



General Assembly

February Session, 2020

Governor's Bill No. 5008

LCO No. 600



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:

REP. ARESIMOWICZ, 30th Dist.

REP. RITTER M., 1st Dist.

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

AN ACT CONCERNING THE ESTABLISHMENT OF HIGH PERFORMANCE GREEN BUILDING STANDARDS FOR VOLUNTARY ADOPTION BY MUNICIPALITIES.

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

1 Section 1. Section 16a-38k of the 2020 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2020*):

4 (a) Notwithstanding any provision of the general statutes, any (1)
5 new construction of a state facility that is projected to cost five million
6 dollars, or more, and for which all budgeted project bond funds are
7 allocated by the State Bond Commission on or after January 1, 2008, (2)
8 renovation of a state facility that is projected to cost two million dollars
9 or more, of which two million dollars or more is state funding, approved
10 and funded on or after January 1, 2008, (3) new construction of a facility
11 that is projected to cost five million dollars, or more, of which two

12 million dollars or more is state funding, and is authorized by the
13 General Assembly pursuant to chapter 173 on or after January 1, 2009,
14 and (4) renovation of a public school facility as defined in subdivision
15 (18) of section 10-282 that is projected to cost two million dollars or
16 more, of which two million dollars or more is state funding, and is
17 authorized by the General Assembly pursuant to chapter 173 on or after
18 January 1, 2009, shall comply with the regulations described in
19 subsection (b) of this section, provided any regulations adopted
20 pursuant to this section before the effective date of this section shall
21 remain in effect until the regulations described in subsection (b) of this
22 section are adopted. The Commissioner of Energy and Environmental
23 Protection, in consultation with the Commissioner of Administrative
24 Services and the Institute for Sustainable Energy, shall exempt any
25 facility from complying with the regulations adopted pursuant to
26 subsection (b) of this section if the Commissioner of Energy and
27 Environmental Protection, in consultation with the Commissioner of
28 Administrative Services and the Secretary of the Office of Policy and
29 Management, finds, in a written analysis, that the measures needed to
30 comply with the building construction standards are not cost effective,
31 as defined in subdivision (8) of subsection (a) of section 16a-38. Nothing
32 in this section shall be construed to require the redesign of any new
33 construction of a state facility that is designed in accordance with the
34 silver building rating of the Leadership in Energy and Environmental
35 Design's rating system for new commercial construction and major
36 renovation projects, as established by the United States Green Building
37 Council, or an equivalent standard, including, but not limited to, a two-
38 globe rating in the Green Globes USA design program, provided the
39 design for such facility was initiated or completed prior to the adoption
40 of the regulations described in subsection (b) of this section. For
41 purposes of subdivisions (1) and (2) of this subsection, a state facility
42 shall not include a salt shed, parking garage or any type of maintenance
43 facility, provided such shed, garage or facility has incorporated best
44 energy efficiency standards to the extent economically feasible.

45 (b) Not later than January 1, [2020] 2021, the Commissioner of Energy

46 and Environmental Protection, in consultation with the Commissioner
47 of Administrative Services, shall adopt regulations, in accordance with
48 the provisions of chapter 54, to adopt (1) state building construction
49 standards, [that (1) are] and (2) residential and commercial building
50 construction standards that may be adopted by municipalities. Each set
51 of such standards shall be (A) based on a nationally recognized model
52 for sustainable construction codes that promotes the construction of
53 high performance green buildings that have reduced emissions, have
54 enhanced building occupant health and comfort, are designed to
55 conserve water resources, are designed to promote sustainable and
56 regenerative materials cycles and provide enhanced resilience to
57 natural, technological and human-caused hazards, and [(2)] (B) include
58 a standard for inclusion of electric vehicle charging stations, and
59 thereafter update such regulations as the Commissioner of Energy and
60 Environmental Protection deems necessary.

61 (c) Any municipality that adopts the residential and commercial
62 building construction standards that are adopted in regulations
63 pursuant to subsection (b) of this section shall inform the Commissioner
64 of Energy and Environmental Protection of such adoption. The
65 commissioner shall maintain a list of municipalities that adopt such
66 building construction standards on the Department of Energy and
67 Environmental Protection's Internet web site.

