



General Assembly

January Session, 2019

Committee Bill No. 608

LCO No. 4871



Referred to Committee on HOUSING

Introduced by:
(HSG)

AN ACT CONCERNING THE IMPROVEMENT OF RENTAL UNIT SAFETY.

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

1 Section 1. Section 29-261 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) The building official, to be eligible for appointment, shall have
4 had at least five years' experience in construction, design or
5 supervision and assistant building officials shall have had at least three
6 years' experience in construction, design or supervision, or equivalent
7 experience as determined by the Commissioner of Administrative
8 Services. They shall be generally informed on the quality and strength
9 of building materials, on the accepted requirements of building
10 construction, on the accepted requirements of design and construction
11 relating to accessibility to and use of buildings by the physically
12 disabled, on good practice in fire prevention, on the accepted
13 requirements regarding light and ventilation, on the accepted
14 requirements for safe exit facilities and on other items of equipment
15 essential for the safety, comfort and convenience of occupants and
16 shall be certified under the provisions of section 29-262.

17 (b) The building official or assistant building official shall pass upon
18 any question relative to the mode, manner of construction or materials
19 to be used in the erection or alteration of buildings or structures,
20 pursuant to applicable provisions of the State Building Code and in
21 accordance with rules and regulations adopted by the Department of
22 Administrative Services. They shall require compliance with the
23 provisions of the State Building Code, of all rules lawfully adopted and
24 promulgated thereunder and of laws relating to the construction,
25 alteration, repair, removal, demolition and integral equipment and
26 location, use, accessibility, occupancy and maintenance of buildings
27 and structures, except as may be otherwise provided for.

28 (c) A building official may request proof of licensure from any
29 person at a construction site for which a building permit was issued. If
30 such official finds any person engaging in or practicing work in an
31 occupation for which a license is required under chapters 393 and
32 393a, without first having obtained an apprentice permit or a license
33 for such work or occupation, the building official may notify the
34 Commissioner of Consumer Protection of such violation and may issue
35 a written order and personally deliver such order or send such order
36 by certified mail to the person holding such building permit. Such
37 order may require that any person working at such site without the
38 required permit or license shall cease work at the site immediately. The
39 unlicensed person may perform such work or occupation at the
40 construction site upon submission of documentation satisfactory to the
41 building official of compliance under said chapters 393 and 393a.

42 (d) The building official may request proof of a building permit
43 from any person at a construction site of a rental unit. If such official
44 finds any person engaging in the construction or alteration of a rental
45 unit without first having obtained a building permit as required under
46 this chapter, the building official may issue a written order and
47 personally deliver such order or send such order by certified mail to
48 the person conducting such alteration or construction. Such order may
49 (1) require that all work at such site without the required permit to

50 cease immediately, and (2) impose a fine not exceeding two hundred
51 fifty dollars for such violation.

52 [(d)] (e) The building official or [his] the assistant building official
53 shall have the right of entry to such buildings or structures, except
54 single-family residences, for the proper performance of his or her
55 duties between the hours of nine a.m. and five p.m., except that in the
56 case of an emergency [he] the building official shall have the right of
57 entry at any time, if such entry is necessary in the interest of public
58 safety.

59 [(e)] (f) Notwithstanding any provision of the Freedom of
60 Information Act, as defined in section 1-200, or the State Building
61 Code, upon receipt of a written request signed by the owner of plans
62 and specifications on file for a single-family dwelling or out-building,
63 the building official shall immediately return the original plans and
64 specifications to the owner after a certificate of occupancy is issued
65 with respect to the plans and specifications.

66 Sec. 2. Subsection (b) of section 29-266 of the general statutes is
67 repealed and the following is substituted in lieu thereof (*Effective*
68 *October 1, 2019*):

69 (b) When the building official rejects or refuses to approve the mode
70 or manner of construction proposed to be followed or the materials to
71 be used in the erection or alteration of a building or structure, or when
72 it is claimed that the provisions of the code do not apply or that an
73 equally good or more desirable form of construction can be employed
74 in a specific case, or when it is claimed that the true intent and
75 meaning of the code and regulations have been misconstrued or
76 wrongly interpreted, or when the building official issues a written
77 order under subsection (c) or (d) of section 29-261, as amended by this
78 act, the owner of such building or structure, whether already erected
79 or to be erected, or [his] the authorized agent of such owner may
80 appeal in writing from the decision of the building official to the board
81 of appeals. When a person other than such owner claims to be

82 aggrieved by any decision of the building official, such person or his or
83 her authorized agent may appeal, in writing, from the decision of the
84 building official to the board of appeals, and before determining the
85 merits of such appeal the board of appeals shall first determine
86 whether such person has a right to appeal. Upon receipt of an appeal
87 from an owner or his or her representative or approval of an appeal by
88 a person other than the owner, the chairman of the board of appeals
89 shall appoint a panel of not less than three members of such board to
90 hear such appeal. Such appeal shall be heard in the municipality for
91 which the building official serves within five days, exclusive of
92 Saturdays, Sundays and legal holidays, after the date of receipt of such
93 appeal. Such panel shall render a decision upon the appeal and file the
94 same with the building official from whom such appeal has been taken
95 not later than five days, exclusive of Saturdays, Sundays and legal
96 holidays, following the day of the hearing thereon. A copy of such
97 decision shall be mailed, prior to such filing, to the party taking such
98 appeal. Any person aggrieved by the decision of a panel may appeal to
99 the Codes and Standards Committee within fourteen days after the
100 filing of the decision with the building official. Any determination
101 made by the local panel shall be subject to review de novo by said
102 committee.

