

**Proposed Substitute
Bill No. 6590**

LCO No. 5149

**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 Section 8-3j of the general statutes is repealed and the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 licensed
5 by the Office of Early Childhood pursuant to [section 17b-733] chapter
6 368a in a manner different from single or multifamily dwellings.

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

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 Subsection (d) of section 8-2 of the general statutes is repealed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

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

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

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

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

45 (4) (A) Prohibit the continuance of any nonconforming use, building
46 or structure existing at the time of the adoption of such regulations; (B)
47 require a special permit or special exception for any such continuance;
48 (C) provide for the termination of any nonconforming use solely as a
49 result of nonuse for a specified period of time without regard to the
50 intent of the property owner to maintain that use; or (D) terminate or
51 deem abandoned a nonconforming use, building or structure unless the

52 property owner of such use, building or structure voluntarily
53 discontinues such use, building or structure and such discontinuance is
54 accompanied by an intent to not reestablish such use, building or
55 structure. The demolition or deconstruction of a nonconforming use,
56 building or structure shall not by itself be evidence of such property
57 owner's intent to not reestablish such use, building or structure;

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

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

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

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

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

76 (10) Be applied to deny any land use application, including for any
77 site plan approval, special permit, special exception or other zoning
78 approval, on the basis of (A) a district's character, unless such character
79 is expressly articulated in such regulations by clear and explicit physical
80 standards for site work and structures, or (B) the immutable
81 characteristics, source of income or income level of any applicant or end

82 user, other than age or disability whenever age-restricted or disability-
83 restricted housing may be permitted.

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

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

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

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

146 Sec. 5. Section 47a-1 of the general statutes is repealed and the

147 following is substituted in lieu thereof (*Effective October 1, 2023*):

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

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

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

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

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

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

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

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

176 promised to the tenant.

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

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

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

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

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

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

202 Sec. 6. (NEW) (*Effective October 1, 2023*) (a) For the purposes of this
203 section, "family child care home" and "group child care home" have the
204 same meanings as provided in section 19a-77 of the general statutes,
205 "landlord" has the same meaning as provided in section 47a-1 of the

206 general statutes, and "utility surcharge" means a fee for water or
207 electricity use charged by a landlord to an operator of a family child care
208 home or group child care 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 structural changes to
230 the premises, at the request of the landlord, be responsible for removing
231 or reversing such structural changes by the date upon which the
232 operator vacates the premises; (6) any prospective operator of a family
233 child care home or group child care home on the premises of such
234 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 and
258 "landlord" and "dwelling unit" have the same meanings as provided in
259 section 47a-1 of the general statutes.

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

265 (c) No landlord shall be required to modify the premises or any
266 dwelling unit thereon to comply with the federal Americans with
267 Disabilities Act of 1990, as amended from time to time, if any such
268 modification is requested or required solely due to the proposed or
269 ongoing operation, by an operator who is not the landlord, of a family
270 child care home or group child care home on the premises of such
271 landlord.

272 (d) No landlord shall be required to modify or remediate the
273 premises based on the abatement of lead if such modification or
274 remediation is requested or required solely due to the proposed or
275 ongoing operation, by an operator who is not the landlord, of a family
276 child care home or group child care home on the premises of such
277 landlord.

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

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

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

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

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

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

333 (4) A municipality may not subject the operation of a licensed group
334 child care home located in a residence to any conditions, other than
335 those imposed by the commissioner pursuant to this subsection, if the

336 group child care home complies with all codes and ordinances
337 applicable to single and multifamily dwellings.

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

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

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

368 (b) This section shall not apply to any such restriction imposed by an
369 association of unit owners for a condominium or unit owners'
370 association if a common interest community imposes such a restriction
371 upon a dwelling. For the purposes of this subsection, "restriction" means
372 a restriction imposed orally, in writing or by conduct and includes
373 prohibition, and "family child care home" and "group child care home"
374 have the same meanings as provided in section 19a-77 of the general
375 statutes.

376 Sec. 10. Subsection (b) of section 47a-21 of the general statutes is
377 repealed and the following is substituted in lieu thereof (*Effective October*
378 *1, 2023*):

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	8-3j
Sec. 2	<i>October 1, 2023</i>	8-2(d)
Sec. 3	<i>October 1, 2023</i>	19a-87b(a)

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Sec. 4	<i>October 1, 2023</i>	47a-4(a)
Sec. 5	<i>October 1, 2023</i>	47a-1
Sec. 6	<i>October 1, 2023</i>	New section
Sec. 7	<i>October 1, 2023</i>	New section
Sec. 8	<i>October 1, 2023</i>	19a-80
Sec. 9	<i>October 1, 2023</i>	New section
Sec. 10	<i>October 1, 2023</i>	47a-21(b)