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## OLR Bill Analysis

### sHB 6600 (as amended by House "A")\*

#### ***AN ACT CONCERNING SMOKE DETECTION AND WARNING EQUIPMENT IN ALL RESIDENTIAL BUILDINGS.***

#### **SUMMARY**

This bill makes several unrelated changes in laws affecting fire codes, fire marshals, related boards, and water heaters. Among other things, the bill:

1. expands the smoke detection and warning equipment (hereinafter "smoke detector") requirement to require them in single-family homes for which the building permit for new occupancy was issued (hereinafter "built") before October 1, 1978;
2. extends to the Fire Safety Code certain provisions related to fire marshal orders, citations, and penalties under the Fire Prevention Code;
3. changes the composition of the seven-member Code Training and Education Board of Control;
4. eliminates certain municipal reporting requirements related to fires, explosions, or other fire emergencies;
5. exempts certain hot water heaters from the state Safety Code for Boilers and Hot Water Heaters.

The bill also makes various minor, technical, and conforming changes regarding the Fire Safety Code (§§ 1, 7-10 & 15).

\*House Amendment "A" (1) makes various minor and technical changes to implement the underlying bill's smoke detector provisions; (2) adds the provisions on the Fire Safety and Fire Prevention codes, fire code variations, inspections, Code Training and Education Board

of Control, temporary local fire marshal appointments, municipal reports for fires and other emergencies, and small water heaters; and (3) makes other minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2021, and the Code Training and Education Board of Control provision (§ 11) is applicable to appointments made on or after that date, and the small hot water heater provision (§ 14) is effective upon passage.

## **§ 1 – SMOKE DETECTORS**

The bill expands the smoke detector requirement to require them in single-family homes built before October 1, 1978. It does so by requiring the State Fire Marshal and the Codes and Standards Committee to amend the Fire Safety Code to include a requirement for smoke detectors in all single-family homes when a smoke detector is installed or replaced. Current law already requires the code to require them in new single-family homes built on or after October 1, 1978.

The bill also eliminates the requirement for new single-family homes built on or after October 1, 1985, to have smoke detector equipment capable of operating using alternating current and batteries. Instead, the bill requires the code to include a requirement that new residential buildings designed to be occupied by one or more families that are built on or after July 1, 2021, and those installing or replacing smoke detectors, to have equipment capable of operating using any power source allowed in the standards adopted in the code.

By law, a person who violates the Fire Safety Code must be fined up to \$1,000 with a \$200 mandatory minimum, imprisoned up to six months, or both.

Existing law prohibits the issuance of a certificate of occupancy for residential buildings generally subject to requirements for smoke and carbon monoxide detectors and schools for carbon monoxide detectors unless the local fire marshal or building official certifies that the building equipment complies with the Fire Safety Code. The bill requires the local fire marshal or building official to additionally certify

that the smoke and carbon monoxide equipment comply with the State Building Code.

The bill eliminates provisions that under current law establish requirements for smoke detectors, including requirements related to accompanying literature, their location and capabilities, and installation. It also eliminates current law's provisions establishing requirements for carbon monoxide detectors, including installation and use specifications; equipment location, power requirements, and standards; exemptions for certain buildings; and testing and inspection.

## **§§ 1 & 4 – FIRE SAFETY CODE**

### ***National Codes (§ 1)***

The bill requires the Fire Safety Code to be based on a nationally recognized model life safety code, in addition to a nationally recognized model fire code required under existing law. As under existing law for the model fire code, the Fire Safety Code must be updated within 18 months after the model life safety code makes revisions, unless the State Fire Marshal and the Codes and Standards Committee certify the change is not necessary.

### ***Structures and Adjacent Areas (§ 1)***

Current law requires the Fire Safety Code to provide for reasonable safety from fire, smoke, and panic from all buildings and their adjacent areas, but does not cover one- and two-family homes and their premises. The bill extends the code's coverage to include structures and their adjacent areas.

### ***Code Adoption (§ 1)***

The bill makes various conforming changes to implement changes to how the Fire Safety Code is adopted. By law, instead of being adopted under the Uniform Administrative Procedure Act as a regulation, the code is adopted through a similar process, but does not require the attorney general's review for legal sufficiency (CGS § 29-292a). The law allows the Regulation Review Committee to waive its review and if the committee fails to meet or act on a proposed code in

a certain timeframe, the code is deemed approved.

#### ***Citations, Injunctions, and Penalties (§ 4)***

The bill also extends to the Fire Safety Code certain provisions related to fire marshal orders, citations, and penalties under the Fire Prevention Code. These include provisions allowing the State Fire Marshal or local fire marshals to (1) order a building owner or occupant to remedy conditions that violate the code, (2) file an injunction to close or restrict the use of the property until the condition has been remedied, and (3) issue a citation instead of an order. They also include the following penalties: (1) \$50 per day for each day a violation continues when a fire marshal has ordered a building owner or occupant to remedy a condition and (2) a fine of up to \$250 for anyone issued a citation. By law, a person who violates the Fire Safety Code must be fined up to \$1,000 with a \$200 mandatory minimum, imprisoned up to six months, or both.

#### **§ 2 – HOME INSPECTION REGULATIONS**

Existing law requires the Department of Consumer Protection commissioner, with advice and help from the Home Inspection Licensing Board, to adopt regulations on home inspectors. In these regulations, the bill requires the commissioner to establish a minimum and uniform standard for home inspections. This standard must require the inspector to report on the presence of a smoke detector, including specifying (1) the equipment's location and total number and (2) if he or she was able to test it and verify that it was less than 10 years old.

