

**TOWN OF WALLINGFORD, CONNECTICUT**

**TOWN COUNCIL MEETING**

**ORDINANCE COMMITTEE**

**Tuesday, September 6, 2022**

**6:30 P.M.**

Robert F. Parisi Council Chambers  
Wallingford Town Hall  
45 South Main Street

**AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Review and Approval of Minutes from April 5, 2022 Ordinance Committee.
5. Discussion and Possible Action and update from Law Department regarding Senior Property Tax Relief – Councilor Zandri
6. Discussion of Tax Benefit for Volunteer Firefighter & EMS Personnel – Councilor Marrone
7. Discussion and Possible Action regarding Salon Ordinance – Law Dept.
8. Discussion and Possible Action regarding Fair Rent Commission – Law Dept.
9. Adjournment.

*In accordance with Title II of the Americans with Disabilities Act- Individuals in need of auxiliary aids for effective communication in programs and services of the Town of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five days prior to meeting date.*

*Wallingford Town Hall, 45 South Main Street*

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**TOWN OF WALLINGFORD, CONNECTICUT**

**TOWN COUNCIL MEETING**

**ORDINANCE COMMITTEE**

**Tuesday, April 5, 2022**

**6:30 P.M.**

Robert F. Parisi Council Chambers  
Wallingford Town Hall  
45 South Main Street

**RECORD OF VOTES AND MINUTES**

The meeting was called to order at 6:30 P.M. The Pledge of Allegiance was said. The following Councilors were in attendance: Sam Carmody, Vincent Cervoni, Craig Fishbein, Christina Tatta, Jason Zandri, and Chairman Joseph Marrone. Also in attendance was: Corporation Counsel Janis Small.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Minutes of March 1, 2022, Ordinance Committee meeting.**

**MOTION WAS MADE TO APPROVE THE MARCH 1, 2022 MINUTES AS PRESENTED.**

**MADE BY: CERVONI**

**SECONDED BY: TATTA**

**VOTE: UNANIMOUS**

**MOTION: PASSED**

**5. Discussion and Possible Action regarding Tax Breaks for retired residents**

Atty. Small explained that the Town currently has two deferment programs but could add a tax freeze since it's also income-based. She summarized the requirements based on the statute including for age 65 and older with an income of \$38,100 if single and \$46,400 if married. She explained that a freeze means taxes are paid for the year preceding the application and pay the same going forward unless taxes are lower, then you would pay the lower tax rate. She noted that the statute allows towns to have asset limits. All the tax breaks are income-based. With the deferment programs, taxes are deferred until the owner dies or sells the home. For a freeze, the owner continues to pay taxes but has to meet income requirements. She stated that a freeze is doable and stated that the Assessor would have to do some sort of analysis on how much it would be used and what the financial impact would be.

Councilor Fishbein noted that the agenda mentions tax breaks and asked for clarification.

Chairman Marrone replied that this is a continuation of a discussion that started late last year and the backup would be the spreadsheet provided by Councilor Zandri.

Councilor Fishbein noted that the term freeze is a misnomer. Atty. Small replied that that's what it is. Councilor Fishbein asked if we are contemplating a freeze and for how long.

Councilor Zandri stated that he looked at how other towns do it and noted that Cheshire has both a deferral and a freeze. He suggested doing something like Durham's freeze program with an income threshold of up to \$84,000 for married couples. As long as people meet the requirements, they get the freeze even if the value of the house changes. It is based on ownership. If the owner makes above the ceiling for one year, they have to pay the current tax rate. If their income goes below the ceiling they could be back in the freeze at the new amount.

Councilor Fishbein asked how they would prove their income level. Councilor Zandri replied that they would apply and have to prove that they meet the requirements every year. Councilor Fishbein asked if it would be asset-based or income-based. Atty. Small replied that towns have the option to include assets. She stated that the statute says towns have to comply with the income level in the statute. She noticed that some towns have higher income levels. Councilor Fishbein stated that he has no objection to the concept, but wants to be sure we target those who need it.

Councilor Zandri agreed that we need to check the impact this would have on the Town and is waiting for information from the Comptroller. There would not be an initial critical burden as it would only be the tax increases. Atty. Small added that those on deferment don't pay anything until later so it's more advantageous for the town to do a Freeze. Councilor Zandri noted that those who asked him to look into this are happy to contribute but are worried they can't afford it if it keeps going up.

Chairman Cervoni asked if this would be based on a dollar amount or a mil rate. Atty. Small replied that whatever dollar amount they pay the year they apply will be their tax bill going forward. They would need to reapply every two years. Chairman Cervoni asked how reevaluation would affect the payment. Atty. Small replied that Council can stipulate only until the next reevaluation, then you have to apply again.

Councilor Tatta asked for an explanation of the current deferment programs. Atty. Small replied that for the deferral if you qualify, you don't pay taxes but have an interest-free lien on the property. When you no longer qualify or are deceased, all the taxes are due within 9 months. She noted that the second deferral program is only 75% and you pay interest. Councilor Tatta asked if this is done by an ordinance. Atty. Small replied yes, through the statute. Councilor Tatta stated that philosophically she is not supportive because it ignores other needy groups and puts a burden on those not eligible. She would prefer to make the taxes affordable for everyone.

Chairman Marrone stated that he likes the idea but noted that it puts a bigger tax burden on others. He noted that it would be nice to do but he doesn't see where it fits in. And philosophically doesn't like benefiting one group over another.

Councilor Fishbein stated that he hasn't heard that the current system is broken. He noted that tax increases over the last 10 years have not been dramatic. He doesn't see the need.

Councilor Zandri stated that he understands the argument and stated that for those embarrassed to take a handout, the freeze would be attractive. He would like people to not have to choose to leave because of taxes. He noted that when the owner dies or the house is sold the town gets a lump sum. He also noted that the income ceilings in the Statute are at or near the poverty line.

