



General Assembly

**Substitute Bill No. 6590**

January Session, 2023



**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 Section 8-3j of the general statutes is repealed and the  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 Subsection (d) of section 8-2 of the general statutes is repealed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)

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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.*