68 (d) The Commissioner of Energy and Environmental Protection, or
69 the commissioner's designee, may review a decision by any municipal
70 official or any municipal board of appeals whenever the commissioner,
71 or the commissioner's designee, determines that such official or board
72 of appeals misconstrued or misinterpreted a provision of the residential
73 and commercial building construction standards that are adopted in
74 regulations pursuant to subsection (b) of this section. In undertaking
75 any such review, the commissioner, or the commissioner's designee,
76 shall consult with such official or board of appeals. If the commissioner
77 determines that a provision of such standards was misconstrued or
78 misinterpreted, the commissioner may issue an interpretation of such
79 standards and may grant a variance from any provision of such

80 standards or determine the suitability of alternate materials and
81 methods of construction. Any such determination or grant by the
82 commissioner or the commissioner's designee, shall be in writing and
83 sent to such municipal official or municipal board of appeals, by
84 registered mail, return receipt requested. Any person aggrieved by any
85 such determination or grant by the commissioner, or the commissioner's
86 designee, may appeal to the Superior Court for the judicial district
87 where the affected premises or proposed construction is located.

88 Sec. 2. Subdivision (7) of subsection (c) of section 7-148 of the general
89 statutes is repealed and the following is substituted in lieu thereof
90 (*Effective July 1, 2020*):

91 (7) (A) (i) Make rules relating to the maintenance of safe and sanitary
92 housing;

93 (ii) Regulate the mode of using any buildings when such regulations
94 seem expedient for the purpose of promoting the safety, health, morals
95 and general welfare of the inhabitants of the municipality;

96 (iii) Regulate and prohibit the moving of buildings upon or through
97 the streets or other public places of the municipality, and cause the
98 removal and demolition of unsafe buildings and structures;

99 (iv) Regulate and provide for the licensing of parked trailers when
100 located off the public highways, and trailer parks or mobile
101 manufactured home parks, except as otherwise provided by special act
102 and except where there exists a local zoning commission so empowered;

103 (v) Establish lines beyond which no buildings, steps, stoop, veranda,
104 billboard, advertising sign or device or other structure or obstruction
105 may be erected;

106 (vi) Regulate and prohibit the placing, erecting or keeping of signs,
107 awnings or other things upon or over the sidewalks, streets and other
108 public places of the municipality;

109 (vii) Regulate plumbing and house drainage;

110 (viii) Prohibit or regulate the construction of dwellings, apartments,
111 boarding houses, hotels, commercial buildings, youth camps or
112 commercial camps and commercial camping facilities in such
113 municipality unless the sewerage facilities have been approved by the
114 authorized officials of the municipality;

115 (ix) Adopt the standards for residential and commercial building
116 construction contained in the regulations adopted pursuant to
117 subsection (b) of section 16a-38k, as amended by this act;

118 (B) (i) Regulate and prohibit, in a manner not inconsistent with the
119 general statutes, traffic, the operation of vehicles on streets and
120 highways, off-street parking and on-street residential neighborhood
121 parking areas in which on-street parking is limited to residents of a
122 given neighborhood, as determined by the municipality;

123 (ii) Regulate the speed of vehicles, subject to the provisions of the
124 general statutes relating to the regulation of the speed of motor vehicles
125 and of animals, and the driving or leading of animals through the
126 streets;

127 (iii) Require that conspicuous signage be posted in any area where a
128 motor vehicle may be subject to towing or to the use of a wheel-locking
129 device that renders such motor vehicle immovable, and that such
130 signage indicate where the motor vehicle will be stored, how the vehicle
131 may be redeemed and any costs or fees that may be charged;

132 (C) Regulate and prohibit the construction or use, and require the
133 removal of sinks, cesspools, drains, sewers, privies, barns, outhouses
134 and poultry pens and houses;

135 (D) (i) Regulate and prohibit the going at large of dogs and other
136 animals in the streets and public places of the municipality and prevent
137 cruelty to animals and all inhuman sports, except that no municipality
138 shall adopt breed-specific dog ordinances;

139 (ii) Regulate and prohibit the keeping of wild or domestic animals,

140 including reptiles, within the municipal limits or portions thereof;

141 (E) Define, prohibit and abate within the municipality all nuisances
142 and causes thereof, and all things detrimental to the health, morals,
143 safety, convenience and welfare of its inhabitants and cause the
144 abatement of any nuisance at the expense of the owner or owners of the
145 premises on which such nuisance exists;

