



House of Representatives

General Assembly

File No. 181

January Session, 2023

Substitute House Bill No. 6590

House of Representatives, March 23, 2023

The Committee on Housing reported through REP. LUXENBERG of the 12th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-3j of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

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

8 (b) Not later than December 1, 2023, and annually thereafter, each
9 municipality shall submit to the Office of Policy and Management a
10 sworn statement from the chief executive officer of the municipality
11 stating (1) that the municipality's zoning ordinances are in compliance
12 with (A) subsection (a) of this section, and (B) the provisions of
13 subdivision (1) of subsection (d) of section 8-2, as amended by this act,

14 or (2) the specific time frame within which the municipality will bring
15 its zoning ordinances into compliance with subsection (a) of this section
16 and subsection (d) of section 8-2, as amended by this act.

17 Sec. 2. Subsection (d) of section 8-2 of the general statutes is repealed
18 and the following is substituted in lieu thereof (*Effective October 1, 2023*):

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

21 (1) (A) Prohibit the operation in a residential zone of any family child
22 care home or group child care home [in a residential zone] located in a
23 residence, or (B) require any special zoning permit or special zoning
24 exception for such operation;

25 (2) (A) Prohibit the use of receptacles for the storage of items
26 designated for recycling in accordance with section 22a-241b or require
27 that such receptacles comply with provisions for bulk or lot area, or
28 similar provisions, except provisions for side yards, rear yards and front
29 yards; or (B) unreasonably restrict access to or the size of such
30 receptacles for businesses, given the nature of the business and the
31 volume of items designated for recycling in accordance with section 22a-
32 241b, that such business produces in its normal course of business,
33 provided nothing in this section shall be construed to prohibit such
34 regulations from requiring the screening or buffering of such receptacles
35 for aesthetic reasons;

36 (3) Impose conditions and requirements on manufactured homes,
37 including mobile manufactured homes, having as their narrowest
38 dimension twenty-two feet or more and built in accordance with federal
39 manufactured home construction and safety standards or on lots
40 containing such manufactured homes, including mobile manufactured
41 home parks, if those conditions and requirements are substantially
42 different from conditions and requirements imposed on (A) single-
43 family dwellings; (B) lots containing single-family dwellings; or (C)
44 multifamily dwellings, lots containing multifamily dwellings, cluster
45 developments or planned unit developments;

46 (4) (A) Prohibit the continuance of any nonconforming use, building
47 or structure existing at the time of the adoption of such regulations; (B)
48 require a special permit or special exception for any such continuance;
49 (C) provide for the termination of any nonconforming use solely as a
50 result of nonuse for a specified period of time without regard to the
51 intent of the property owner to maintain that use; or (D) terminate or
52 deem abandoned a nonconforming use, building or structure unless the
53 property owner of such use, building or structure voluntarily
54 discontinues such use, building or structure and such discontinuance is
55 accompanied by an intent to not reestablish such use, building or
56 structure. The demolition or deconstruction of a nonconforming use,
57 building or structure shall not by itself be evidence of such property
58 owner's intent to not reestablish such use, building or structure;

59 (5) Prohibit the installation, in accordance with the provisions of
60 section 8-1bb, of temporary health care structures for use by mentally or
61 physically impaired persons if such structures comply with the
62 provisions of said section, unless the municipality opts out in
63 accordance with the provisions of subsection (j) of said section;

64 (6) Prohibit the operation in a residential zone of any cottage food
65 operation, as defined in section 21a-62b;

66 (7) Establish for any dwelling unit a minimum floor area that is
67 greater than the minimum floor area set forth in the applicable building,
68 housing or other code;

69 (8) Place a fixed numerical or percentage cap on the number of
70 dwelling units that constitute multifamily housing over four units,
71 middle housing or mixed-use development that may be permitted in the
72 municipality;

73 (9) Require more than one parking space for each studio or one-
74 bedroom dwelling unit or more than two parking spaces for each
75 dwelling unit with two or more bedrooms, unless the municipality opts
76 out in accordance with the provisions of section 8-2p; or

77 (10) Be applied to deny any land use application, including for any
78 site plan approval, special permit, special exception or other zoning
79 approval, on the basis of (A) a district's character, unless such character
80 is expressly articulated in such regulations by clear and explicit physical
81 standards for site work and structures, or (B) the immutable
82 characteristics, source of income or income level of any applicant or end
83 user, other than age or disability whenever age-restricted or disability-
84 restricted housing may be permitted.

