

The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL

June 3, 2022

By Email

Stamford Board of Representatives
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P.O. Box 10152
Stamford, CT 06904-2152
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Re: Approval of Zoning Board Application 222-01

Dear Board of Representatives:

Yale Law School's Community and Economic Development Clinic represents home-based child care providers around Connecticut and the Clinic represents several child care providers in Stamford. We urge the Board to approve the amendment to Stamford's Zoning Regulations approved in Zoning Board application 222-01. If this amendment is repealed, it will put up barriers to much-needed child care in Stamford and delay—if not prohibit—the expansion of local child care homes.

Due to our Clinic's representation of child care providers in Stamford, we are intimately familiar with the financial and other costs involved in navigating the special permit application process that was previously required to expand a child care business. This amendment simplified that process. Several child care providers tracked the amendment, which was initially introduced last year, seeking to avoid the costly and complex special permit process. These child care providers believed this issue was resolved when the Zoning Board finally approved this amendment in March, and they began to plan accordingly. In April, after the petition seeking to repeal this amendment was referred to the Board, we had to inform these child care providers that they would have to wait—again—for the Board to make a decision on this amendment.

In the meantime, because these child care businesses have not been able to expand, the delay has had a significant cost. Each of these child care providers has a waitlist of families in need of child care, so the delay has also deprived local families of affordable child care options as parents return to work after the pandemic. Child care providers and the families they could serve are relying on the Board to approve the amendment so that providers can expand their child care businesses without further cost and delay.

This amendment removes barriers to much needed child care in Stamford.

This amendment permits licensed group child care in most zoning districts without the need to go through a costly and complicated special permit process. Group child care refers to a day care

with 7 to 12 children and it is overseen by the state's Office of Early Childhood (OEC). One cannot operate a child care in Connecticut without a license from OEC and their approval process is extensive. OEC vets providers, ensures compliance with local zoning, building, fire, and health codes, and inspects every child care to ensure the health and safety of children. However, despite OEC's supervision, many group child care homes face additional and excessive zoning barriers.

If this amendment is rejected, group child care providers in Stamford will have to go through a lengthy special permit application process that involves significant cost. This process involves review from the planning board and zoning board, notice and public hearing, final zoning board approval, and sign-off from the zoning enforcement officer. The fees alone total around \$1,500 and most of that is due before an applicant even knows whether their child care will be approved. Moreover, many providers need to hire attorneys to navigate this complex process. One child care provider reported spending over \$10,000 on legal help and lost income due to delays during the special permit application process. Unfortunately, this is not atypical.

Stamford and Connecticut face a critical shortage of quality, affordable child care.

Meanwhile, Connecticut faces a shortage of quality, affordable child care. OEC estimated that the state needed around 50,000 child care slots to meet demand before the pandemic¹ and that need has only grown.² Child care is also critical for working parents and local employers. Home-based child care tends to be closer to people's homes and more affordable. In sum, expanding child care is a win for everyone, benefiting children, parents, providers, and local employers.

In Stamford, specifically, our Clinic has represented several child care providers and each had a waitlist of families in need of affordable child care. People need child care and providers are ready to meet the need, but unnecessary local barriers have gotten in the way. This amendment fixes that problem.

The concerns raised in the petition are better addressed in a separate amendment.

Unfortunately, though the petition referred to the Board only objects to one section of the amendment, the Board may only approve or reject the amendment as a whole,³ including the change to how child care is treated in the City's Zoning Regulations. Because the Board can only approve or reject the entire amendment, we urge the Board to approve the amendment and respond to the petitioners' concerns separately.⁴ We have discussed these issues at length with

¹ Sarah Miller, Connecticut Voices for Children, *The State of Early Childhood During the COVID-19 Pandemic* (May 2021).

² See, e.g., Erica E. Phillips, "In CT, the child care industry cries out for a fix," *Connecticut Public* (April 3, 2022), <https://www.ctpublic.org/news/2022-04-03/in-ct-the-child-care-industry-cries-out-for-a-fix>.

³ See CITY OF STAMFORD, CONN., CHARTER, Part 3, Div. 6, Subd. B, § C6-40-9.


⁴ As a legal matter, the City Charter requires that the "Board of Representatives shall approve or reject any such proposed amendment at or before its second regularly scheduled meeting following such referral" of a petition by the Zoning Board to the Board of Representatives. CITY OF STAMFORD, CONN., CHARTER, Part 3, Div. 6, Subd. B, § C6-40-9. Further, "[t]he failure by the Board of Representatives either to approve or reject said amendment within [this] time limit shall be deemed as approval of the Zoning Board's decision." *Id.* Here, the Zoning Board

City zoning staff and understand that an amendment that responds directly to the petition's concerns has already been drafted for the Zoning Board to approve.

In contrast, if the current amendment is rejected, the child care section will be wiped away and there is uncertainty about whether and when a fix would be possible. City officials have also raised the issue of whether the City Charter may prevent action on this issue until the middle of 2023.⁵ After understanding this issue to be resolved with the Zoning Board's approval of the amendment in March, child care providers and the families on their waitlists have been waiting to see whether the Board will approve or reject this change, so that they can plan accordingly. Rejecting the amendment will create further cost, delay, and uncertainty for local child care businesses and the families they serve.

The Board can both respond to the petitioners and save this critical change for child care providers by approving this amendment and working with zoning officials to approve a separate amendment tailored to the petition's concerns. We urge the Board to choose this path and approve Zoning Board application 222-01. We are happy to answer questions at next week's Board meeting. Thank you.

Sincerely,



Adam Cowing
Attorney, Community and Economic Development Clinic

referred the petition to the Board of Representatives before its regularly scheduled April meeting and the Board of Representatives did not approve or reject the amendment at its regular scheduled April meeting or May meeting. Therefore, the amendment was deemed approved under the City Charter when the Board of Representatives did not approve or reject it at the regularly scheduled May meeting. We are submitting this letter, regardless, because the amendment is on the agenda for this Monday's meeting, but any action taken by the Board of Representatives at this point would not be authorized by the City Charter.

⁵ See CITY OF STAMFORD, CONN., CHARTER, Part 3, Div. 6, Subd. B, § C6-40-8 ("The Zoning Board shall not hear any application or applications relating to the same amendment, or substantially the same amendment, more than once in a period of twelve months unless withdrawn on request of the Board on its terms and conditions.").