



# House of Representatives

**File No. 668**

General Assembly

February Session, 2004

**(Reprint of File No. 99)**

House Bill No. 5486  
As Amended by House  
Amendment Schedules  
"A" and "B"

Approved by the Legislative Commissioner  
April 26, 2004

## **AN ACT CONCERNING BUILDING OFFICIALS AND INSPECTORS.**

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

1 Section 1. Subsections (a) to (c), inclusive, of section 29-262 of the  
2 general statutes are repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2004*):

4 (a) The State Building Inspector and the Codes and Standards  
5 Committee acting jointly, with the approval of the Commissioner of  
6 Public Safety, shall require passage of a written examination and  
7 successful completion of a suitable educational program of training as  
8 proof of qualification pursuant to section 29-261, as amended, to be  
9 eligible to be a building official. No person shall act as a building  
10 official for any municipality until the State Building Inspector, upon a  
11 determination of qualification, issues a license to such person except  
12 that a license shall not be required (1) in the case of a person certified  
13 prior to January 1, 1984, or (2) in the case of a provisional appointment,  
14 for a period not to exceed ninety days in order to complete such  
15 training program and licensure classes, made in accordance with

16 standards established in regulations adopted by the State Building  
17 Inspector and the Codes and Standards Committee in accordance with  
18 the provisions of chapter 54. The State Building Inspector and the  
19 Codes and Standards Committee, with the approval of the  
20 Commissioner of Public Safety, shall adopt regulations, in accordance  
21 with chapter 54, to (A) establish classes of licensure that will recognize  
22 the varying complexities of code enforcement in the municipalities  
23 within the state, and (B) require continuing educational programs for  
24 each such class that shall include basic requirements for each such  
25 program and a system of control and reporting. Any licensed or  
26 certified building official or inspector who wishes to retire his or her  
27 license or certificate may apply to the office of the State Building  
28 Inspector to have such license or certificate retired and be issued a  
29 certificate of emeritus. Such retired official or inspector may no longer  
30 hold himself or herself out as a licensed or certified official or  
31 inspector.

32 (b) The State Building Inspector shall prepare and conduct or  
33 approve continuing educational programs designed to train and assist  
34 building officials in carrying out the duties and responsibilities of their  
35 office. Such educational programs shall be in addition to the program  
36 specified under subsection (a) of this section and shall consist of not  
37 less than ninety hours of training over consecutive three-year periods.  
38 Each building official shall attend such training programs and present  
39 proof of successful completion to the State Building Inspector. The  
40 State Building Inspector may, after notice and opportunity for hearing,  
41 revoke any license issued under the provisions of subsection (a) of this  
42 section or any certificate issued prior to January 1, 1984, for failure on  
43 the part of [a] any building official to present such proof.

44 (c) [Each municipality shall be responsible for the full payment of  
45 the] The fees for the educational programs of training required in  
46 subsections (a) and (b) of this section and the cost of textbooks for such  
47 programs shall be paid from the education fee assessed pursuant to  
48 section 29-263, as amended by this act. Any person may participate in  
49 the educational programs specified under subsection (b) of this section

50 at his own expense where space is available.

51 Sec. 2. Subsection (b) of section 29-263 of the general statutes is  
52 repealed and the following is substituted in lieu thereof (*Effective*  
53 *October 1, 2004*):

54 (b) On and after July 1, 1999, the building official shall assess an  
55 education fee on each building permit application. During the fiscal  
56 year commencing July 1, 1999, the amount of such fee shall be sixteen  
57 cents per one thousand dollars of construction value as declared on the  
58 building permit application and the building official shall remit such  
59 fees quarterly to the Department of Public Safety, for deposit in the  
60 General Fund. Upon deposit in the General Fund, the amount of such  
61 fees shall be credited to the appropriation to the Department of Public  
62 Safety and shall be used for the code training and educational  
63 programs established pursuant to section 29-251c, as amended by this  
64 act, and the educational programs required in subsections (a) and (b)  
65 of section 29-262, as amended by this act. On and after July 1, 2000, the  
66 assessment shall be made in accordance with regulations adopted  
67 pursuant to subsection (d) of section 29-251c, as amended by this act.  
68 All fees collected pursuant to this subsection shall be maintained in a  
69 separate account by the local building department. During the fiscal  
70 year commencing July 1, 1999, the local building department may  
71 retain two per cent of such fees for administrative costs incurred in  
72 collecting such fees and maintaining such account. On and after July 1,  
73 2000, the percentage of such fees which may be retained by a local  
74 building department shall be determined in accordance with  
75 regulations adopted pursuant to subsection (d) of section 29-251c, as  
76 amended by this act.