85 Sec. 3. Subsection (a) of section 19a-87b of the general statutes is
86 repealed and the following is substituted in lieu thereof (*Effective October*
87 *1, 2023*):

88 (a) No person, group of persons, association, organization,
89 corporation, institution or agency, public or private, shall maintain a
90 family child care home, as described in section 19a-77, without a license
91 issued by the Commissioner of Early Childhood. Licensure forms shall
92 be obtained from the Office of Early Childhood. Applications for
93 licensure shall be made to the commissioner on forms provided by the
94 office and shall contain the information required by regulations adopted
95 under this section. The licensure and application forms shall contain a
96 notice that false statements made therein are punishable in accordance
97 with section 53a-157b. Applicants shall state, in writing, that they are in
98 compliance with the regulations adopted by the commissioner pursuant
99 to subsection (f) of this section. Before a family child care home license
100 is granted, the office shall make an inquiry and investigation which shall
101 include a visit and inspection of the premises for which the license is
102 requested. Any inspection conducted by the office shall include an
103 inspection for evident sources of lead poisoning. The office shall provide
104 for a chemical analysis of any paint chips found on such premises.
105 Neither the commissioner nor the commissioner's designee shall require
106 an annual inspection for homes seeking license renewal or for licensed
107 homes, except that the commissioner or the commissioner's designee
108 shall make an unannounced visit, inspection or investigation of each
109 licensed family child care home at least once every year. A licensed
110 family child care home shall not be subject to any conditions on the

111 operation of such home by local officials, other than those imposed by
112 the office pursuant to this subsection, if the home complies with all
113 [local] codes and ordinances applicable to single and multifamily
114 dwellings.

115 Sec. 4. Subsection (a) of section 47a-4 of the general statutes is
116 repealed and the following is substituted in lieu thereof (*Effective October*
117 *1, 2023*):

118 (a) A rental agreement shall not provide that the tenant: (1) Agrees to
119 waive or forfeit rights or remedies under this chapter and sections 47a-
120 21, as amended by this act, 47a-23 to 47a-23b, inclusive, 47a-26 to 47a-
121 26g, inclusive, 47a-35 to 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46,
122 or under any section of the general statutes or any municipal ordinance
123 unless such section or ordinance expressly states that such rights may
124 be waived; (2) authorizes the landlord to confess judgment on a claim
125 arising out of the rental agreement; (3) agrees to the exculpation or
126 limitation of any liability of the landlord arising under law or to
127 indemnify the landlord for that liability or the costs connected
128 therewith; (4) agrees to waive his right to the interest on the security
129 deposit pursuant to section 47a-21, as amended by this act; (5) agrees to
130 permit the landlord to dispossess him without resort to court order; (6)
131 consents to the distraint of his property for rent; (7) agrees to pay the
132 landlord's attorney's fees in excess of fifteen per cent of any judgment
133 against the tenant in any action in which money damages are awarded;
134 (8) agrees to pay a late charge prior to the expiration of the grace period
135 set forth in section 47a-15a or to pay rent in a reduced amount if such
136 rent is paid prior to the expiration of such grace period; [or] (9) agrees
137 to pay a heat or utilities surcharge if heat or utilities is included in the
138 rental agreement; (10) in any rental agreement entered into or renewed
139 on or after October 1, 2023, is prohibited from operating a licensed
140 family child care home, as described in section 19a-77, or is otherwise
141 restricted in the operation of a licensed family child care home; or (11)
142 in any rental agreement for a single-family residence entered into or
143 renewed on or after October 1, 2023, is prohibited from operating a
144 licensed group child care home, as described in section 19a-77, or is

145 otherwise restricted in the operation of a licensed group child care home
146 in a single-family residence.

