



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Planning and Community Development

MEMORANDUM

TO: Zoning Commission

FROM: George K. McGregor, AICP, Director
Brittany MacGilpin, Assistant Town Planner

DATE: October 16, 2023

SUBJECT: New Family and Group Childcare Homes

Public Act 23-142, effective October 1, 2023, requires changes in laws related to family and group child care homes, including changes affecting how municipalities' zoning regulations may treat them. It also requires municipalities to annually certify, starting on December 1, 2023, that their zoning regulations comply with certain requirements related to these child care homes. The directive letter from the State Office of Policy and Management is attached.

No zoning regulation shall treat any family child care home or group care home located in a residence and licensed by the State, in a manner different from single-family or multi-family dwellings. Our zoning regulations cannot prohibit the operation of these uses, as defined below, in any residential zone or require any special permitting process.

For this reason, a minor change to the definition of family is recommended.

Definitions of "Family Child Care Home" and "Group Child Care Home"

To be considered a Family Child Care Home or Group Child Care Home, organizations must meet specific statutory definitions. State Statutes for the Department of Public Health, Chapter 368a, Section 19a-77 defines a "family child care home" as the following (excerpt):

A "family child care home" which consists of a private family home providing care (A) for (i) not more than (6) six children, including the provider's own children not in school full time, without the presence or assistance of an assistant or substitute staff member approved by the Commissioner of Early Childhood, pursuant to section 19a-87b, present and assisting the provider, or (ii) not more than nine children, including the provider's own children, with the presence and assistance of such approved assistant or substitute staff member.

And defines a “group child care home” as the following:

A “group child care home” which offers or provides a program of supplementary care (A) to not less than (7) seven or more than (12) twelve related or unrelated children on a regular basis, or (B) that meets the definition of a family child care home except that it operates in a facility other than a private family home.

These organizations are required to be registered and licensed with the State of Connecticut Commissioner of Early Childhood and inspected by that office. Requirements for registration and licensing can be found in State Statute Section 19a-87b.

Staff Review

In response to Public Act 23-142, planning staff reviewed the zoning regulations and suggests a text amendment to more clearly comply with the state legislation. **The Town Attorney has reviewed the proposed text amendment and concurs with staffs recommended changes.**

The text amendment would add to the definition of Family, Section 17.4, Definitions. The proposed draft text amendment reads as follows (see underlined additions):

Family: A person living alone, or any of the following groups living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- (a) Any number of people related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship;
- (b) Three unrelated people;
- (c) Two unrelated people and any children related to either of them.
- (d) “functional family”- a group of up to 5 unrelated persons, who are living as a single-family unit, sharing a single household budget, preparing food and eating together, working together to maintain the home, and legally sharing in the ownership or possession of the home.
- (e) Any number of persons possessing a handicap within the meaning of the Fair Housing Act (42 USC Section 3602(h)).
- (f) family child care home or group child care home located in a residential zone as outlined in Section 8-3j of the general statutes and Section 8-2 (d) of the general statutes. These organizations may be corporate or for-profit entities.

Designating a family and group child care home operation as a Family under the zoning definition ensures that the family care homes are treated in a manner identical to other residential uses, in compliance with this new State law.

Staff recommends placing this text amendment on the November 20, 2023 meeting agenda for public hearing and action.



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**

[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) by December 1, 2023.