Councilor Fishbein suggested a hybrid where we raise the threshold. Maybe income less than \$50,000 can do a deferral. Atty. Small noted that she didn't think the Statute allows changes to the income limits. She stated that she will look into it as other towns have higher thresholds. Councilor Fishbein stated that he doesn't see a strong need for this. He also stated that he doesn't think the deferral and a freeze can work together.

Chairman Cervoni asked for an analysis of the impact of a freeze and for an explanation of how the deferred taxes appear on the balance sheet. Atty. Small stated that at some point the Town does get that money. She stated that she often sees foreclosures where the people who own property, but have no money so they can't get current with their taxes which would allow them into the deferral program. People would lose their homes without this program.

Chairman Marrone asked for a straw poll on continuing to explore this idea.

<b>CARMODY:</b>	<b>YES</b>	<b>MARRONE:</b>	<b>YES</b>
<b>CERVONI:</b>	<b>YES</b>	<b>TATTA:</b>	<b>NO</b>
<b>FISHBEIN:</b>	<b>YES</b>	<b>ZANDRI:</b>	<b>YES</b>

**5 – YES**

**1 – NO**

Chairman Marrone stated that he would follow up with the comptroller and asked Atty. Small to get look into the legal stuff.

Councilor Zandri outlined the questions.

- What did other towns do to get the threshold higher?
- How do the deferred taxes show on the balance sheet?
- What is the impact if the mil rate changes?
- Could we do both a deferral and a freeze?
- If we raise the ceiling, what is the impact?

He stated that he is not proposing we get rid of the deferral.

## **6. Discussion and Possible Action on forming a Maintenance Committee**

Councilor Zandri suggested putting the old committee back together or forming a new one.

Councilor Fishbein noted that no committee can set their own charge, they have to be empowered.

Councilor Zandri agreed that Council would set the charge. He explained that there are a lot of maintenance issues and departments either can't keep up or are reluctant to report them due to budget issues. The Committee can help facilitate additional discussion and can find out what needs more money and for what reason. This way it would be the committee complaining instead of the staff. It would be a layer between staff and residents and provide a more open avenue to bring things forward.

Chairman Marrone agreed that there is a problem with deferred maintenance. He stated that he is not sure what a committee appointed by the Council would be able to do. He suggested a subcommittee of the Council put together a punch list.

Councilor Tatta stated that she is willing to hear more but doesn't like the idea of a subcommittee of the Council because historically they don't work. She is in favor of people from the community with the right backgrounds on the committee. Councilor Zandri stated that the prior committee members had areas of expertise. Councilor Tatta stated that she thought committees had to be set by charter or statute. Atty. Small replied that Council has the authority to create advisory committees to the Council but cannot give them the power to tell the department what to do.

Councilor Zandri stated that he would be okay with an advisory committee to the Council. They would do the work and report to the Council. He gave examples of times when resident complaints made him aware of issues. He stated that departments are reluctant to come to Council.

Councilor Tatta asked why the prior committee was disbanded. Councilor Zandri replied that they got frustrated that nothing got done. They brought a lot forward. Based on the minutes he read, it appeared to be the fault of the Council. Councilor Tatta asked if the new committee would have the same issue.

Councilor Fishbein stated that we can form the subcommittee, but they can't fix things. He stated that the extra layer would be cumbersome and result in hearsay. He suggested hiring a commercial building inspector to look at all the buildings and give a report. Then Council can deal with it.

Councilor Marrone noted that the Board of Education has a list of maintenance projects and the Town must have one too.

Councilor Tatta reported that she has a list of Town-owned properties from a couple of years ago and that it would be interesting to see what's going on at each.

Councilor Marrone asked if the issue is that no one knows about things versus they are known but not addressed. He noted that Council can request an investigation.

Councilor Zandri stated that he might see something and call it in when he remembers and eventually it gets fixed. He pointed out that the flag at the edge of the stage is mildewed and has been for a while. He asked who is looking at things and are maintenance checks done regularly? Small cosmetic things can ultimately cost more money. He cited the ceiling tile replacements at the schools that were resolved when

the roof was fixed. He agreed that we could get a building inspector. With an advisory committee, Council could decide where to direct actions or put more money in the budget.

Councilor Fishbein asked how many members would be on the committee. Councilor Zandri suggested 5 to 9. Councilor Fishbein stated that the committee would have to vote on what to report. He stated that he'd rather have one person reporting. Councilor Zandri replied that the first committee went away because Council didn't respond.

Chairman Marrone asked for a straw poll on continuing to explore this idea.

<b>CARMODY:</b>	<b>NO</b>	<b>MARRONE:</b>	<b>NO</b>
<b>CERVONI:</b>	<b>NO</b>	<b>TATTA:</b>	<b>YES</b>
<b>FISHBEIN:</b>	<b>NO</b>	<b>ZANDRI:</b>	<b>YES</b>

**2 – YES**

**4 – NO**

Councilor Zandri stated that he was okay with dropping the idea but is open to other suggestions on how to do it.

Councilor Marrone agreed that he sees the problem but doesn't see that this is the way to get there.

Councilor Fishbein suggested asking department heads if there is deferred maintenance. Ask them for a punch list and priorities and invite them to a Council meeting to provide updates. Atty. Small stated that the Risk Manager and Public Works should know.

**7. Update on the status of the executive order, potential state legislation, and outdoor dining.**

Atty. Small explained that everything that they were allowed to do during the pandemic, they can continue to do. The intent is to make the outdoor dining space of right. So the outdoor dining that is allowed now will continue into next year. Next year there will be legislation with definitive rules. It's the same process as before for anyone new. They go through the building department and the Fire Marshal. There is no need for Council to do anything at this point.