147 Sec. 5. Section 47a-1 of the general statutes is repealed and the
148 following is substituted in lieu thereof (*Effective October 1, 2023*):

149 As used in this chapter, [and] sections 47a-21, as amended by this act,
150 47a-23 to 47a-23c, inclusive, 47a-26a to 47a-26g, inclusive, 47a-35 to 47a-
151 35b, inclusive, 47a-41a, 47a-43, [and] 47a-46 and [section] 47a-7b and
152 sections 6, 7 and 9 of this act:

153 (a) "Action" includes recoupment, counterclaim, set-off, cause of
154 action and any other proceeding in which rights are determined,
155 including an action for possession.

156 (b) "Building and housing codes" include any law, ordinance or
157 governmental regulation concerning fitness for habitation or the
158 construction, maintenance, operation, occupancy, use or appearance of
159 any premises or dwelling unit.

160 (c) "Dwelling unit" means any house or building, or portion thereof,
161 which is occupied, is designed to be occupied, or is rented, leased or
162 hired out to be occupied, as a home or residence of one or more persons.

163 (d) "Landlord" means the owner, lessor or sublessor of the dwelling
164 unit, the building of which it is a part or the premises.

165 (e) "Owner" means one or more persons, jointly or severally, in whom
166 is vested (1) all or part of the legal title to property, or (2) all or part of
167 the beneficial ownership and a right to present use and enjoyment of the
168 premises and includes a mortgagee in possession.

169 (f) "Person" means an individual, corporation, limited liability
170 company, the state or any political subdivision thereof, or agency,
171 business trust, estate, trust, partnership or association, two or more
172 persons having a joint or common interest, and any other legal or
173 commercial entity.

174 (g) "Premises" means a dwelling unit and the structure of which it is
175 a part and facilities and appurtenances therein and grounds, areas and
176 facilities held out for the use of tenants generally or whose use is
177 promised to the tenant.

178 (h) "Rent" means all periodic payments to be made to the landlord
179 under the rental agreement.

180 (i) "Rental agreement" means all agreements, written or oral, and
181 valid rules and regulations adopted under section 47a-9 or subsection
182 (d) of section 21-70 embodying the terms and conditions concerning the
183 use and occupancy of a dwelling unit or premises.

184 (j) "Roomer" means a person occupying a dwelling unit, which unit
185 does not include a refrigerator, stove, kitchen sink, toilet and shower or
186 bathtub and one or more of these facilities are used in common by other
187 occupants in the structure.

188 (k) "Single-family residence" means a structure maintained and used
189 as a single dwelling unit. Notwithstanding that a dwelling unit shares
190 one or more walls with another dwelling unit or has a common parking
191 facility, it is a single-family residence if it has direct access to a street or
192 thoroughfare and does not share heating facilities, hot water equipment
193 or any other essential facility or service with any other dwelling unit.

194 (l) "Tenant" means the lessee, sublessee or person entitled under a
195 rental agreement to occupy a dwelling unit or premises to the exclusion
196 of others or as is otherwise defined by law.

197 (m) "Tenement house" means any house or building, or portion
198 thereof, which is rented, leased or hired out to be occupied, or is
199 arranged or designed to be occupied, or is occupied, as the home or
200 residence of three or more families, living independently of each other,
201 and doing their cooking upon the premises, and having a common right
202 in the halls, stairways or yards.

203 Sec. 6. (NEW) (*Effective October 1, 2023*) (a) For the purposes of this
204 section, "family child care home" and "group child care home" have the

205 same meanings as provided in section 19a-77 of the general statutes and
206 "utility surcharge" means a fee for water or electricity use charged by a
207 landlord to an operator of a family child care home or group child care
208 home in addition to such operator's rent.

