the request of the Office of Early Childhood, and (7) specify that a family child care home shall maintain any video recordings created at such home for a period of not less than thirty days, and make such recordings immediately available upon the request of the Office of Early Childhood. 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 any

new or changed regulations adopted under this subsection with which a licensee must comply. For purposes of this subsection, "illness" means fever, vomiting, diarrhea, rash, headache, persistent coughing, persistent crying or any other condition deemed an illness by the Commissioner of Early Childhood.

(g) Any child who (1) presents a certificate, in a form prescribed by the Commissioner of Public Health pursuant to section 19a-7q, signed by a physician, a physician assistant or an advanced practice registered nurse stating that, in the opinion of such physician, physician assistant or advanced practice registered nurse, the immunizations required pursuant to regulations adopted pursuant to subsection (f) of this section are medically contraindicated, (2) in the case of a child who is enrolled in kindergarten through twelfth grade, presented a statement, prior to April 28, 2021, that such immunizations are contrary to the religious beliefs of such child or the parents or guardian of such child, or (3) in the case of a child who is enrolled in a preschool program or other prekindergarten program or below, (A) presented a statement, prior to April 28, 2021, that such immunizations are contrary to the religious beliefs of such child or the parents or guardian of such child, and (B) presents a written declaration, in a form prescribed by the Commissioner of Public Health, from a physician, physician assistant or advanced practice registered nurse stating that an immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, haemophilus influenzae type B and any other vaccine required by the schedule of active immunization adopted pursuant to section 19a-7f has been given to such child and that any additional necessary immunizations of such student against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, haemophilus influenzae type B and any other vaccine required by such schedule of active immunization are in process under guidelines specified by the Commissioner of Public Health or as recommended for the child by the physician, physician assistant or advanced practice registered nurse, shall be exempt from the immunization requirements set forth in such regulations. The statement described in subparagraph (A) of subdivision (3) of this subsection shall be acknowledged, in accordance with the provisions of sections 1-32, 1-34 and 1-35, by (i) a judge of a court of record or a family support magistrate, (ii) a clerk or deputy clerk of a court having a seal, (iii) a town clerk, (iv) a notary public, (v) a justice of the peace, or (vi) an attorney admitted to the bar of this state.

(h) Any child who is enrolled in a preschool program or other prekindergarten program or below on or before April 28, 2021 who presented, prior to April 28, 2021, the statement described in subparagraph (A) of subdivision (3) of subsection (g) of this section, but did not present the written declaration described in subparagraph (B) of subdivision (3) of subsection (g) of this section shall comply, on or before September 1, 2022, or not later than fourteen days after applying to enroll in the family child care home, whichever is later, with the immunization requirements set forth in the regulations adopted pursuant to subsection (f) of this section.

(i) Upon the declaration by the Governor of a civil preparedness emergency pursuant to section 28-9 or a public health emergency pursuant to section 19a-131a, the commissioner may waive the provisions of any regulation adopted pursuant to this section if the commissioner determines that such waiver would not endanger the life, safety or health of any child. The commissioner shall prescribe the duration of such waiver, provided such waiver shall not extend beyond the duration of the declared emergency. The commissioner shall establish the criteria by which a waiver request shall be made and the conditions for which a waiver will be granted or denied. The provisions of section 19a-84 shall not apply to a denial of a waiver request under this subsection.

(j) Any family child care home may provide child care services to homeless children and youths, as defined in 42 USC 11434a, as amended from time to time, for a period not to exceed ninety days without complying with any provision in regulations adopted pursuant to this section relating to immunization and physical examination requirements. Any family child care home that provides child care services to homeless children and youths at such home under this subsection shall maintain a record on file of all homeless children and youths who have attended such home for a period of two years after such homeless children or youths are no longer receiving child care services at such home.

(k) Any family child care home may provide child care services to a foster child for a period not to exceed forty-five days without complying with any provision in regulations adopted pursuant to this section relating to immunization and physical examination requirements. Any family child care home that provides child care services to a foster child at such home under this subsection shall maintain a record on file of such foster child for a period of two years after such foster child is no longer receiving child care services at such home. For purposes of this subsection, “foster child” means a child who is in the care and custody of the Commissioner of Children and Families and placed in a foster home licensed pursuant to section 17a-114, foster home approved by a child-placing agency licensed pursuant to section 17a-149, facility licensed pursuant to section 17a-145 or with a relative or fictive kin caregiver pursuant to section 17a-114.

