



General Assembly

**Raised Bill No. 7144**

*January Session, 2019*

LCO No. 4267



\* 0 4 2 6 7 \* P S \*

Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:  
(PS)

**AN ACT CONCERNING SMALL HOT WATER HEATERS, CERTAIN CERTIFICATION BY STATE AGENCIES AND THE CONNECTICUT AIRPORT AUTHORITY, COMMUNICATIONS WITH THE BUILDING INSPECTOR AND STATE FIRE MARSHAL AND REVISIONS TO OTHER STATUTES RELATED TO BUILDINGS AND FIRE SAFETY.**

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

1       Section 1. Section 29-231 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective from passage*):

3       The provisions of this chapter shall not apply to: (1) Boilers under  
4       federal control; (2) portable boilers used in pumping, heating,  
5       steaming and drilling in the open field; (3) portable boilers used solely  
6       for agricultural purposes; (4) steam heating boilers, hot water heaters  
7       and hot water heating boilers, when used in private homes or  
8       apartment houses of not more than five families; (5) hot water heaters  
9       approved by a nationally recognized testing agency that are equipped  
10      with adequate safety devices including a temperature and pressure  
11      relief valve, [having a] and (A) (i) have a nominal water capacity of not  
12      more than one hundred twenty gallons and a heat input of not more  
13      than two hundred thousand British thermal units per hour, [and] (ii)

14     are used solely for hot water supply carrying a pressure of not more  
15     than one hundred sixty pounds per square inch and operating at  
16     temperatures of not more than two hundred ten degrees Fahrenheit,  
17     [provided such heaters] and (iii) are not installed in schools, day care  
18     centers, public or private hospitals, nursing or boarding homes,  
19     churches or public buildings, as defined in section 1-1, or (B) have a  
20     nominal water capacity of not more than ten gallons and a heat input  
21     of not more than twenty thousand British thermal units per hour in  
22     any occupancy; (6) antique or model boilers used in public, nonprofit  
23     engineering or scientific museums and operated for educational,  
24     historical or exhibition purposes having a shell diameter of less than  
25     twelve inches and a grate surface area of less than one square foot; and  
26     (7) public service companies, as defined in section 16-1.

27     Sec. 2. Section 29-252a of the general statutes is repealed and the  
28     following is substituted in lieu thereof (*Effective from passage*):

29       (a) The State Building Code, including any amendment to said code  
30     adopted by the State Building Inspector and Codes and Standards  
31     Committee, shall be the building code for all state agencies and the  
32     Connecticut Airport Authority.

33       (b) (1) No state or Connecticut Airport Authority building or  
34     structure or addition to a state or Connecticut Airport Authority  
35     building or structure: (A) That exceeds the threshold limits contained  
36     in section 29-276b and requires an independent structural review  
37     under said section, or (B) that includes residential occupancies for  
38     twenty-five or more persons, shall be constructed until an application  
39     has been filed by (i) the commissioner of an agency authorized to  
40     contract for the construction of buildings under the provisions of  
41     section 4b-1 or 4b-51, or (ii) the executive director of the Connecticut  
42     Airport Authority, with the State Building Inspector and a building  
43     permit is issued by the State Building Inspector. Two copies of the  
44     plans and specifications for the building, structure or addition to be  
45     constructed shall accompany the application. [The commissioner of  
46     any such agency or the executive director of the Connecticut Airport

47 Authority shall certify that such plans and specifications are in  
48 substantial compliance with the provisions of the State Building Code  
49 and, where applicable, with the provisions of the Fire Safety Code.]  
50 The State Building Inspector shall review the plans and specifications  
51 for the building, structure or addition to be constructed to verify their  
52 compliance with the requirements of the State Building Code and, not  
53 later than thirty days after the date of application, shall issue or refuse  
54 to issue the building permit, in whole or in part. The State Building  
55 Inspector may request that the State Fire Marshal review such plans to  
56 verify their compliance with the Fire Safety Code.

57 (2) On and after July 1, 1999, the State Building Inspector shall  
58 assess an education fee on each building permit application. During  
59 the fiscal year commencing July 1, 1999, the amount of such fee shall be  
60 sixteen cents per one thousand dollars of construction value as  
61 declared on the building permit application, and the State Building  
62 Inspector shall remit such fees, quarterly, to the Department of  
63 Administrative Services, for deposit in the General Fund. Upon  
64 deposit in the General Fund, the amount of such fees shall be credited  
65 to the appropriation to the Department of Administrative Services and  
66 shall be used for the code training and educational programs  
67 established pursuant to section 29-251c. On and after July 1, 2000, the  
68 assessment shall be made in accordance with regulations adopted  
69 pursuant to subsection (d) of section 29-251c.