209 (b) A landlord may require that (1) any prospective operator of a
210 family child care home or group child care home on the premises of such
211 landlord provide notice to the landlord when (A) such prospective
212 operator applies for a license to operate a family child care home or
213 group child care home pursuant to chapter 368a of the general statutes,
214 and (B) such prospective operator receives such license; (2) any operator
215 of a licensed family child care home or group child care home that
216 operates on the premises of such landlord maintain liability insurance
217 in an amount that provides reasonable protection for such operator
218 against claims for injury sustained by clients, employees and guests of
219 such operator due to the negligence of such operator or such operator's
220 employees; (3) in any renter's, homeowner's or liability insurance policy
221 providing coverage for the operator of a licensed family child care home
222 or group child care home on the premises of such landlord, such
223 operator, at the landlord's request, name such operator's landlord as an
224 additional insured on such policy; (4) any operator or prospective
225 operator of a family child care home or group child care home on the
226 premises of the landlord not make structural changes to the premises
227 without the written permission of such landlord; (5) any operator or
228 prospective operator of a family child care home or group child care
229 home on the premises of the landlord that makes any structural change
230 to the premises, at the request of the landlord, be responsible for
231 removing or reversing any such structural change by the date upon
232 which the operator vacates the premises; (6) any prospective operator of
233 a family child care home or group child care home on the premises of
234 such landlord provide an additional security deposit to the landlord not
235 exceeding one month's rent; (7) if an operator of a family child care home
236 or a group child care home does not pay any fee for water or electricity
237 on the premises directly to the provider of such water or electricity
238 services, such operator pay a utility surcharge pursuant to subsection
239 (c) of this section; (8) any operator or prospective operator of a family

240 child care home in a multifamily property on the premises of the
241 landlord abide by reasonable restrictions imposed by the landlord on
242 the use of any shared space on such premises by the employees, guests
243 or clients of such operator; and (9) if the landlord can demonstrate that,
244 solely as a result of the proposed or ongoing operation of a family child
245 care home or group child care home on the premises of such landlord,
246 the premiums for any homeowner's or liability insurance maintained by
247 the landlord regarding the premises have increased, such operator pay
248 a reasonable insurance charge to such landlord in an amount equal to
249 the increase in any such insurance premium paid by such landlord.

250 (c) Any utility surcharge charged pursuant to subsection (b) of this
251 section shall not exceed ten per cent of the average cost of any water or
252 electricity bill for the premises for the prior twelve-month period, or a
253 reasonable approximation of any such bill if no such average is
254 available.

255 Sec. 7. (NEW) (*Effective October 1, 2023*) (a) For the purposes of this
256 section, "family child care home" and "group child care home" have the
257 same meanings as provided in section 19a-77 of the general statutes.

258 (b) In any civil action arising from an act or omission of an operator
259 of a licensed family child care home or group child care home in the
260 course of operating such child care home in a dwelling unit, the landlord
261 of such dwelling unit shall not be liable for such act or omission of such
262 operator.

263 (c) No landlord shall be required to modify the premises or any
264 dwelling unit thereon to comply with the federal Americans with
265 Disabilities Act of 1990, as amended from time to time, if any such
266 modification is requested or required solely due to the proposed or
267 ongoing operation of a family child care home or group child care home
268 on the premises of such landlord.

269 (d) No landlord shall be required to modify or remediate the
270 premises based on the abatement of lead if such modification or
271 remediation is requested or required solely due to the proposed or

272 ongoing operation of a family child care home or group child care home
273 on the premises of such landlord.

274 (e) The provisions of this section shall not apply if the operator of the
275 family child care home or group child care home is the landlord.