Councilor Fishbein added that the statute states that they have to comply with the ADA. Atty. Small replied that she would speak to the building inspector to remind the restaurants that there needs to be 4 ft. unobstructed. Councilor Fishbein added that outdoor dining as of right favors certain businesses. Some can't do it because of a lack of space. Atty. Small agreed that there are only so many places where it can be accomplished. She expects parameters will be developed.

Councilor Marrone noted that if it's a State road you can't have anything within 6 ft. from traffic. Councilor Cervoni noted that there were restaurants that wanted tables in parking spaces on Center Street, but they can't because it's a State road.

Councilor Carmody suggested researching how to allow the use of parking spaces for dining. He noted that it is done in New Haven. Maybe it could be temporary with barriers.

Councilor Fishbein noted that we shut down roads for Celebrate Wallingford, maybe we can have set dates when that is possible.

Councilor Tatta noted that outdoor dining is done a lot in West Harford because they have very wide sidewalks.

## **8. Adjournment**

Chairman Marrone declared the meeting adjourned at 7:35 pm.

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary

RECEIVED FOR RECORD 4-7-22  
AT 9:00 a.m. AND RECEIVED BY  
Deborah McKernan TOWN CLERK

## Tax Benefits for Volunteer Firefighters and EMS Personnel

By: Terry Adams, Principal Analyst  
January 7, 2021 | 2021-R-0019

### Issue

Describe tax benefits enacted by Congress for volunteer firefighters and emergency medical services (EMS) personnel. Do any Connecticut programs qualify for these benefits?

This report updates OLR Report 2020-R-0208.

The Office of Legislative Research is not authorized to issue legal opinions, and this report should not be considered one.

### Summary

As part of the Taxpayer Certainty and Disaster Tax Relief Act of 2020 (P.L. 116-260, Div. EE), Congress made permanent certain exclusions from federal taxable income for volunteer firefighters and EMS personnel that were set to expire after the 2020 tax year. The exclusions generally apply to certain state and local tax benefits (e.g., property tax reductions), as well as certain payments or reimbursements they receive for their service. These exclusions similarly apply to covered taxpayers' Connecticut taxable income beginning with the 2020 tax year. They previously applied to the 2008-2010 tax years.

Connecticut law allows municipalities to provide, by ordinance, property tax relief to volunteer firefighters and specified EMS personnel in the form of an abatement or an exemption. The tax relief appears to qualify for the federal exclusion, but a volunteer's ability to claim the exclusion





depends on whether he or she is a member of a "qualified volunteer emergency response organization," as defined in federal law.

## **Federal Law**

In previously issued guidance, the IRS held that property tax reductions received by volunteers count as taxable income for federal tax purposes (see BACKGROUND). In 2007, Congress enacted legislation allowing volunteer firefighters and EMS personnel to exclude certain state and local tax benefits, as well as certain payments or reimbursements they receive, from their federal gross income (P.L. 110-142). The exclusions applied to the 2008-2010 tax years.

In 2019, Congress reinstated these tax benefits for the 2020 tax year and increased the amount of payments and reimbursements that could be excluded (see below) (P.L. 116-94, Div. O, title III, § 301(a) & (b)).

In 2020, Congress made the benefits permanent (P.L. 116-260, Div. EE, title I, § 103).

## ***Covered Benefits and Personnel***

Beginning with the 2020 income year, covered taxpayers may exclude from their federal gross income any income tax or property tax rebate or reduction provided to volunteer firefighters and EMS personnel by a state or political subdivision (i.e., a "qualified state and local tax benefit"). They may also exclude any payment provided by a state or political subdivision on account of services performed as volunteer firefighters or EMS personnel (i.e., a "qualified payment"), up to a maximum of \$600 per year (26 U.S.C. § 139B(a) & (c)). The qualified payment limit was \$360 per year for the 2008-2010 tax years.

The benefit applies to any member of a "qualified volunteer emergency response organization," which federal law defines as a volunteer organization that is (1) organized and operated to provide firefighting or emergency medical services for a state or political subdivision and (2) required (by written agreement) by the state or political subdivision to furnish firefighting or emergency medical services (26 U.S.C. § 139B(c)(3)).

## **State Income Tax**

State law does not specifically exclude the above benefits from taxable income for state tax purposes. However, because the starting point for Connecticut's income tax is federal adjusted gross income, any federal exemption from gross income automatically applies to Connecticut's

income tax unless the legislature enacts a specific provision that provides otherwise (CGS 12-701(a)(19) & (20)).

Thus, beginning with the 2020 tax year, the benefits described above may be similarly excluded from covered taxpayers' Connecticut taxable income.

## **Connecticut Property Tax Relief**

State law allows municipalities to provide, by ordinance, property tax relief to volunteer firefighters and specified EMS personnel. The relief may consist of either (1) an abatement of property taxes due for any fiscal year (up to \$1,500 in FYs 20 and 21 and up to \$2,000 for FY 22 and thereafter) or (2) an exemption applicable to the assessed value of real or personal property up to an amount equal to \$1 million divided by the mill rate in effect at the time of assessment. (An exemption represents a reduction of the property's assessed value for tax purposes; an abatement is a reduction in the amount of taxes owed.)

The ordinance may also authorize interlocal agreements for providing tax relief to certain active and retired volunteers who live in one municipality but volunteer or volunteered their services in another municipality.

The relief applies to the following types of volunteers:

1. local emergency management directors;
2. firefighters and fire police officers;
3. emergency medical technicians and paramedics;
4. civil preparedness staff;
5. active members of a volunteer canine search and rescue team or volunteer underwater search and rescue team;
6. ambulance drivers in the municipality; and
7. retired volunteer firefighters, fire police officers, or emergency medical technicians who served in those roles for at least 25 years (CGS § 12-81w, as amended by PA 19-36).

As described above, a volunteer must be a member of a "qualified volunteer emergency response organization," as defined in federal law, in order to qualify for the federal and state tax benefits.