77 Sec. 3. Subsection (d) of section 29-251c of the general statutes is  
78 repealed and the following is substituted in lieu thereof (*Effective*  
79 *October 1, 2004*):

80 (d) The Commissioner of Public Safety may apply for any federal or  
81 private funds or contributions available for training and education of

82 code officials or other persons eligible to receive training under  
83 subsections (a) to (c), inclusive, of this section. Not later than July 1,  
84 2000, the Commissioner of Public Safety, with the approval of the  
85 Building Code Training Council and the Fire Marshal Training  
86 Council, shall adopt regulations in accordance with chapter 54 to  
87 establish an administrative process to adjust as necessary (1) the  
88 amount of the education fee to be assessed by the State Building  
89 Inspector pursuant to section 29-252a, as amended by this act, and each  
90 municipal building official pursuant to section 29-263, as amended by  
91 this act, and (2) the percentage of the fees collected which may be  
92 retained by each municipal building department for administrative  
93 costs. The education fee shall be adjusted downward or upward, as the  
94 case may be, when necessary, but not more than annually to reflect the  
95 actual cost of the training and educational programs and the  
96 continuing educational programs established in subsections (a) to (c),  
97 inclusive, of this section and the educational programs required in  
98 subsections (a) and (b) of section 29-262, as amended by this act, except  
99 that no such fee may be increased by more than four per cent in any  
100 one year. The percentage of fees which may be retained for  
101 administrative costs shall be adjusted downward or upward, as the  
102 case may be, when necessary, but not more than annually, to reflect the  
103 actual costs incurred in collecting such fees except that no such  
104 percentage of fees to be retained for administrative costs may be less  
105 than one per cent or greater than three per cent.

106 Sec. 4. Subsection (e) of section 29-252a of the general statutes is  
107 repealed and the following is substituted in lieu thereof (*Effective*  
108 *October 1, 2004*):

109 (e) The State Building Inspector or [his] the designee [shall] of the  
110 inspector shall inspect or cause to be inspected any construction of  
111 buildings or alteration of existing buildings by state agencies. The State  
112 Building Inspector may order any state agency to comply with the  
113 State Building Code.

114 Sec. 5. Subsection (b) of section 29-266 of the general statutes is

115 repealed and the following is substituted in lieu thereof (*Effective*  
116 *October 1, 2004*):

117 (b) When the building official rejects or refuses to approve the mode  
118 or manner of construction proposed to be followed or the materials to  
119 be used in the erection or alteration of a building or structure, or when  
120 it is claimed that the provisions of the code do not apply or that an  
121 equally good or more desirable form of construction can be employed  
122 in a specific case, or when it is claimed that the true intent and  
123 meaning of the code and regulations have been misconstrued or  
124 wrongly interpreted, [the permit, in whole or in part, having been  
125 refused by the building official,] or when the building official issues a  
126 written order under subsection (c) of section 29-261, the owner of such  
127 building or structure, whether already erected or to be erected, or his  
128 authorized agent may appeal in writing from the decision of the  
129 building official to the board of appeals. When a person other than  
130 such owner claims to be aggrieved by any decision of the building  
131 official, such person or his authorized agent may appeal, in writing,  
132 from the decision of the building official to the board of appeals, and  
133 before determining the merits of such appeal the board of appeals shall  
134 first determine whether such person has a right to appeal. Upon  
135 receipt of an appeal from an owner or his representative or approval of  
136 an appeal by a person other than the owner, the chairman of the board  
137 of appeals shall appoint a panel of not less than three members of such  
138 board to hear such appeal. Such appeal shall be heard in the  
139 municipality for which the building official serves within five days,  
140 exclusive of Saturdays, Sundays and legal holidays, after the date of  
141 receipt of such appeal. Such panel shall render a decision upon the  
142 appeal and file the same with the building official from whom such  
143 appeal has been taken not later than five days, exclusive of Saturdays,  
144 Sundays and legal holidays, following the day of the hearing thereon.  
145 A copy of such decision shall be mailed, prior to such filing, to the  
146 party taking such appeal. Any person aggrieved by the decision of a  
147 panel may appeal to the Codes and Standards Committee within  
148 fourteen days after the filing of the decision with the building official.