70 (c) All state agencies authorized to contract for the construction of  
71 any buildings or the alteration of any existing buildings under the  
72 provisions of section 4b-1 or 4b-51 or, for any such Connecticut Airport  
73 Authority building, the Connecticut Airport Authority, shall be  
74 responsible for substantial compliance with the provisions of the State  
75 Building Code, the Fire Safety Code and the regulations lawfully  
76 adopted under said codes for such building or alteration to such  
77 building, as the case may be. Such agencies and the Connecticut  
78 Airport Authority shall apply to the State Building Inspector for a  
79 certificate of occupancy for all buildings or alterations of existing  
80 buildings for which a building permit is required under subsection (b)

81 of this section [and shall certify compliance with the State Building  
82 Code, the Fire Safety Code and the regulations lawfully adopted under  
83 said codes for such building or alteration to such building, as the case  
84 may be, to the State Building Inspector] prior to occupancy or use of  
85 the facility.

86 (d) (1) No state or Connecticut Airport Authority building or  
87 structure erected or altered on and after July 1, 1989, for which a  
88 building permit has been issued pursuant to subsection (b) of this  
89 section, shall be occupied or used in whole or in part, until a certificate  
90 of occupancy has been issued by the State Building Inspector,  
91 certifying that such building or structure substantially conforms to the  
92 provisions of the State Building Code and the regulations lawfully  
93 adopted under said code and the State Fire Marshal has verified  
94 substantial compliance with the Fire Safety Code and the regulations  
95 lawfully adopted under said code for such building or alteration to  
96 such building, as the case may be.

97 (2) No state or Connecticut Airport Authority building or structure  
98 erected or altered on and after July 1, 1989, for which a building permit  
99 has not been issued pursuant to subsection (b) of this section, shall be  
100 occupied or used in whole or in part, until the commissioner of the  
101 agency erecting or altering the building or structure or, for any  
102 Connecticut Airport Authority building or structure, the executive  
103 director of the Connecticut Airport Authority, certifies to the State  
104 Building Inspector that the building or structure substantially complies  
105 with the provisions of the State Building Code, the Fire Safety Code  
106 and the regulations lawfully adopted under said codes for such  
107 building or alteration to such building, as the case may be.

108 (e) The State Building Inspector or said inspector's designee may  
109 inspect or cause to be inspected any construction of buildings or  
110 alteration of existing buildings by state agencies or the Connecticut  
111 Airport Authority, except that said inspector or designee shall inspect  
112 or cause an inspection if the building being constructed includes  
113 residential occupancies for twenty-five or more persons. The State

114 Building Inspector may order any state agency or the Connecticut  
115 Airport Authority to comply with the State Building Code. The  
116 commissioner may delegate such powers as the commissioner deems  
117 expedient for the proper administration of this part and any other  
118 statute related to the State Building Code to The University of  
119 Connecticut, provided the commissioner and the president of The  
120 University of Connecticut enter into a memorandum of understanding  
121 concerning such delegation of powers in accordance with section 10a-  
122 109ff.

123 [(f) The joint standing committee of the General Assembly having  
124 cognizance of matters relating to the Department of Administrative  
125 Services may annually review the implementation date in subsection  
126 (b) of this section to determine the need, if any, for revision.]

127 [(g)] (f) Any person aggrieved by any refusal to issue a building  
128 permit or certificate of occupancy under the provisions of this section  
129 or by an order to comply with the State Building Code or the Fire  
130 Safety Code may appeal, *de novo*, to the Codes and Standards  
131 Committee not later than seven days after the issuance of any such  
132 refusal or order.

133 [(h)] (g) State agencies and the Connecticut Airport Authority shall  
134 be exempt from the permit requirements of section 29-263, as amended  
135 by this act, and the certificate of occupancy requirement under section  
136 29-265, as amended by this act.