## Background

### *2002 IRS Letter*

In a December 2002 letter, the IRS's Office of Chief Counsel concluded that property tax abatements and exemptions for volunteer firefighters and EMS personnel in Connecticut were includible as gross income for federal tax purposes. The letter noted that the property tax reductions are an "in-kind payment for the volunteer's services" and that, at that time, there was no provision under which they could be excluded from the volunteers' incomes.

TA:kc

Sec. 12-81w. Municipal option to abate or exempt a portion of property taxes of local firefighters and certain emergency and civil preparedness personnel. The legislative body of any municipality may establish, by ordinance, a program to provide property tax relief for a nonsalaried local emergency management director, any individual who volunteers his or her services as a firefighter, fire police officer, as defined in subsection (a) of section 7-308, emergency medical technician, paramedic, civil preparedness staff, active member of a volunteer canine search and rescue team, as defined in section 5-249, active member of a volunteer underwater search and rescue team, or ambulance driver in the municipality, or any individual who is a retired volunteer firefighter, fire police officer or emergency medical technician and has completed at least twenty-five years of service as a volunteer firefighter, fire police officer or emergency medical technician in the municipality. Such tax relief may provide either (1) (A) for the period commencing July 1, 2019, and ending June 30, 2021, an abatement of up to one thousand five hundred dollars in property taxes due for any fiscal year, and (B) on and after July 1, 2021, an abatement of up to two thousand dollars in property taxes due for any fiscal year, or (2) an exemption applicable to the assessed value of real or personal property up to an amount equal to the quotient of one million dollars divided by the mill rate, in effect at the time of assessment, expressed as a whole number of dollars per one thousand dollars of assessed value. Any ordinance may authorize interlocal agreements for the purpose of providing property tax relief to such volunteers who live in one municipality but volunteer or volunteered their services in another municipality.



*Town of Wallingford, Connecticut*

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ASSISTANT TOWN ATTORNEY  
GEOFFREY T. EINHORN

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JANIS M. SMALL

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**MEMORANDUM**

TO: Joseph A. Marrone, III, Chairman, Ordinance Committee  
Ordinance Committee Members

CC: William W. Dickinson, Jr., Mayor  
Eloise Hazelwood, Acting Health Director  
Vanessa Bautista, Chief Sanitarian

FROM: Janis M. Small, Corporation Counsel

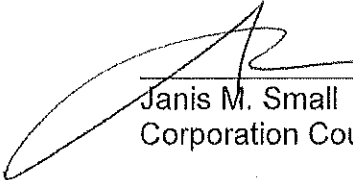
RE: Salon and Personal Service Establishments

DATE: August 9, 2022

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Attached are draft revisions to the Salon Ordinance. State law now requires estheticians and eye lash technicians to be licensed. The Health Department must inspect any businesses with those services.

We have also updated the inspection fees and penalties. Additionally, the technical requirements do not need to be in the ordinance. The ordinance specifically provides the authority of the Director of Health to adopt standards.

  
\_\_\_\_\_  
Janis M. Small  
Corporation Counsel

JMS/bjc

Enclosure

## Chapter 173. Salon and Personal Service Establishments

[HISTORY: Adopted by the Town Council of the Town of Wallingford 12-10-2013 by Ord. No. 592. Amendments noted where applicable.]

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### § 173-1 Purpose.

The purpose of this chapter is to define requirements for the inspection, establishment standards, permit fees and penalties for barbershops, hairdressing, cosmetology and nail salons, and tattoo/body-piercing salons in the Town of Wallingford, ~~supplemental to~~ in accordance with Connecticut General Statutes §§ 19a-14, 19a-92a, 19a-92g, 19a-231, 20-234, 20-250, and § 20-234, et seq. and other applicable law, as amended.

### § 173-2 Definitions.

For the purpose of this chapter:

#### **BARBERING**

Includes any and all described practices permitted by state law when performed by a barber licensed in the State of Connecticut upon the head, face, scalp or neck for cosmetic purposes only.

#### **BARBERSHOP**

Any establishment engaged in the practice of barbering for the public.

#### **BODY PIERCING**

Involves the puncturing of an area on the body, such as the navel area, eyebrows, nose, tongue, lips, nipples and genital regions, but excluding the earlobe, so that a piece of decorative jewelry can be inserted and worn.

#### **CHANGING ROOM**

A separate and discrete area, not a toilet facility, where customers may change from their street clothes to a gown prior to receiving services.

#### **DIRECTOR OF HEALTH**

The Director of Health of the Town of Wallingford or his or her authorized agent.

#### **DISINFECT**

To use a chemical or physical process to destroy harmful organisms, including bacteria, viruses, germs, and fungi.

#### **ESTABLISHMENT**

Any premises, building, or part of a building, such as a day spa or similar business, engaged in the practice of any barbering, hairdressing, cosmetology, esthetics, eyelash services, nail technician services, tattoo, permanent make-up or body-piercing activity for the public. The term "establishment" and "salon" shall be used interchangeably.

#### **ESTHETICIAN**

Includes any and all described skin care treatment practices permitted by State law when performed by a licensed individual.

### **EYELASH TECHNICIAN**

A person who, for compensation, performs eyelash extensions, lifts or perms, eyelash color tints or any and all practices permitted by State law by licensed individuals.

### **HAIRDRESSING AND COSMETOLOGY**

Includes any and all described practices permitted by state law when performed by a licensed individual upon the head, face, scalp, arms, hands, body, legs and feet for cosmetic purposes only.

### **INDEPENDENT CONTRACTOR**

A person who follows an independent trade, business, or profession in which he or she offers his or her services to the public. They are generally not employees of the company and perform services for another person under an expressed or implied agreement.

