



House of Representatives

General Assembly

File No. 111

February Session, 2004

House Bill No. 5488

House of Representatives, March 17, 2004

The Committee on Public Safety reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT REVISING THE STATE BUILDING CODE FOR SUBSTANTIAL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT.

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

1 Section 1. Subsections (h) and (i) of section 14-253a of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2004*):

4 (h) Parking spaces designated for the handicapped on or after
5 October 1, 1979, and prior to October 1, 2004, shall be as near as
6 possible to a building entrance or walkway and shall be fifteen feet
7 wide including three feet of cross hatch, or parallel to a sidewalk on a
8 public highway, and on and after October 1, 2004, parking spaces
9 designated for the handicapped shall be constructed in accordance
10 with the State Building Code. Such spaces shall be designated by
11 above grade signs with white lettering against a blue background and
12 shall bear the words "handicapped parking permit required" and
13 "violators will be fined". Such sign shall also bear the international

14 symbol of access. When such a sign is replaced, repaired or erected it
15 shall indicate the minimum fine for a violation of subsection (f) of this
16 section. Such indicator may be in the form of a notice affixed to such a
17 sign.

18 (i) Any public parking garage or terminal, as defined in the [state
19 building code] State Building Code, constructed on and after October
20 1, 1985, and prior to October 1, 2004, shall have nine feet six inches
21 vertical clearance at a primary entrance and along the route to at least
22 two parking spaces which conform with the requirements of
23 subsection (h) of this section and which have nine feet six inches
24 vertical clearance unless an exemption has been granted pursuant to
25 the provisions of subsection (b) of section 29-269. Each public parking
26 garage or terminal, as defined in the State Building Code, constructed
27 on or after October 1, 2004, shall have such vertical clearance as
28 required by said code.

29 Sec. 2. Section 29-271 of the general statutes is repealed and the
30 following is substituted in lieu thereof (*Effective October 1, 2004*):

31 Any state-assisted rental housing or rental housing project
32 constructed or substantially rehabilitated under a building permit
33 issued on or after January 1, 1976, and prior to October 1, 2004, and
34 which contains ten or more housing units shall have at least ten per
35 cent of the units and all common use areas and facilities designed to
36 promote safe and accessible means of entrance and egress and ease of
37 access and use of facilities for the physically disabled, as defined in
38 subsection (b) of section 1-1f, unless a waiver of such requirement is
39 obtained from the Commissioner of Economic and Community
40 Development as provided in this section. Any state-assisted rental
41 housing or rental housing project constructed or substantially
42 rehabilitated under a building permit issued on or after October 1,
43 2004, and which contains four or more dwelling units shall have the
44 dwelling units and all common use areas and facilities designed in
45 accordance with the State Building Code to promote the safe use of
46 facilities for the physically disabled, as defined in subsection (b) of

47 section 1-1f, unless such waiver is obtained. Said commissioner may,
48 with the concurrence of the director of the Office of Protection and
49 Advocacy for Persons with Disabilities and the State Building
50 Inspector, waive the requirement for such units for any state-financed
51 rental housing project awarded state assistance under sections 8-124a
52 and 8-216b, provided all requirements concerning the provision of
53 housing units accessible to the physically disabled promulgated by the
54 United States Department of Housing and Urban Development have
55 been met. Physically disabled persons and families shall receive
56 priority in placement in no less than ten per cent of the housing units
57 constructed or substantially rehabilitated after January 1, 1976.

58 Sec. 3. Section 29-273 of the general statutes is repealed and the
59 following is substituted in lieu thereof (*Effective October 1, 2004*):

60 [(a) Any complex, or building which is not part of a complex,
61 designated as use group R-1, "Residential-Hotels", as defined in the
62 State Building Code, containing in the aggregate twenty-five or more
63 dwelling units shall provide at least one dwelling unit accessible to
64 and usable by persons with disabilities for every twenty-five such
65 units or fraction thereof.

66 (b) Any complex, or building which is not part of a complex, and is
67 a dormitory or rooming or boarding house, as defined in the State
68 Building Code, containing in the aggregate twenty-five or more beds
69 shall provide accessibility to at least one bed for use by persons with
70 disabilities for every twenty-five such beds or fraction thereof.

71 (c) (1) Until October 1, 1991, and except as provided in subsection
72 (b) of this section, any complex, or building which is not part of a
73 complex, designated as use group R-2, "Residential-Multifamily", as
74 defined in the State Building Code, containing in the aggregate twenty-
75 five or more dwelling units shall provide at least one dwelling unit
76 accessible to and usable by persons with disabilities for every twenty-
77 five such units or fraction thereof. (2) Except as provided in subsection
78 (b) of this section, all dwelling units constructed or substantially
79 renovated on or after July 1, 1991, and which are located on the ground

80 floor and on any floor serviced by an elevator shall be accessible to and
81 adaptable for persons with disabilities in any complex, or building
82 which is not part of a complex, designated as use group R-2,
83 "Residential-Multifamily", as defined in the State Building Code.