146 (F) (i) Keep streets, sidewalks and public places free from undue noise
147 and nuisances, and prohibit loitering thereon;

148 (ii) Regulate loitering on private property with the permission of the
149 owner thereof;

150 (iii) Prohibit the loitering in the nighttime of minors on the streets,
151 alleys or public places within its limits;

152 (iv) Prevent trespassing on public and private lands and in buildings
153 in the municipality;

154 (G) Prevent vice and suppress gambling houses, houses of ill-fame
155 and disorderly houses;

156 (H) (i) Secure the safety of persons in or passing through the
157 municipality by regulation of shows, processions, parades and music;

158 (ii) Regulate and prohibit the carrying on within the municipality of
159 any trade, manufacture, business or profession which is, or may be, so
160 carried on as to become prejudicial to public health, conducive to fraud
161 and cheating, or dangerous to, or constituting an unreasonable
162 annoyance to, those living or owning property in the vicinity;

163 (iii) Regulate auctions and garage and tag sales;

164 (iv) Prohibit, restrain, license and regulate the business of peddlers,
165 auctioneers and junk dealers in a manner not inconsistent with the
166 general statutes;

167 (v) Regulate and prohibit swimming or bathing in the public or

168 exposed places within the municipality;

169 (vi) Regulate and license the operation of amusement parks and
170 amusement arcades including, but not limited to, the regulation of
171 mechanical rides and the establishment of the hours of operation;

172 (vii) Prohibit, restrain, license and regulate all sports, exhibitions,
173 public amusements and performances and all places where games may
174 be played;

175 (viii) Preserve the public peace and good order, prevent and quell
176 riots and disorderly assemblages and prevent disturbing noises;

177 (ix) Establish a system to obtain a more accurate registration of births,
178 marriages and deaths than the system provided by the general statutes
179 in a manner not inconsistent with the general statutes;

180 (x) Control insect pests or plant diseases in any manner deemed
181 appropriate;

182 (xi) Provide for the health of the inhabitants of the municipality and
183 do all things necessary or desirable to secure and promote the public
184 health;

185 (xii) Regulate the use of streets, sidewalks, highways, public places
186 and grounds for public and private purposes;

187 (xiii) Make and enforce police, sanitary or other similar regulations
188 and protect or promote the peace, safety, good government and welfare
189 of the municipality and its inhabitants;

190 (xiv) Regulate, in addition to the requirements under section 7-282b,
191 the installation, maintenance and operation of any device or equipment
192 in a residence or place of business which is capable of automatically
193 calling and relaying recorded emergency messages to any state police
194 or municipal police or fire department telephone number or which is
195 capable of automatically calling and relaying recorded emergency
196 messages or other forms of emergency signals to an intermediate third

197 party which shall thereafter call and relay such emergency messages to
198 a state police or municipal police or fire department telephone number.
199 Such regulations may provide for penalties for the transmittal of false
200 alarms by such devices or equipment;

201 (xv) Make and enforce regulations for the prevention and
202 remediation of housing blight, including regulations reducing
203 assessments and authorizing designated agents of the municipality to
204 enter property during reasonable hours for the purpose of remediating
205 blighted conditions, provided such regulations define housing blight
206 and require such municipality to give written notice of any violation to
207 the owner and occupant of the property and provide a reasonable
208 opportunity for the owner and occupant to remediate the blighted
209 conditions prior to any enforcement action being taken, and further
210 provided such regulations shall not authorize such municipality or its
211 designated agents to enter any dwelling house or structure on such
212 property, and including regulations establishing a duty to maintain
213 property and specifying standards to determine if there is neglect;
214 prescribe civil penalties for the violation of such regulations of not less
215 than ten or more than one hundred dollars for each day that a violation
216 continues and, if such civil penalties are prescribed, such municipality
217 shall adopt a citation hearing procedure in accordance with section 7-
218 152c;

219 (xvi) Regulate, on any property owned by the municipality, any
220 activity deemed to be deleterious to public health, including the lighting
221 or carrying of a lighted cigarette, cigar, pipe or similar device;

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2020	16a-38k
Sec. 2	July 1, 2020	7-148(c)(7)

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]