### **NAIL TECHNICIAN**

A person who, for compensation, cuts, shapes, polishes or enhances the appearance of the nails of the hands or feet, including, but not limited to, the application and removal of sculptured or artificial nails.

### **OPERATOR MANAGER**

Any person, including, but not limited to, a licensed, hairdresser/cosmetician or barber, independent contractor, or unlicensed person who is performing tasks allowed under the scope of this code and the Connecticut General Statutes.

### **PERMIT HOLDER**

The person who applies and is granted a permit to operate and provide the services of barbershop, hair dressing, cosmetology, nail salon, tattoo, permanent make-up, ~~or~~ body-piercing esthetics or eyelash services establishment in the Town of Wallingford.

### **SHAMPOO STATION**

Consists of a shampoo sink (used for no other purpose) with hot and cold running water and a shampoo chair.

### **TATTOO ARTIST/TECHNICIAN**

A person who practices tattooing on another person; ~~effective July 1, 2014, and~~ shall include any and all described practices permitted by state law performed by a tattoo artist/technician licensed in the State of Connecticut.

### **TATTOO EQUIPMENT**

Any equipment used in the application of ink to the skin, including permanent cosmetics.

### **TATTOOING**

Injecting the skin with a permanent dye or ink.

### **WORK AREA**

A separate room with one or more work stations, or a private room set aside to serve one customer at a time.

### **WORK STATION**

A chair, countertop and floor space set aside for the purpose of serving a customer, including floor space for the operator to stand while serving the customer.

**§ 173-3 Plan review and pre-operation inspections.**

- A. A plan review application and layout design plan must be completed and submitted to the Health Department for review and approval prior to opening a new salon or the remodeling or alteration of an existing salon.
- B. Prior to the salon's opening, the Director of Health, or authorized agent, shall conduct a pre-operational inspection to determine compliance with the approved plans and with the requirements of this code and the Public Health Code of the State of Connecticut.
- C. The permit holder must obtain a certificate of occupancy (CO) from the Building Department, and zoning approval from the Planning and Zoning Department, if applicable, prior to Health Department permit issuance.

**§ 173-4 Permit required; renewal and transfer.**

- A. No establishment shall operate without a valid permit issued by the Director of Health. Only an establishment that complies with the requirements of this code and all other applicable regulations, statutes and local ordinances shall be entitled to receive or retain such permit.
- B. Applications for a permit or permit renewal shall be made on the appropriate forms furnished by the Director of Health. Permits are not transferable from owner to owner or from location to location.

**§ 173-5 Permit and inspection fees; enforcement; penalties for offenses.**

- A. All permits are valid for one year, or a portion thereof, and are renewable on or before March 1 of each year. Permit fees shall not be prorated.
- B. The Director of Health, or authorized agent, after proper identification, shall be permitted to enter, during normal operating hours, any portion of any salon or establishment for the purpose of conducting inspections to determine compliance with this code and the Public Health Code of the State of Connecticut.
- C. The Health Department permit must be posted at the entrance of the establishment.
- D. The establishment must keep a copy of licenses for all employees performing services that require a Connecticut State license posted at the work station or at the front desk.
- E. Permit and repeat inspection fees:
  - (1) ~~Tattoo, permanent make-up, body piercing and nail establishments~~ For all establishments:  
\$100
  - (2) ~~Barbershop, hairdressing and cosmetology establishments [not providing services listed in Subsection E(1)]~~: \$50
  - (23) For each repeat inspection conducted as a result of an unsatisfactory inspection or for individual repeat violations that exist for two or more consecutive inspections: ~~\$25~~; \$50
- F. Enforcement interpretation. This chapter shall be enforced by the Director of Health and his/her authorized agent(s).
- G. Penalties. Any person who operates an establishment without a valid permit shall be subject to monetary penalty of \$200.00 per day and further legal action as provided in Connecticut General



Statutes § 19a-230. Each day that such violation continues shall constitute a separate and distinct violation.

### **§ 173-6 Establishment inspections.**

- A. The Director of Health, or an authorized agent, shall conduct an annual inspection of each establishment permitted as a barbershop, hairdressing, esthetics, eyelashes or cosmetology establishment and shall make as many additional inspections as are necessary for the enforcement of this code and the Public Health Code of the State of Connecticut.
- B. The Director of Health, or an authorized agent, shall conduct biannual inspections of each establishment permitted as a tattoo, body-piercing and nail salon and shall make as many additional inspections as are necessary for the enforcement of this code and the Public Health Code of the State of Connecticut.

### **§ 173-7 Permit suspensions.**

- A. Failure to comply with the provisions of this code and applicable state regulations shall be grounds for suspension of any permit issued under the provisions of this chapter.
- B. In the event that the Director of Health, or authorized agent, finds unsanitary conditions in the operation of an establishment, the Director of Health may issue an order to correct to the permit holder, citing such conditions, specifying the corrective action to be taken and time frame within which action shall be taken. If correction is not made in the allotted time, the permit may be suspended.
- C. The Director of Health may suspend, without warning, prior notice or hearing, any permit to operate a salon if:
  - (1) The operation constitutes an imminent hazard to public health; or
  - (2) The owner, operator or person in charge has interfered with the performance of the Director of Health's duties, such as prohibiting access to conduct an inspection; or
  - (3) There is an unsupervised and unlicensed individual performing procedures requiring licensure by the State of Connecticut.
- D. An imminent health hazard shall include, but is not limited to, any one of the following:
  - (1) An ongoing outbreak of an infectious, pathogenic or toxic agent capable of being transmitted to clients; or
  - (2) The absence of an approved sanitizer/disinfectant or evidence that sanitizers/disinfectants are not being used properly to thoroughly clean and sanitize equipment after each client; or
  - (3) The absence of potable water, supplied under pressure, at adequate temperature (105° F. to 115° F.) and quantity capable of meeting the needs of the facility; or
  - (4) A sewage backup into the facility.
- E. Suspension shall be effective immediately upon documentation of an imminent public health hazard

and/or interference with the Director of Health or authorized agent in the performance of official duties. A written order to cease and desist to the permit holder of the facility from the Director of Health will follow within 24 hours. All operations within the establishment shall cease immediately and shall not resume until full compliance is verified and written approval to resume has been issued by the Director of Health.