276 Sec. 8. Section 19a-80 of the general statutes is repealed and the
277 following is substituted in lieu thereof (*Effective October 1, 2023*):

278 (a) No person, group of persons, association, organization,
279 corporation, institution or agency, public or private, shall maintain a
280 child care center or group child care home without a license issued in
281 accordance with this section and sections 19a-77 to [19a-80] 19a-79a,
282 inclusive, and 19a-82 to 19a-87a, inclusive. Applications for such license
283 shall be made to the Commissioner of Early Childhood on forms
284 provided by the commissioner and shall contain the information
285 required by regulations adopted under said sections. The forms shall
286 contain a notice that false statements made therein are punishable in
287 accordance with section 53a-157b.

288 (b) (1) Upon receipt of an application for a license, the commissioner
289 shall issue such license if, upon inspection and investigation, said
290 commissioner finds that the applicant, the facilities and the program
291 meet the health, educational and social needs of children likely to attend
292 the child care center or group child care home and comply with
293 requirements established by regulations adopted under this section and
294 sections 19a-77 to 19a-79a, inclusive, and sections 19a-82 to 19a-87a,
295 inclusive. Any such inspection under this subsection of a group child
296 care home located in a residence shall include an inspection for evident
297 sources of lead poisoning and shall provide for chemical analysis of any
298 paint chips found on such premises. The commissioner shall offer an
299 expedited application review process for an application submitted by a
300 municipal agency or department. A currently licensed person or entity,
301 as described in subsection (a) of this section, seeking a change of
302 operator, ownership or location shall file a new license application,
303 except such person or entity may request the commissioner to waive the
304 requirement that a new license application be filed. The commissioner

305 may grant or deny such request. Each license shall be for a term of four
306 years, shall be nontransferable, and may be renewed upon receipt by the
307 commissioner of a renewal application and accompanying licensure fee.
308 The commissioner may suspend or revoke such license after notice and
309 an opportunity for a hearing as provided in section 19a-84 for violation
310 of the regulations adopted under this section and sections 19a-77 to 19a-
311 79a, inclusive, and sections 19a-82 to 19a-87a, inclusive. In the case of an
312 application for renewal of a license that has expired, the commissioner
313 may renew such expired license within thirty days of the date of such
314 expiration upon receipt of a renewal application and accompanying
315 licensure fee.

316 (2) The commissioner shall collect from the licensee of a child care
317 center a fee of five hundred dollars prior to issuing or renewing a license
318 for a term of four years. The commissioner shall collect from the licensee
319 of a group child care home a fee of two hundred fifty dollars prior to
320 issuing or renewing a license for a term of four years. The commissioner
321 shall require only one license for a child care center operated in two or
322 more buildings, provided the same licensee provides child care services
323 in each building and the buildings are joined together by a contiguous
324 playground that is part of the licensed space.

325 (3) The commissioner, or the commissioner's designee, shall make an
326 unannounced visit, inspection or investigation of each licensed child
327 care center and group child care home at least once each year. At least
328 once every two years, the local health director, or the local health
329 director's designee, shall [make an inspection of] inspect each licensed
330 child care center and group child care home.

331 (4) A municipality may not subject the operation of a licensed group
332 child care home located in a residence to any conditions, other than
333 those imposed by the commissioner pursuant to this subsection, if the
334 group child care home complies with all codes and ordinances
335 applicable to single and multifamily dwellings.

336 (c) The commissioner shall require each prospective employee of a
337 child care center or group child care home for a position that requires

338 the provision of care to a child or involves unsupervised access to any
339 child in such child care center or group child care home, to submit to
340 comprehensive background checks, including state and national
341 criminal history records checks. The criminal history records checks
342 required pursuant to this subsection shall be conducted in accordance
343 with section 29-17a. The commissioner shall also request a check of the
344 state child abuse registry established pursuant to section 17a-101k. The
345 Commissioner of Early Childhood shall notify each licensee of the
346 provisions of this subsection. No such prospective employee shall begin
347 working in such child care center or group child care home until the
348 provisions of 45 CFR 98.43(d)(4), as amended from time to time, have
349 been satisfied.

