



General Assembly

January Session, 2019

Raised Bill No. 7144

LCO No. 4267



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 Section 29-231 of the general statutes is repealed and the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 Section 29-252a of the general statutes is repealed and the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.]