(l) For the fiscal year ending June 30, 2022, and each fiscal year thereafter, the Commissioner of Early Childhood may issue a license to maintain a family child care home anywhere in the state in accordance with the provisions of this chapter to a person or group of persons who have partnered with an association, organization, corporation, institution or agency, public or private, to provide child care services in a space provided by such association, organization, corporation, institution or agency, provided such space has been approved by the commissioner and is not in a private family home. The commissioner shall not approve more than twenty facilities throughout the state to be used for licenses issued under this subsection. The commissioner may approve more than one facility in each city or town to be used for licenses issued under this subsection. An application for a license under this subsection shall include a copy of the current fire marshal certificate of compliance with the Fire Safety Code, and written verification of compliance with the State Building Code, local zoning and building requirements and local health ordinances. The commissioner may require an applicant for a license under this subsection to comply with additional conditions relating to the health and safety of the children who will be served in such facility. The commissioner may waive any requirement that does not apply to such facility. Any license issued under this subsection shall be for a term of four years, except that the commissioner may suspend or revoke any such license at any time in accordance with the provisions of section 19a-87e.

#### Credits

(1958 Rev., § 17-585(b) to (d); 1994, P.A. 94-181, § 1, eff. July 1, 1994; 1995, P.A. 95-257, §§ 12, 21, eff. July 1, 1995; 1995, P.A. 95-360, § 13, eff. July 13, 1995; 1996, P.A. 96-19, § 1; 1996, P.A. 96-180, § 55, eff. June 3, 1996; 1997, P.A. 97-14, § 2; 1997, P.A. 97-259, § 36, eff. July 1, 1997; 1998, P.A. 98-250, § 15, eff. July 1, 1998; 1998, June Sp.Sess., P.A. 98-1, § 79, eff. June 24, 1998; 1999, June Sp.Sess., P.A. 99-2, § 70; 2000, P.A. 00-27, §§ 11, 12, eff. May 1, 2000; 2001, P.A. 01-175, § 16, eff. July 1, 2001; 2003, P.A. 03-243, § 12; 2005, P.A. 05-207, § 10; 2007, P.A. 07-129, § 4; 2009, June Sp.Sess., P.A. 09-3, § 169; 2011, P.A. 11-242, § 17; 2013, P.A. 13-208, § 6; 2014, P.A. 14-39, § 56, eff. July 1, 2014; 2015, P.A. 15-174, § 3, eff. July 1, 2015; 2015, P.A. 15-227, §§ 8, 25, eff. July 1, 2015; 2016, P.A. 16-131, § 1, eff. June 7, 2016; 2017, June Sp.Sess., P.A. 17-2, § 175, eff. Oct. 31, 2017; 2018, P.A. 18-172, § 2, eff. July 1, 2018; 2019, P.A. 19-121, § 3, eff. July 1, 2019; 2021, P.A. 21-6, § 6, eff. April 28, 2021; 2021, P.A. 21-171, § 1, eff. July 1, 2021; 2021, P.A. 21-172, § 8, eff. Oct. 1, 2021; 2022, P.A. 22-81, § 15, eff. July 1, 2022; 2023, P.A. 23-142, § 3, eff. Oct. 1, 2023; 2024, P.A. 24-78, § 39, eff. July 1, 2024.)

#### Notes of Decisions (1)

#### Footnotes

1 C.G.S.A. § 4-166 et seq.

#### C. G. S. A. § 19a-87b, CT ST § 19a-87b

The statutes and Constitution are current with all enactments of the 2024 Regular Session enrolled and approved by the Governor on or before July 1, 2024 and effective on or before July 1, 2024. Some sections may be more current than others, see credits for details.



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Connecticut General Statutes Annotated

Title 19a. Public Health and Well-Being (Refs & Annos)

Chapter 368A. Department of Public Health (Refs & Annos)

C.G.S.A. § 19a-80

§ 19a-80. License required for child care centers and group child care homes.  
Fees. Comprehensive background checks. Notification of changes in regulations

Effective: October 1, 2023

Currentness

(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-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 inspect 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-79a, inclusive, or sections 19a-82 to 19a-87a, inclusive, with which a licensee must comply.