137 Sec. 3. Section 29-254 of the general statutes is repealed and the  
138 following is substituted in lieu thereof (*Effective from passage*):

139 (a) Any town, city or borough or any interested person may propose  
140 amendments to the State Building Code, which proposed amendments  
141 may be either applicable to all municipalities or, where it is alleged  
142 and established that conditions exist within a municipality which are  
143 not generally found within other municipalities, any such amendment  
144 may be restricted in application to such municipality. Each  
145 amendment to the State Building Code shall be adopted in accordance

146 with the provisions of section 29-252b.

147 (b) The State Building Inspector or his or her designee may grant  
148 variations or exemptions from, or approve equivalent or alternate  
149 compliance with, the State Building Code where strict compliance with  
150 the code would entail practical difficulty or unnecessary hardship, or is  
151 otherwise adjudged unwarranted, provided the intent of the law shall  
152 be observed and public welfare and safety be assured. Any application  
153 for a variation or exemption or equivalent or alternate compliance  
154 received by a local building official shall be forwarded to the State  
155 Building Inspector [by first class mail] not later than fifteen business  
156 days after receipt by such local building official and shall be  
157 accompanied by a letter from such local building official that shall  
158 include comments on the merits of the application. Any such  
159 determination by the State Building Inspector or his or her designee  
160 shall be in writing. Any person aggrieved by any decision of the State  
161 Building Inspector or his or her designee may appeal to the Codes and  
162 Standards Committee not later than thirty days after [mailing of] the  
163 date of the [decision] decision's issuance. Any person aggrieved by any  
164 ruling of the Codes and Standards Committee may appeal [to the  
165 superior court for the judicial district wherein the premises concerned  
166 are located] in accordance with the provisions of subsection (d) of  
167 section 29-266, as amended by this act.

168 Sec. 4. Section 29-263 of the general statutes is repealed and the  
169 following is substituted in lieu thereof (*Effective from passage*):

170 (a) Except as provided in subsection [(h)] (g) of section 29-252a, as  
171 amended by this act, and the State Building Code adopted pursuant to  
172 subsection (a) of section 29-252, after October 1, 1970, no building or  
173 structure shall be constructed or altered until an application has been  
174 filed with the building official and a permit issued. Such permit shall  
175 be issued or refused, in whole or in part, within thirty days after the  
176 date of an application. No permit shall be issued except upon  
177 application of the owner of the premises affected or the owner's  
178 authorized agent. No permit shall be issued to a contractor who is

179 required to be registered pursuant to chapter 400, for work to be  
180 performed by such contractor, unless the name, business address and  
181 Department of Consumer Protection registration number of such  
182 contractor is clearly marked on the application for the permit, and the  
183 contractor has presented such contractor's certificate of registration as  
184 a home improvement contractor. Prior to the issuance of a permit and  
185 within said thirty-day period, the building official shall review the  
186 plans of buildings or structures to be constructed or altered, including,  
187 but not limited to, plans prepared by an architect licensed pursuant to  
188 chapter 390, a professional engineer licensed pursuant to chapter 391  
189 or an interior designer registered pursuant to chapter 396a acting  
190 within the scope of such license or registration, to determine their  
191 compliance with the requirements of the State Building Code and,  
192 where applicable, the local fire marshal shall review such plans to  
193 determine their compliance with the Fire Safety Code and the State  
194 Fire Prevention Code. Such plans submitted for review shall be in  
195 substantial compliance with the provisions of the State Building Code  
196 and, where applicable, with the provisions of the Fire Safety Code and  
197 the State Fire Prevention Code.

198 (b) On and after July 1, 1999, the building official shall assess an  
199 education fee on each building permit application. During the fiscal  
200 year commencing July 1, 1999, the amount of such fee shall be sixteen  
201 cents per one thousand dollars of construction value as declared on the  
202 building permit application and the building official shall remit such  
203 fees quarterly to the Department of Administrative Services, for  
204 deposit in the General Fund. Upon deposit in the General Fund, the  
205 amount of such fees shall be credited to the appropriation to the  
206 Department of Administrative Services and shall be used for the code  
207 training and educational programs established pursuant to section 29-  
208 251c and the educational programs required in subsections (a) and (b)  
209 of section 29-262. On and after July 1, 2000, the assessment shall be  
210 made in accordance with regulations adopted pursuant to subsection  
211 (d) of section 29-251c. All fees collected pursuant to this subsection  
212 shall be maintained in a separate account by the local building

213 department. During the fiscal year commencing July 1, 1999, the local  
214 building department may retain two per cent of such fees for  
215 administrative costs incurred in collecting such fees and maintaining  
216 such account. On and after July 1, 2000, the portion of such fees which  
217 may be retained by a local building department shall be determined in  
218 accordance with regulations adopted pursuant to subsection (d) of  
219 section 29-251c. No building official shall assess such education fee on  
220 a building permit application to repair or replace a concrete  
221 foundation that has deteriorated due to the presence of pyrrhotite.