350 (d) The commissioner shall inform each licensee, by way of a plain
351 language summary provided not later than sixty days after the
352 regulation's effective date, of new or changed regulations adopted
353 under this section and sections 19a-77 to [19a-80] 19a-79a, inclusive, or
354 sections 19a-82 to 19a-87a, inclusive, with which a licensee must comply.

355 Sec. 9. (NEW) (*Effective October 1, 2023*) (a) No property owner or
356 manager shall refuse to rent, or refuse to negotiate for the rental of, or
357 otherwise make unavailable or deny: (1) A single or multifamily
358 dwelling in which the underlying zoning allows for residential use to a
359 person because such person operates or intends to operate a licensed
360 family child care home that complies with sections 19a-80 and 19a-87b
361 of the general statutes, as amended by this act, or (2) a single-family
362 dwelling in which the underlying zoning allows for residential use to a
363 person because such person operates or intends to operate a licensed
364 group child care home that complies with sections 19a-80 and 19a-87b
365 of the general statutes, as amended by this act.

366 (b) This section shall not apply to any such restriction imposed by an
367 association of unit owners for a condominium or unit owners'
368 association if a common interest community imposes such a restriction
369 upon a dwelling. For the purposes of this subsection, "restriction" means
370 a restriction imposed orally, in writing or by conduct and includes

371 prohibition, and "family child care home" and "group child care home"
372 have the same meanings as provided in section 19a-77 of the general
373 statutes.

374 Sec. 10. Subsection (b) of section 47a-21 of the general statutes is
375 repealed and the following is substituted in lieu thereof (*Effective October*
376 *1, 2023*):

377 (b) (1) [In] Except as provided in subdivision (3) of this subsection, in
378 the case of a tenant under sixty-two years of age, a landlord shall not
379 demand a security deposit in an amount that exceeds two months' rent.

380 (2) [In] Except as provided in subdivision (3) of this subsection, in the
381 case of a tenant sixty-two years of age or older, a landlord shall not
382 demand a security deposit in an amount that exceeds one month's rent.
383 Any landlord who has received a security deposit in an amount that
384 exceeds one month's rent from a tenant who becomes sixty-two years of
385 age after paying such security deposit shall return the portion of such
386 security deposit that exceeds one month's rent to the tenant upon the
387 tenant's request.

388 (3) A landlord may demand an additional security deposit not to
389 exceed one month's rent from a tenant who operates, or intends to
390 operate, a family child care home or group child care home, as described
391 in section 19a-77, on the landlord's premises.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	8-3j
Sec. 2	October 1, 2023	8-2(d)
Sec. 3	October 1, 2023	19a-87b(a)
Sec. 4	October 1, 2023	47a-4(a)
Sec. 5	October 1, 2023	47a-1
Sec. 6	October 1, 2023	New section
Sec. 7	October 1, 2023	New section
Sec. 8	October 1, 2023	19a-80
Sec. 9	October 1, 2023	New section
Sec. 10	October 1, 2023	47a-21(b)

Statement of Legislative Commissioners:

In Section 6(a), ""landlord" has the same meaning as provided in section 47a-1 of the general statutes" was deleted to avoid duplication; in Section 7(a), "and "landlord" and "dwelling unit" have the same meanings as provided in section 47a-1 of the general statutes" was deleted to avoid duplication; and in Section 7, references to "who is not the landlord" were deleted and Subsec. (e) was added for clarity.

HSG *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill prohibits municipalities from placing special zoning or operations restrictions on group childcare homes and requires municipalities to annually certify to the Office of Policy and Management (OPM) that their zoning regulations are in compliance. This does not result in a fiscal impact as municipalities have the resources necessary to fulfill the requirements of the bill.

The bill also extends the requirement that the Office of Early Childhood inspect for evident sources of lead poisoning during licensing inspections of group child care homes that are located in residences, which is not anticipated to result in a fiscal impact to the state.

The Out Years

State Impact: None

Municipal Impact: None

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)