



General Assembly

**Substitute Bill No. 608**

January Session, 2019



**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 Section 29-261 of the general statutes is repealed and the  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 an assistant building [officials] official shall have had  
6 at least three years' experience in construction, design or supervision,  
7 or equivalent experience as determined by the Commissioner of  
8 Administrative Services. They shall be generally informed on the  
9 quality and strength of building materials, on the accepted  
10 requirements of building construction, on the accepted requirements of  
11 design and construction relating to accessibility to and use of buildings  
12 by the physically disabled, on good practice in fire prevention, on the  
13 accepted 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] The 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] an 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 or an assistant building  
57 official shall have the right of entry at any time, if such entry is  
58 necessary in the interest of public 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 Legislative Commissioners:**

In Section 1(a), "assistant building officials" was changed to "an assistant building [officials] official" for consistency with standard drafting conventions, in Section 1(c), "A building official" was changed to "[A] The building official" for consistency and in Section 1(e) "or an assistant building official" was added for consistency.

**HSG** Joint Favorable Subst. -LCO