222 (c) Any municipality may, by ordinance adopted by its legislative  
223 body, exempt Class I renewable energy source projects from payment  
224 of building permit fees imposed by the municipality.

225 (d) Notwithstanding any municipal charter, home rule ordinance or  
226 special act, no municipality shall collect an application fee on a  
227 building permit application to repair or replace a concrete foundation  
228 that has deteriorated due to the presence of pyrrhotite.

229 Sec. 5. Section 29-265 of the general statutes is repealed and the  
230 following is substituted in lieu thereof (*Effective from passage*):

231 (a) Except as provided in subsection [(h)] (g) of section 29-252a, as  
232 amended by this act, no building or structure erected or altered in any  
233 municipality after October 1, 1970, shall be occupied or used, in whole  
234 or in part, until a certificate of occupancy, as defined in the regulations  
235 adopted under section 29-252, has been issued by the building official,  
236 certifying that such building, structure or work performed pursuant to  
237 the building permit substantially conforms to the provisions of the  
238 State Building Code and the regulations lawfully adopted under said  
239 code. Nothing in the code or in this part shall require the removal,  
240 alteration or abandonment of, or prevent the continuance of the use  
241 and occupancy of, any single-family dwelling but within six years of  
242 the date of occupancy of such dwelling after substantial completion of  
243 construction of, alteration to or addition to such dwelling, or of a  
244 building lawfully existing on October 1, 1945, except as may be

245 necessary for the safety of life or property. The use of a building or  
246 premises shall not be deemed to have changed because of a temporary  
247 vacancy or change of ownership or tenancy.

248 (b) No building official shall refuse to issue a certificate of  
249 occupancy for any single-family dwelling because such dwelling is not  
250 connected to an electric utility if such dwelling is otherwise in  
251 conformity with the requirements of this section and applicable local  
252 health codes and is equipped with an alternative energy system. A  
253 certificate issued under this section shall contain a statement that an  
254 alternative energy system is in place. For the purposes of this  
255 subsection, "alternative energy system" means any system or  
256 mechanism which uses solar radiation, wind, water, biomass or  
257 geothermal resources as the primary source for the generation of  
258 electrical energy.

259 (c) Nine years from the date of issuance of a building permit issued  
260 pursuant to section 29-263, as amended by this act, for construction or  
261 alteration of a one-family dwelling, two-family dwelling or structure  
262 located on the same parcel as a one-family dwelling or two-family  
263 dwelling, for which construction or alteration a certificate of  
264 occupancy, as defined in the regulations adopted pursuant to section  
265 29-252, has not been issued by the building official, such building  
266 permit shall be deemed closed. Following such nine-year period, no  
267 enforcement action based upon work commenced or completed  
268 pursuant to an open building permit shall be commenced. No  
269 municipality or officer or employee of any such municipality shall be  
270 liable concerning any claim relating to the closure of a building permit  
271 pursuant to this section. For the purposes of this section, "structure"  
272 has the same meaning as in the zoning regulations for the municipality  
273 in which the building permit was issued, or if undefined by such  
274 regulations, "structure" means any combination of materials that is  
275 affixed to the land, including, but not limited to, a shed, garage, sign,  
276 fence, wall, pool, patio, tennis court or deck.

277 Sec. 6. Subsection (d) of section 29-266 of the general statutes is

278       repealed and the following is substituted in lieu thereof (*Effective from*  
279       *passage*):

280       (d) Any person aggrieved by any ruling of the Codes and Standards  
281       Committee may appeal within forty-five days in accordance with the  
282       provisions of section 4-183 to the superior court for the judicial district  
283       where such building or structure has been or is being erected.