- F. Any permit holder who is aggrieved by such action of the Director of Health may appeal the written order as provided in Connecticut General Statutes § 19a-229. An appeal does not stay the order.

#### **§ 173-8 Permit revocation or nonrenewal.**

- A. Revocation/nonrenewal of permit shall be effective immediately for serious or repeated violations of any of the provisions of this code, or for cases where the permit to operate has been obtained through nondisclosure, misrepresentation or intentional misstatement of a material fact.
- B. The Director of Health shall notify the permit holder of the specific reason(s) for such revocation or nonrenewal within 24 hours. All operations within the establishment shall cease immediately. The permit holder who is aggrieved by such action of the Director of Health may appeal the written order as provided in CGS § 19a-229. An appeal does not stay the order.
- C. After a period of 30 days from the date of revocation or refusal to renew, a written application may be made for the issuance of a new permit. This application will be treated as a new application. All appropriate procedures, fees and inspections will be required, including a plan review, prior to the issuance of a new permit.

#### **~~§ 173-9 Equipment and facilities.~~**

##### ~~A. Water:~~

- ~~(1) All sinks in the establishment must have hot and cold running water, under pressure, from an approved source at all times. Hot water shall be provided at minimum temperature of 105° F. and maximum of 115° F.~~
- ~~(2) Equipment must be commercial grade and designed for such purpose.~~
- ~~(3) Wastewater from all plumbing fixtures shall be discharged into municipal sewers or approved subsurface sewage disposal systems.~~
- ~~(4) Plumbing fixtures shall be maintained and shall conform to applicable building and plumbing codes; proper devices to prevent back siphonage or cross connections are required.~~
- ~~(5) A separate and designated utility or mop sink shall be provided. Establishments in operation prior to enactment of this chapter may submit written request for an exemption from this requirement based on physical constraints of the establishment.~~

##### ~~B. Floors, walls and cove base:~~

- ~~(1) Floors and walls shall be of such construction as to be easily cleaned and kept in good repair.~~
- ~~(2) All establishments shall have a properly fitted sanitary cove base installed.~~

~~C.—Lighting and ventilation:~~

- ~~(1) Lighting fixtures shall be in sufficient number and properly placed so as to provide adequate illumination.~~
- ~~(2) The establishment shall be properly and adequately ventilated so as to remove chemical vapor emissions, excess heat and odors.~~

~~D.—Refuse and garbage:~~

- ~~(1) Containers inside the establishment shall consist of covered containers for hair droppings, paper, and other waste material. The containers shall be emptied daily and maintained in a sanitary manner.~~
- ~~(2) Containers stored outside the establishment shall consist of approved garbage receptacles that have lids which are kept closed at all times. The garbage receptacle area and property must be maintained in a clean manner, free of litter at all times, and screened from public view.~~
- ~~(3) Waste generated from the act of tattooing or body piercing, such as sharps and soiled material that may contain blood, must be properly identified and disposed.~~

~~E.—Toilet facilities:~~

- ~~(1) Toilet facilities with hand wash sinks must be provided for customers and employees and kept clean and in working order.~~
- ~~(2) Mechanical ventilation or an operational window is required.~~

~~F.—Work stations:~~

- ~~(1) All products not stored in the original container must be clearly labeled.~~
- ~~(2) A container with a sufficient amount of disinfectant shall be located within easy access of each nail and pedicure station. Hair salons may keep a container of disinfectant for brushes and combs at work stations.~~
- ~~(3) All work stations designated for use in tattooing or body piercing shall have a means to provide for client privacy upon request.~~

~~G.—Salon establishment located in residence:~~

- ~~(1) A salon located in a residence must be confined to a separate room, separated with ceiling-high partitions, and provided with a door to be closed at all times.~~
- ~~(2) The area within a home operated as a salon must be equipped with all the facilities and instruments required in all such establishments and in conformance with all sections of this code and zoning approval from the Planning and Zoning Department.~~
- ~~(3) No tattoo or body piercing establishment may operate in a residential home.~~

~~§ 173-10 Infection control.~~

- ~~A.—In accordance with the Occupational Safety and Health Administration bloodborne pathogen standard, 29 CFR 1910.1030, established in 1992, each employer must ensure that housekeeping~~

~~procedures are developed and implemented. These procedures should include the appropriate methods to disinfect surfaces or implements that have come in contact with blood and/or body fluids.~~

- ~~B.—All contaminated sharps (i.e., needles or broken glass) must be disposed of in a covered, puncture-proof and leak-proof sharps container that is labeled with the biohazard symbol.~~
- ~~C.—All biohazard containers shall be properly removed and disposed of according to OSHA guidelines.~~
- ~~D.—Use of ultraviolet (UV) light is not an approved method to disinfect equipment.~~

#### ~~§ 173.14 Maintenance and operation.~~

##### ~~A.—General cleanliness:~~

- ~~(1) The establishment and work stations shall be kept in a clean and sanitary condition. Hair droppings and nail clippings should be removed frequently.~~
- ~~(2) Cloth towels must be cleaned and disinfected after each customer; paper towels must be disposed of after use.~~
- ~~(3) Sleeping quarters shall not be located in any part of the establishment.~~

##### ~~B.—Walls, ceilings and fixtures:~~

- ~~(1) Ceilings and walls shall be kept in good repair.~~
- ~~(2) Cabinets, shelves, furniture, shampoo sinks, and fixtures shall be kept clean, free of dust, dirt and hair droppings, and in good repair.~~

