
OLR Bill Analysis

sHB 6590

AN ACT CONCERNING CERTAIN PROTECTIONS FOR GROUP AND FAMILY CHILD CARE HOMES.

SUMMARY

This bill establishes protections for current and prospective tenants who operate, or seek to operate, family and group child care homes (see BACKGROUND), as well as for landlords who rent to these tenants.

Among other things, the bill prohibits rental agreements from banning or restricting family child care homes (or group child care homes, if the rental agreement is for a single-family residence). It similarly prohibits landlords from refusing to rent to a tenant based on the tenant operating, or planning to operate, a family child care home (or a group child care home in a single-family dwelling) if the area is zoned for residential uses.

The bill also establishes protections for landlords who rent to tenants operating, or seeking to operate, a licensed family or group child care home on the landlord's property, including (1) allowing them to impose certain conditions on these tenant operators, such as requiring an additional security deposit of up to one month's rent; (2) exempting them from having to make specified property modifications (e.g., lead abatement) that are requested or required solely due to an existing or proposed family or group child care home; and (3) protecting landlords from civil liability under certain circumstances.

The bill also makes changes to provisions on how a municipality may treat family and group child care homes under its zoning regulations. It additionally requires municipalities to annually certify to the Office of Policy and Management (OPM) that their zoning regulations comply with certain requirements.

The bill extends to group child care homes located in a residence the following requirements, which apply only to family child care homes under current law:

1. the Office of Early Childhood (OEC) must inspect them for evident sources of lead poisoning during licensing inspections and send for testing any paint chips it finds (CGS § 19a-87b(a)) and
2. municipalities may not impose operational conditions (other than those OEC requires) on them if they comply with all codes and ordinances applicable to single- and multi-family dwellings (§ 8).

Lastly, the bill makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2023

§§ 4 & 9 — TENANT-OPERATOR PROTECTIONS

Prohibited Rental Agreements (§ 4)

Under the bill, beginning October 1, 2023, new rental agreements (including renewals) cannot prohibit tenants from operating, or place operating restrictions on, licensed (1) family child care homes or (2) group child care homes located in a single-family residence.

Prohibited Landlord Conduct (§ 9)

The bill also prohibits property owners and managers from refusing to rent to a current or prospective tenant a (1) single- or multi-family dwelling, zoned for residential use, because the tenant operates or plans to operate a licensed family child care home in it or (2) single-family dwelling, zoned for residential use, because the tenant operates or plans to operate a licensed group child care home in it. The bill similarly prohibits landlords and property managers from refusing to negotiate the rental of, or otherwise making unavailable or denying, these properties to current or prospective tenants for the same reasons.

The bill exempts from these prohibitions any restrictions imposed by a (1) condominium's association of unit owners or (2) common interest

community's unit owners' association. (Under the bill, a "restriction" means any restriction or prohibition imposed orally, in writing, or by conduct.)

§§ 6, 7 & 10 — LANDLORD PROTECTIONS

Permissible Rental Conditions (§ 6)

The bill expressly allows a landlord to set certain requirements for tenants operating, or seeking to operate, a licensed family or group child care home on the landlord's property ("tenant operators"). Specifically, a landlord may require a tenant operator to do the following:

1. provide notice when the tenant applies for a license and receives a license;
2. maintain liability insurance in an amount that provides the operator with reasonable protection against injury claims resulting from the tenant's negligence or that of an employee;
3. add the landlord as an additional insured to the operator's renter's, homeowner's, or liability insurance policy;
4. refrain from making structural changes to the premises without the landlord's written permission and remove or reverse any such changes, at the landlord's request, before vacating the premises;
5. abide by the landlord's reasonable restrictions on use of a multi-family property's shared space by the tenant's employees, guests, or clients;
6. pay a utility surcharge up to 10% of the premises' average cost of the water or electricity bill over the previous 12-month period (or a reasonable approximation if this information is unavailable) if the tenant does not pay a fee for water or electricity directly to the utility provider (by law, a rental agreement cannot require a tenant to pay a heat or utilities surcharge if these are included in the rental agreement); and

7. pay a reasonable insurance charge if the landlord demonstrates the homeowner's or liability insurance on the property has increased solely due to the proposed or ongoing operation of the tenant's family or group child care home (the charge is equal to this increase).

Civil Liability and Property Modifications (§ 7)

The bill protects landlords from civil liability arising from a tenant's act or omission operating a family or group child care home in a rental unit.

Under the bill, landlords are not required to make certain modifications to their properties if the modification request or requirement is due only to a tenant's proposed or existing group or family child care home. This protection applies to modifications (1) to comply with the federal Americans with Disabilities Act (ADA) or (2) related to lead abatement. (ADA generally requires owners of existing facilities to remove barriers where "readily achievable" (i.e., when easily accomplished and able to be carried out without much difficulty or expense) (42 U.S.C. § 12181(8)).)

Security Deposits (§§ 6 & 10)

The bill allows landlords to require an additional security deposit of up to one month's rent from a tenant who operates, or intends to operate, a family or group child care home on the landlord's premises. (Current law sets the maximum security deposit at (1) one month's rent for tenants age 62 or older and (2) two months' rent for all other tenants.)

§§ 1 & 2 — MUNICIPAL ZONING REGULATION OF FAMILY AND GROUP CHILD CARE HOMES

Current law prohibits zoning regulations from banning family or group child care homes from residential zones. The bill specifies that this restriction applies only to those located in a residence. (Certain group child care homes may be located in a space other than a private residence.) Additionally, under the bill, zoning regulations cannot require special permits or exceptions for operating these child care homes (see BACKGROUND). The bill also extends, to licensed group

child care homes located in a residence, current law's prohibition against municipal zoning regulations treating licensed family child care homes differently than single- or multi-family dwellings.

Beginning by December 1, 2023, the bill requires each municipality's chief executive officer to annually submit to OPM a sworn statement (1) confirming that the municipality's zoning ordinances comply with the zoning requirements discussed above or (2) identifying the specific timeframe within which the municipality will bring its zoning ordinances into compliance.

BACKGROUND

Family and Group Child Care Homes

A family child care home is a private family home generally providing care for up to six children, including the provider's own children not in school full-time, where the children are cared for between three and 12 hours per day on a regular basis. (If the provider employs an OEC-approved assistant or substitute, he or she may care for up to nine children at a time (CGS § 19a-77(a)(3)).)

A group child care home (1) offers or provides supplementary care to between seven and 12 unrelated children on a regular basis or (2) meets the definition of a family child care home except that it operates in a facility other than a private family home (CGS § 19a-77(a)(2)).

Special Zoning Permits and Exceptions

Special zoning permits and special zoning exceptions are synonymous; they allow recipients to use a property in a way explicitly permitted by the zoning regulations, subject to conditions not applicable to other uses in the same district.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 11 Nay 4 (03/02/2023)