284       Sec. 7. Subsection (b) of section 29-269 of the general statutes is  
285       repealed and the following is substituted in lieu thereof (*Effective from*  
286       *passage*):

287       (b) Any variation of or exemption from any provision of (1) the State  
288       Building Code relating to accessibility to, and use of, buildings and  
289       structures by persons with disabilities, (2) subsection (i) of section 14-  
290       253a, (3) section 29-273, or (4) section 29-274, shall be permitted only  
291       when approved by the State Building Inspector or his or her designee.  
292       Any person, agent of the state, municipality or any other political  
293       subdivision of the state may apply to the State Building Inspector to  
294       vary or set aside standards incorporated in the State Building Code  
295       pursuant to the provisions of subsection (a) of this section. The State  
296       Building Inspector or his or her designee shall, within thirty days of  
297       receipt, review the application, and render a decision to accept or reject  
298       the application in whole or in part. The State Building Inspector or his  
299       or her designee may approve a variation of or exemption from any  
300       such standard or specification when the State Building Inspector or his  
301       or her designee determines that the standard or specification would  
302       not be feasible or would unreasonably complicate the construction,  
303       alteration or repair in question. Such determination shall be in writing,  
304       shall state the reasons therefor and if it sets aside any such standard or  
305       specification, a copy of such determination shall be published  
306       electronically by the State Building Inspector on the Internet web site  
307       of the Department of Administrative Services. Any person aggrieved  
308       by any such decision may appeal to the Codes and Standards  
309       Committee within thirty days after such decision has been rendered.

310        Sec. 8. Section 29-291b of the general statutes is repealed and the  
311        following is substituted in lieu thereof (*Effective from passage*):

312        The State Fire Marshal may grant variations or exemptions from, or  
313        approve equivalent or alternate compliance with, particular provisions  
314        of the State Fire Prevention Code where strict compliance with such  
315        provisions would entail practical difficulty or unnecessary hardship, or  
316        is otherwise adjudged unwarranted, provided any such variation or  
317        exemption or approved equivalent or alternate compliance shall, in the  
318        opinion of the State Fire Marshal, secure the public safety. Any  
319        application for a variation or exemption or equivalent or alternate  
320        compliance received by a local fire marshal shall be forwarded to the  
321        State Fire Marshal [by first class mail] not later than fifteen business  
322        days after the receipt of such application by the local fire marshal and  
323        accompanied by a letter containing the local fire marshal's comments  
324        on the merits of the application.

325        Sec. 9. Section 29-296 of the general statutes is repealed and the  
326        following is substituted in lieu thereof (*Effective from passage*):

327        The State Fire Marshal may grant variations or exemptions from, or  
328        approve equivalent or alternate compliance with, particular provisions  
329        of any regulation issued under the provisions of section 29-292 where  
330        strict compliance with such provisions would entail practical difficulty  
331        or unnecessary hardship, or is otherwise adjudged unwarranted,  
332        provided any such variation or exemption or approved equivalent or  
333        alternate compliance shall, in the opinion of the State Fire Marshal,  
334        secure the public safety. Any application for a variation or exemption  
335        or equivalent or alternate compliance received by a local fire marshal  
336        shall be forwarded to the State Fire Marshal [by first class mail] within  
337        fifteen business days of receipt by such local fire marshal and shall be  
338        accompanied by a letter from such local fire marshal that shall include  
339        comments on the merits of the application.

340        Sec. 10. Sections 29-258 and 29-307 of the general statutes are  
341        repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	29-231
Sec. 2	<i>from passage</i>	29-252a
Sec. 3	<i>from passage</i>	29-254
Sec. 4	<i>from passage</i>	29-263
Sec. 5	<i>from passage</i>	29-265
Sec. 6	<i>from passage</i>	29-266(d)
Sec. 7	<i>from passage</i>	29-269(b)
Sec. 8	<i>from passage</i>	29-291b
Sec. 9	<i>from passage</i>	29-296
Sec. 10	<i>from passage</i>	Repealer section

**Statement of Purpose:**

To (1) add an exemption concerning small water heaters from the provisions of chapter 540 of the general statutes, (2) delete the requirement that state agencies and the Connecticut Airport Authority certify that plans and projects comply with the State Building Code and Fire Safety Code, (3) eliminate the legislature's ability to revise the implementation date for state and Connecticut Airport Authority buildings, (4) authorize the State Building Inspector's designee to grant certain variations and exemptions, (5) eliminate the requirement that certain applications be mailed to the State Building Inspector and State Fire Marshal, (6) require plans of buildings or structures to be constructed to comply with the State Fire Prevention Code, (7) repeal the requirement that the Commissioner of Administrative Services conduct a certain educational program, and (8) repeal the statutory authority of a local fire marshal to order the removal of fire hazards from manufacturing establishments.

*[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.]*