##### ~~C.—Sanitary services:~~

- ~~(1) A commercial linen service shall be used for laundering if not done on the premises. Washing and/or drying of towels in one's private home is prohibited.~~
- ~~(2) Laundering conducted on site shall be located in a separate room, and only the hot water cycle shall be used for all laundering.~~

##### ~~D.—Sanitation of equipment and implements:~~

- ~~(1) All nail salon equipment and implements must be washed with soap, rinsed, and disinfected after each customer.~~
- ~~(2) All tattoo and body piercing equipment and pedicure basins shall be cleaned and sanitized in an approved manner and at intervals as specified in the technical standards.~~
- ~~(3) Hair brushes, combs and all other implements shall undergo thorough cleansing and disinfecting after serving each customer, or otherwise single-service disposable implements shall be used.~~
- ~~(4) Single-service emery boards, orange sticks, buffing blocks, waxing sticks, cosmetic sponges, and other material shall be disposed of immediately after use and shall not be used again. Exception: orange sticks, emery boards, buffing squares, cosmetic sponges and disposable nail bits may be kept for the original customer if kept in a covered container labeled with the~~

~~customer's name.~~

~~(5) The use of credit blades is prohibited.~~

~~E. Food and beverages:~~

~~(1) Food and beverages shall not be prepared or sold in the permitted premises, except coffee and tea may be prepared and kept for the convenience of employees and customers.~~

~~(2) A separate employee break room shall be provided if food and beverages are to be consumed by the employees. These establishments in operation prior to enactment of this chapter may submit written request for an exemption from this requirement based on physical constraints of the establishment.~~

#### ~~§ 173-12 Hygiene of operators and customers.~~

~~A. No person known to be affected with any communicable disease in an infectious stage shall engage in barbering, hairdressing or cosmetology, nail services, tattooing or body piercing.~~

~~B. No client known to be affected with any infectious disease shall be attended.~~

~~C. Operators shall not eat or drink while providing services to a customer.~~

#### ~~§ 173-13 Smoking prohibited.~~

~~Establishments must adhere to Connecticut Statutes regarding smoking in public places.~~

#### ~~§ 173-14~~10 **Technical standards.**

The Director of Health shall have the authority to adopt technical standards and associated inspection procedures to assure proper sanitary maintenance and safe operation of barbershops, beauty salons, nail salons and tattoo and body piercing all establishments. Such standards and inspection shall not contravene any of the provisions of this chapter or any state or municipal laws, ordinances or regulations, and may be amended or revised by the Director of Health. Failure of an establishment to achieve and maintain minimum requirements of these technical standards shall constitute a violation of this chapter. A copy of the technical standards shall be available at the Health Department for review and copying.



*Town of Wallingford, Connecticut*

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8.

**MEMORANDUM**

TO: Joseph A. Marrone, III, Chairman, Ordinance Committee  
Town Council Members  
William W. Dickinson, Jr., Mayor

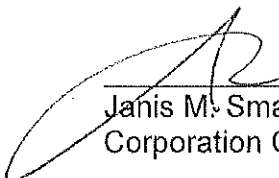
FROM: Janis M. Small, Corporation Counsel

RE: Fair Rent Commission

DATE: August 2, 2022

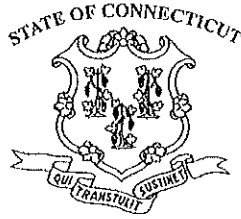
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Attached is Public Act §22-30 (and relevant statutes) which require the Town to create a Fair Rent Commission. The deadline to have a commission in place is July 1, 2023. I suggest we work on this in the Fall. I will provide you with a draft ordinance in advance of the October Ordinance Committee meeting.

  
\_\_\_\_\_  
Janis M. Small  
Corporation Counsel

JMS/bjc

Enclosures



***Substitute House Bill No. 5205***

***Public Act No. 22-30***

***AN ACT CONCERNING FAIR RENT COMMISSIONS.***

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

Section 1. Section 7-148b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) For purposes of this section and sections 7-148c to 7-148f, inclusive, "seasonal basis" means housing accommodations rented for a period or periods aggregating not more than one hundred twenty days in any one calendar year and "rental charge" includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord.

(b) [Except as provided in subsection (c) of this section, any] Any town, city or borough may, and any town, city or borough with a population of twenty-five thousand or more, as determined by the most recent decennial census, shall, through its legislative body, [create] adopt an ordinance that creates a fair rent commission. [to] Any such commission shall make studies and investigations, conduct hearings and receive complaints relative to rental charges on housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which term shall include mobile manufactured homes and mobile manufactured home park lots, in

***Substitute House Bill No. 5205***

order to control and eliminate excessive rental charges on such accommodations, and to carry out the provisions of sections 7-148b to 7-148f, inclusive, section 47a-20 and subsection (b) of section 47a-23c. The commission, for such purposes, may compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions. The commission may be empowered to retain legal counsel to advise it.

(c) Any town, city or borough [in which the number of renter-occupied dwelling units is greater than five thousand, as determined by the most recent decennial census, and which does not have a fair rent commission on October 1, 1989, shall, on or before June 1, 1990, conduct a public hearing or public hearings and decide by majority vote of its legislative body whether to create a fair rent commission as provided in subsection (a) of this section. Any such town, city or borough which fails to act pursuant to the requirements of this subsection shall, not later than June 1, 1991, create such fair rent commission] required to create a fair rent commission pursuant to subsection (b) of this section shall adopt an ordinance creating such commission on or before July 1, 2023. Not later than thirty days after the adoption of such ordinance, the chief executive officer of such town, city or borough shall (1) notify the Commissioner of Housing that such commission has been created, and (2) transmit a copy of the ordinance adopted by the town, city or borough to the commissioner.