#### Credits

(1958 Rev., § 19-43e; 1967, P.A. 696, §§ 2, 3; 1977, P.A. 77-157, § 4, eff. May 20, 1977; 1977, P.A. 77-614, § 323, eff. Jan. 1, 1979; 1982, P.A. 82-256, § 2; 1985, P.A. 85-613, § 42, eff. July 10, 1985; 1992, May Sp.Sess., P.A. 92-6, § 7, eff. July 1, 1992; 1993, P.A. 93-381, § 9, eff. July 1, 1993; 1995, P.A. 95-257, §§ 12, 21, eff. July 1, 1995; 1995, P.A. 95-360, § 9, eff. July 13, 1995; 1997, P.A. 97-259, § 33, eff. July 1, 1997; 1998, P.A. 98-250, § 14, eff. July 1, 1998; 1999, June Sp.Sess., P.A. 99-2, § 69; 2001, P.A. 01-175, § 15, eff. July 1, 2001; 2003, P.A. 03-243, § 11; 2005, P.A. 05-207, § 9; 2007, P.A. 07-22, § 1, eff. May 9, 2007; 2007, P.A. 07-129, § 2; 2009, P.A. 09-232, § 104, eff. July 8, 2009; 2009, June Sp.Sess., P.A. 09-3, § 168; 2010, P.A. 10-117, § 30, eff. June 8, 2010; 2011, P.A. 11-97, § 1; 2011, P.A. 11-242, § 16; 2014, P.A. 14-39, § 50, eff. July 1, 2014; 2015, P.A. 15-143, § 5, eff. June 30, 2015; 2015, P.A. 15-227, §§ 21, 25, eff. July 1, 2015; 2016, P.A. 16-100, § 1; 2016, P.A. 16-163, § 35, eff. June 9, 2016; 2017, June Sp.Sess., P.A. 17-2, § 174, eff. Oct. 31, 2017; 2018, P.A. 18-172, § 3, eff. July 1, 2018; 2021, P.A. 21-172, § 7, eff. Oct. 1, 2021; 2023, P.A. 23-142, § 4, eff. Oct. 1, 2023.)

#### Notes of Decisions (1)

##### C. G. S. A. § 19a-80, CT ST § 19a-80

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# STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT  
Intergovernmental Policy and Planning Division

September 12, 2023

To: Chief Executive Officers

From: Martin L. Heft, Undersecretary

RE: **Compliance with PA 23-142 by December 1, 2023**

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Public Act 23-142 made changes to laws on zoning for licensed family and group child care homes located in residences, requiring that:

- No zoning regulation shall treat any family child care home or group child care home, located in a residence and licensed by the Office of Early Childhood pursuant to chapter 368a, in a manner different from single or multifamily dwellings.
- Zoning regulations shall not prohibit the operation in a residential zone of any family child care home or group child care home located in a residence or require any special zoning permit or special zoning exception for such operation.

Pursuant to Subsection (b) of Section 1 of PA 23-142, each municipality shall submit to the Secretary of the Office of Policy and Management, not later than December 1, 2023, and annually thereafter, a sworn statement from the chief executive officer of the municipality, stating either that the municipality's zoning regulations are in compliance with the above requirements, or the specific time frame within which the municipality will bring its zoning ordinances into compliance.

A sample of an appropriate sworn statement is attached for your guidance.

Statements should be saved in PDF format and sent electronically only to Justine Phillips-Gallucci of my staff ([justine.phillips-gallucci@ct.gov](mailto:justine.phillips-gallucci@ct.gov)) by December 1, 2023.

# Town of



# East Lyme

108 Pennsylvania Ave.  
P.O. Drawer 519

Martin L. Heft, Undersecretary  
Office of Policy and Management  
450 Capitol Avenue MS# 54ORG  
Hartford CT 06106-1379

Niantic, Connecticut 06357  
Phone: (860) 739-6931  
Fax: (860) 739-6930

## RE: Public Act 23-142 2023 Noncompliance

Undersecretary Heft:

As required by PA 23-142, I am notifying you that the Town of East Lyme's Zoning Regulations are not in compliance with subsection (a) of Section 1 of PA 23-142 for calendar year 2023. The Town Attorney's Office advises that where the text of a Town Zoning Regulation is not consistent with an applicable section of the General Statutes, the Town follows the applicable section of the General Statutes such that the Town's zoning powers are administered consistent with state law.

Further, subsection (b) of Section 1 of PA 23-142 also requires that I notify you of the Town's anticipated timeline for bringing the Town's Zoning Regulations into compliance with subsection (a) of Section 1 of PA 23-142. In the Town of East Lyme, the Zoning Regulations are written by, and from time to time amended by, the Zoning Commission. This Commission is independent of my office and I do not have control over the Commission's decision to amend its Regulations. Nonetheless, I have authorized the Town Attorney's Office to initiate a text amendment application proposing certain changes that would bring the Town's Zoning Regulations into compliance with subsection (a) of Section 1 of PA 23-142. Said application is currently being prepared by the Town Attorney's Office and it is anticipated that it will be filed in December 2023 or January 2024. I have no control over the Zoning Commission's handling of the application after filing it with the Commission.

IN WITNESS WHEREOF, KEVIN SEERY, Chief Executive Officer of the Town of East Lyme, has hereunto set his name this on 28TH DAY OF NOV, 2023

  
\_\_\_\_\_  
Kevin Seery, First Selectman

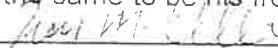
STATE OF CONNECTICUT )

) ss: EAST LYME

November 28, 2023

COUNTY OF NEW LONDON)

Personally appeared Kevin Seery, signer of the foregoing instrument as First Selectman of the Town of East Lyme, and acknowledged the same to be his free act and deed before me.

  
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Tracy M. Collins, Esq.  
Commissioner of the Superior Court