#### **§ 3 – FIRE PREVENTION CODE**

The bill requires the Fire Prevention Code to include provisions for activities occurring on or within buildings and structures regulated by the code and adjacent areas.

#### **§ 5 – FIRE CODE VARIATIONS OR EXEMPTIONS**

Under current law, a local fire marshal must forward to the State Fire Marshal by first class mail within 15 business days of receiving an application for a variation or exemption the application along with a

letter on the application’s merits. The bill allows the local fire marshal to provide these materials by email.

## **§ 6 – INSPECTIONS**

Existing law authorizes local fire marshals and the State Fire Marshal to inspect buildings, facilities, and other areas regulated by both the Fire Prevention Code and the Fire Safety Code. It also allows the State Fire Marshal to amend either code to establish a schedule for inspections of different building uses regulated under the codes.

The bill requires local fire marshals to inspect or cause to be inspected all buildings and facilities of public service and occupancies regulated by the State Fire Prevention Code at least once per calendar year, or as often as the State Fire Marshal prescribes, as required for the Fire Safety Code under current law. Existing law and the bill exempt residential buildings designed to be occupied by one or two families from this requirement and instead require they be inspected upon the owner or occupant’s complaint and only to determine whether smoke detector requirements have been met. Existing law, unchanged by the bill, requires local fire marshals to submit a written report to the local or regional school board documenting any inspection of a school building.

## **§ 11 – CODE TRAINING AND EDUCATION BOARD OF CONTROL**

The bill changes the composition of the seven-member Code Training and Education Board of Control. Under existing law and the bill, one member must be a building professional (e.g., an architect or engineer) appointed by Department of Administrative Services commissioner. Table 1 shows requirements for appointments of the remaining six members under current law and under the bill. By law, the board promotes code training and education, and members serve three-year terms.

**Table 1: Code Training and Education Board of Control Membership**

<i>Membership</i>	<i>Under Current Law</i>	<i>Under the Bill</i>
Building Code Training	Three members,	One member, appointed

Council	appointed one each by the House speaker, and House majority minority leaders	by the Senate minority leader
Fire Marshal Training Council	Three members, appointed one each by the Senate president pro tempore and the Senate majority and minority leaders	One member, appointed by the House minority leader
Codes and Standards Committee	NA	Four members, appointed one each by the top four legislative leaders

## **§ 12 – TEMPORARY LOCAL FIRE MARSHAL APPOINTMENTS**

When a local fire marshal can no longer serve due to death, disability, dismissal, retirement, or revocation of his or her certification and there is no existing deputy fire marshal, current law authorizes municipal officials or entities to appoint a deputy fire marshal as the acting fire marshal. The bill instead allows the officials to appoint a person who holds a fire marshal certification issued by the State Fire Marshal and the Codes and Standards Committee. Existing law limits this position to a maximum of 180 days.

## **§ 13 — MUNICIPAL REPORTS FOR FIRES, EXPLOSIONS, OR OTHER FIRE EMERGENCIES**

By law, when a fire, explosion, or other fire emergency occurs, the fire chief or local fire marshal with jurisdiction over the location must report to the State Fire Marshal on facts relating to the incident's cause, origin, kind, and estimated value and ownership of damaged or destroyed property, along with other information as the State Fire Marshal prescribes. The bill eliminates a requirement that this report include (1) the name of each firefighter who was present at the incident and, as a result, exposed to heat, radiation, or a known or suspected carcinogen and (2) the duration of each such firefighter's exposure.

## **§ 14 – SMALL HOT WATER HEATERS**

The bill exempts certain hot water heaters from the state Safety Code for Boilers and Hot Water Heaters. The exemption applies to heaters (1) approved by a nationally recognized testing agency and equipped with adequate safety devices, including a temperature and pressure release valve; (2) with a nominal capacity of up to 10 gallons and a heat input of up to 20,000 BTUs (British thermal units) per hour; and (3) installed in any occupancy.

The law already exempts hot water heaters meeting the first criterion listed above if they (1) have a capacity of up to 120 gallons and a heat input of no more than 200,000 BTUs per hour, (2) are solely for hot water supply carrying a pressure of up to 160 PSI (pounds per square inch), and (3) operate at a temperature of up to 210 degrees Fahrenheit. However, this exemption does not apply to heaters in schools, day care centers, hospitals, nursing or boarding homes, churches, or public buildings.

Generally, the Safety Code for Boilers and Hot Water Heaters regulates boiler and hot water heater design, construction, installation, repair, use, and operation. Among other things, it requires that boilers and hot water heaters subject to the code be registered with the Department of Administrative Services and inspected by a boiler inspector (CGS §§ 29-231 to -244).

### **BACKGROUND**

#### ***Related Bills***

sSB 845 (File 399), favorably reported by the Public Safety and Security Committee has similar provisions on smoke detectors, the Fire Safety and Prevention codes, inspections, Code Training and Education Board of Control, temporary local fire marshal appointments, and municipal reports for fires and other emergencies.

HB 6395 (File 85), favorably reported by the Public Safety and Security Committee has the same small water heater provision.

### **COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 19 Nay 5 (03/24/2021)