149 Any determination made by the local panel shall be subject to review  
150 de novo by said committee.

151 Sec. 6. Subsection (c) of section 29-402 of the general statutes is  
152 repealed and the following is substituted in lieu thereof (*Effective*  
153 *October 1, 2004*):

154 (c) The provisions of this section shall not apply to (1) a person who  
155 is engaged in the disassembling, transportation and reconstruction of  
156 historic buildings for historical purposes or in the demolition of farm  
157 buildings or in the renovation, alteration or reconstruction of a single-  
158 family residence, [or] (2) the removal of underground petroleum  
159 storage tanks, (3) the burning of a building or structure as part of an  
160 organized fire department training exercise, or (4) the demolition of a  
161 single-family residence or out building by an owner of such structure  
162 if it does not exceed a height of thirty feet, provided the owner shall be  
163 present on site while such demolition work is in progress, shall be held  
164 personally liable for any injury to individuals or damage to public or  
165 private property caused by such demolition, and provided further  
166 such demolition shall be permitted only with respect to buildings  
167 which have clearance from other structures, roads or highways equal  
168 to or greater than the height of the structure subject to demolition. The  
169 local building official may require additional clearance when deemed  
170 necessary for safety.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>October 1, 2004</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Public Safety, Dept.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 05 \$	FY 06 \$
Various Municipalities	Savings	Potential	Potential

**Explanation**

Section 1 of the bill requires the adoption of regulations to require continuing educational programming for certain building officials. Since the department is currently offering the relevant courses, passage of the bill is not anticipated to result in any additional fiscal impact.

Section 2 of the bill eliminates the requirement for municipalities to pay for certain training. Passage of the bill would result in potential savings to municipalities, as these costs would be paid from education fees assessed on building permits.

Section 3, 4 and 6 make technical changes that would not result in any fiscal impact to the state.

Section 5 of the bill allows building owners to appeal certain decisions involving code matters to local boards. While this bill is anticipated to reduce the number of appeals handled at the state level, passage of the bill would not result in any fiscal impact to the state. Because the number of appeals is minimal statewide, it is not anticipated that there will be any significant cost to municipalities.

House Amendments "A" and "B" make technical changes that do

not alter the fiscal impact of the original bill.

**OLR BILL ANALYSIS**

HB 5486 (as amended by House "A" and "B")\*

**AN ACT CONCERNING BUILDING OFFICIALS AND INSPECTORS****SUMMARY:**

This bill makes several unrelated changes to the building code statutes. It requires the state building inspector and Codes and Standards Committee, with the Department of Public Safety commissioner's approval, to adopt regulations requiring continuing educational programs for each class of licensed code enforcement officials. Under current law, building officials, but not other code officials, must attend at least 90 hours of continuing education over consecutive three-year periods. The regulations must include basic requirements for each program and a system of control and reporting.

The bill eliminates the requirement for municipalities to pay for the building officials' training and requires instead that their training and that of the other code officials be paid from the education fees assessed on building permit applications.

It exempts from demolition permit registration requirements anyone (1) burning a building or structure as part of an organized fire department training exercise or (2) removing underground petroleum storage tanks.

The bill allows aggrieved building owners to appeal any decision by a building official involving code matters to the local board of appeals. Current law permits appeals only when a building official denies a permit or notifies an owner that unlicensed workers are working at the site.

The bill also allows a building official to ask the state building inspector to retire the officials license or certificate and issue an emeritus certificate. A building inspector emeritus may not describe himself as a licensed or certified official.

The bill also makes conforming changes.

\*House Amendment "A" restores the law's requirement that the state building inspector inspect buildings constructed or altered by state agencies. The original bill allowed rather than required the inspections.

\*House Amendment "B" restores a provision in the law that allows people other than code officials to participate in training programs at their own expense if space is available.

EFFECTIVE DATE: October 1, 2004

## **BACKGROUND**

### ***Classes of Licensure***

By law, the state building inspector and the Codes and Standards Committee must establish licensure classes that recognize the various complexities of code enforcement. The classes are as follows:

1. building official,
2. assistant building official,
3. residential building inspector,
4. plan review technician,
5. mechanical inspector,
6. electrical inspector,
7. plumbing inspector,
8. heating and cooling inspector, and
9. construction inspector.

### **Legislative History**

The House referred the bill to the Planning and Development Committee on March 23 and to the Legislative Management

Committee on April 6. Both reported it favorably.

**COMMITTEE ACTION**

Public Safety Committee

Joint Favorable Report

Yea 21 Nay 0

Planning and Development Committee

Joint Favorable Report

Yea 16 Nay 0

Legislative Management Committee

Joint Favorable Report

Yea 23 Nay 0