(d) Any two or more towns, cities or boroughs not subject to the requirements of subsection [(c)] (b) of this section may, through their legislative bodies, create a joint fair rent commission.

Approved May 17, 2022



## Conn. Gen. Stat. § 7-148c

Current through Chapter 118 of the 2022 Regular Session

*LexisNexis® Connecticut Annotated Statutes > Title 7 Municipalities (Chs. 90 — 119) > Chapter 98 Municipal Powers (§§ 7-148 — 7-186q)*

### **Sec. 7-148c. Considerations in determining rental charge to be excessive.**

In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, a fair rent commission shall consider such of the following circumstances as are applicable to the type of accommodation: (1) The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality; (2) the sanitary conditions existing in the housing accommodations in question; (3) the number of bathtubs or showers, flush water closets, kitchen sinks and lavatory basins available to the occupants thereof; (4) services, furniture, furnishings and equipment supplied therein; (5) the size and number of bedrooms contained therein; (6) repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein; (7) the amount of taxes and overhead expenses, including debt service, thereof; (8) whether the accommodations are in compliance with the ordinances of the municipality and the general statutes relating to health and safety; (9) the income of the petitioner and the availability of accommodations; (10) the availability of utilities; (11) damages done to the premises by the tenant, caused by other than ordinary wear and tear; (12) the amount and frequency of increases in rental charges; (13) whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

### **History**

1969, P.A. 274, S. 2; 1971, P.A. 478, S. 2; 1972, P.A. 160, S. 2; P.A. 82-356, S. 9, 14; P.A. 83-25.

### **Annotations**

### **Notes to Decisions**

**Governments: Local Governments: Duties & Powers**

**Real Property Law: Landlord & Tenant: Landlord's Remedies & Rights: General Overview**

### **Governments: Local Governments: Duties & Powers**

Proposed increase of \$ 100 per month in tenants' rent was excessive pursuant to Conn. Gen. Stat. § 7-148c and Conn. Gen. Stat. § 47a-23c(a)(1), because while the owner of a mobile home park complied with the requirements of Conn. Gen. Stat. § 21-80(b)(5) in raising the rent, the tenants' income was low, and the owner had raised their rent only a total of \$ 100 per month over the course of the past 20 years, and to expect the tenants to bear an immediate \$ 100 rent increase was not only harsh, it was unreasonable under the circumstances. *Dorsey v. Vernon Vill., Inc.*, 50 Conn. Supp. 430, 934 A.2d 882, 2007 Conn. Super. LEXIS 1730 (Conn. Super. Ct. 2007).

## Conn. Gen. Stat. § 7-148d

Current through Chapter 118 of the 2022 Regular Session

*LexisNexis® Connecticut Annotated Statutes > Title 7 Municipalities (Chs. 90 — 119) > Chapter 98 Municipal Powers (§§ 7-148 — 7-186q)*

### **Sec. 7-148d. Order for limitation on amount of rent. Suspension of rent payments. Cease and desist orders for retaliatory actions.**

(a) If a commission determines, after a hearing, that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in section 7-148c, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable. If a commission determines, after a hearing, that the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety, it may order the suspension of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with such ordinance, statute or regulation. The rent during said period shall be paid to the commission to be held in escrow subject to ordinances or provisions adopted by the town, city or borough.

(b) If the commission determines, after a hearing, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the commission, the commission may order the landlord to cease and desist from such conduct.

### **History**

1969, P.A. 274, S. 3; P.A. 82-356, S. 10, 14; P.A. 83-425.

### **Annotations**

### **Research References & Practice Aids**

#### **Hierarchy Notes:**

Conn. Gen. Stat. Title 7

Conn. Gen. Stat. Title 7, Ch. 98

### **LexisNexis® Notes**

### **Case Notes**

### **Notes to Unpublished Decisions**

## Conn. Gen. Stat. § 7-148e

Current through Chapter 118 of the 2022 Regular Session

*LexisNexis® Connecticut Annotated Statutes > Title 7 Municipalities (Chs. 90 — 119) > Chapter 98 Municipal Powers (§§ 7-148 — 7-186g)*

### Sec. 7-148e. Appeal.

Any person aggrieved by any order of the commission may appeal to the superior court for the judicial district in which the town, city or borough is located. Any such appeal shall be considered a privileged matter with respect to the order of trial.

### History

1969, P.A. 274, S. 4; P.A. 76-436, S. 283, 681; P.A. 78-280, S. 1, 127.

### Annotations

### Research References & Practice Aids

#### Hierarchy Notes:

Conn. Gen. Stat. Title 7

Conn. Gen. Stat. Title 7, Ch. 98

### State Notes

### Notes

#### History Notes:

P.A. 76-436 substituted superior court for court of common pleas and added reference to judicial district, effective July 1, 1978; P.A. 78-280 deleted reference to county.

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## Conn. Gen. Stat. § 7-148f

Current through Chapter 118 of the 2022 Regular Session

*LexisNexis® Connecticut Annotated Statutes > Title 7 Municipalities (Chs. 90 — 119) > Chapter 98 Municipal Powers (§§ 7-148 — 7-186q)*

### Sec. 7-148f. Penalty for violations.

Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to section 7-148e is pending, or violates any other provision of sections 7-148b to 7-148e, inclusive, and section 47a-20, or who refuses to obey any subpoena, order or decision of a commission pursuant thereto, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

### History

1972, P.A. 160, S. 3; P.A. 74-183, S. 176, 291; P.A. 76-436, S. 156, 681.

### Annotations

### Research References & Practice Aids

#### Hierarchy Notes:

Conn. Gen. Stat. Title 7

Conn. Gen. Stat. Title 7, Ch. 98

### State Notes

### Notes

#### History Notes:

P.A. 74-183 substituted court of common pleas for circuit court; P.A. 76-436 deleted provision giving jurisdiction to court of common pleas, effective July 1, 1978.

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