103 Sec. 3. Section 8-12a of the general statutes is repealed and the
104 following is substituted in lieu thereof (*Effective October 1, 2019*):

105 (a) Any municipality may, by ordinance adopted by its legislative
106 body, establish penalties for violations of zoning regulations adopted
107 under section 8-2 or by special act. Any municipality may, by
108 ordinance adopted by its legislative body, establish penalties for
109 noncompliance with residential licensing programs. The ordinance
110 shall establish the types of violations for which a citation may be
111 issued and the amount of any fine to be imposed thereby and shall
112 specify the time period for uncontested payment of fines for any
113 alleged violation under any such regulation. No fine imposed under
114 the authority of this section may exceed one hundred fifty dollars for

115 each day a violation continues. Any fine shall be payable to the
116 treasurer of the municipality.

117 (b) The hearing procedure for any citation issued pursuant to this
118 section shall be in accordance with section 7-152c except that no zoning
119 enforcement officer, building inspector or employee of the municipal
120 body exercising zoning authority may be appointed to be a hearing
121 officer.

122 Sec. 4. Section 19a-111c of the general statutes is repealed and the
123 following is substituted in lieu thereof (*Effective October 1, 2019*):

124 (a) The owner of any dwelling in which the paint, plaster or other
125 material is found to contain toxic levels of lead and in which children
126 under the age of six reside, shall abate, remediate or manage such
127 dangerous materials consistent with regulations adopted pursuant to
128 this section. The Commissioner of Public Health shall adopt
129 regulations, in accordance with chapter 54, to establish requirements
130 and procedures for testing, remediation, abatement and management
131 of materials containing toxic levels of lead. For the purposes of this
132 section, "remediation" means the use of interim controls, including, but
133 not limited to, paint stabilization, spot point repair, dust control,
134 specialized cleaning and covering of soil with mulch.

135 (b) The commissioner shall authorize the use of any liquid,
136 cementitious or flexible lead encapsulant product which complies with
137 an appropriate standard for such products developed by the American
138 Society for Testing and Materials or similar testing organization
139 acceptable to the commissioner for the abatement and remediation of
140 lead hazards. The commissioner shall maintain a list of all such
141 approved lead encapsulant products that may be used in this state for
142 the abatement and remediation of lead hazards.

143 (c) (1) The Commissioner of Public Health may adopt regulations, in
144 accordance with chapter 54, to regulate paint removal from the exterior
145 of any building or structure where the paint removal project may

146 present a health hazard to neighboring premises. The regulations may
147 establish: (A) Definitions, (B) applicability and exemption criteria, (C)
148 procedures for submission of notifications, (D) appropriate work
149 practices, and (E) penalties for noncompliance.

150 (2) The Commissioner of Public Health may adopt regulations, in
151 accordance with chapter 54, to regulate the standards and procedures
152 for testing, remediation, as defined in this section, abatement and
153 management of materials containing toxic levels of lead in any
154 premises.

155 (d) Any person whose act or omission constitutes a violation of this
156 section shall be strictly liable for damages for the injury or death of
157 another person resulting from such act or omission.

158 Sec. 5. Subsection (b) of section 47a-54f of the general statutes is
159 repealed and the following is substituted in lieu thereof (*Effective*
160 *October 1, 2019*):

161 (b) Paint on the exposed surfaces of the interior of a tenement house
162 shall not be cracked, chipped, blistered, flaking, loose, or peeling so as
163 to constitute a health hazard. Testing, remediation, abatement and
164 management of lead-based paint at a tenement house or its premises
165 shall be as defined in, and in accordance with, the regulations, if any,
166 adopted pursuant to section 19a-111c, as amended by this act. Any
167 person who violates this subsection shall be liable in accordance with
168 subsection (d) of section 19a-111c, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	29-261
Sec. 2	<i>October 1, 2019</i>	29-266(b)
Sec. 3	<i>October 1, 2019</i>	8-12a
Sec. 4	<i>October 1, 2019</i>	19a-111c
Sec. 5	<i>October 1, 2019</i>	47a-54f(b)

Statement of Purpose:

To improve rental conditions for residents of the state.

[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.]

Co-Sponsors: SEN. LOONEY, 11th Dist.; SEN. WINFIELD, 10th Dist.
REP. WALKER, 93rd Dist.; REP. PORTER, 94th Dist.
REP. CANDELARIA, 95th Dist.; REP. LEMAR, 96th Dist.
REP. PAOLILLO, 97th Dist.; REP. DIMASSA, 116th Dist.
REP. DILLON, 92nd Dist.; REP. ELLIOTT, 88th Dist.

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