84 (d) Any complex, or building which is not part of a complex,
85 designated as use group R-3, "Residential, one and two family
86 attached" as defined in the State Building Code, containing ten or more
87 dwelling units constructed or substantially renovated on or after July
88 1, 1991, shall provide at least one dwelling unit accessible to and
89 adaptable for persons with disabilities for every ten such units or
90 substantial fraction thereof. Such units may incorporate adaptable
91 fixtures and features as provided for in the State Building Code.]

92 Each residential building or complex constructed, substantially
93 renovated or established by change of use on or after October 1, 2004,
94 shall provide accessible or adaptable dwelling units for persons with
95 disabilities as required by the State Building Code.

96 Sec. 4. Section 29-274 of the general statutes is repealed and the
97 following is substituted in lieu thereof (*Effective October 1, 2004*):

98 (a) The provisions of section 29-269 shall not apply to [the following
99 use groups in the State Building Code: (1) Use group H "High Hazard";
100 (2) use group S-1 "Storage, Moderate" to the extent that such facility is
101 not designed to be utilized by the general public; (3) use group S-2
102 "Storage, Low" to the extent that such facility is not a parking garage to
103 be utilized by the general public; and (4) use group R-4 "Residential,
104 one and two family detached"; except that the provisions of section 29-
105 269 shall apply to any employer occupying space in use group H, S-1
106 or S-2 who is in violation of section 46a-60] detached one and two
107 family dwellings.

108 (b) The provisions of section 29-269, as amended by this act, shall
109 not apply to the renovations, additions or alterations to existing
110 buildings above the street floor being converted to use group B,
111 "Business Buildings", as defined in the State Building Code, provided:

112 (1) Each story above the street floor contains less than three thousand
113 square feet of total gross area per floor; [and] (2) the street floor is
114 renovated or altered to comply with the provisions of section 29-269,
115 as amended by this act; and (3) the nonaccessible story above the street
116 floor does not include the offices of health care providers, municipal or
117 state agencies or passenger transportation facilities or offices located in
118 airport terminals.

119 [(c) The provisions of section 29-269 shall not apply to any complex,
120 or building which is not part of a complex, designated as use group R-
121 1, "Residential-Hotels", as defined in the State Building Code, having
122 fewer than twenty-five dwelling units or to the second story of a two
123 story use group R-1 building where the street floor complies with the
124 requirements of section 29-269 and subsection (a) of section 29-273.]

125 [(d)] (c) Any building consisting of three stories or less, not
126 otherwise exempted from the provisions of section 29-269, as amended
127 by this act, shall be exempt from said section if (1) each story above or
128 below the street floor contains less than three thousand square feet of
129 total gross area, [and] (2) the street floor is designed, renovated or
130 altered to comply with the provisions of section 29-269, as amended by
131 this act, and if applicable, section 29-273, and (3) the nonaccessible
132 story above or below the street floor does not include the offices of
133 health care providers, municipal or state agencies or passenger
134 transportation facilities or offices located in airport terminals or
135 mercantile facilities having five or more tenant spaces.

136 Sec. 5. Section 29-200 of the general statutes is repealed and the
137 following is substituted in lieu thereof (*Effective October 1, 2004*):

138 (a) The State Building Inspector and the Codes and Standards
139 Committee, with the approval of the Commissioner of Public Safety
140 shall adopt [regulations in accordance with the provisions of chapter
141 54] standards as referenced in the State Building Code concerning the
142 installation, operation, maintenance and use of inclined stairway
143 chairlifts, vertical wheelchair or incline lifts and limited use, limited
144 access elevators. [In adopting such regulations, the] The State Building

145 Inspector and said committee may adopt, by reference, standards
146 concerning inclined stairway chairlifts, vertical wheelchair or incline
147 lifts and limited use, limited access elevators, as set forth by the
148 American National Standards Institute.

149 (b) Any person, agent of the state, municipality or any other
150 political subdivision of the state may apply to the State Building
151 Inspector to vary or set aside standards [incorporated in the
152 regulations] adopted under the provisions of subsection (a) of this
153 section. Any variation of or exemption from any provision of such
154 [regulations] standards shall be permitted only when approved by the
155 State Building Inspector and the executive director of the Office of
156 Protection and Advocacy for Persons with Disabilities acting jointly.
157 The State Building Inspector, within seven days of receipt of any such
158 application, shall forward a copy of such application to said executive
159 director, who shall, within thirty days of receipt, review the
160 application, and acting jointly with the State Building Inspector, render
161 a decision to accept or reject the application in whole or in part. The
162 State Building Inspector and said executive director may approve a
163 variation of or exemption from any such standard or specification
164 when they jointly determine that it would not be feasible or would
165 unreasonably complicate the construction, alteration or repair in
166 question. Such determination shall be in writing, and if it sets aside
167 any such standard or specification, a copy of such determination shall
168 be sent to said executive director.

169 [(c) Such lifts and elevators may be installed (1) in buildings
170 principally used for meeting, gathering or assembling by any civic,
171 religious, fraternal or charitable organization, (2) in residential
172 buildings designed to be occupied by one or two families, and (3) in
173 other buildings and structures only if the executive director of the
174 Office of Protection and Advocacy for Persons with Disabilities and the
175 State Building Inspector jointly approve such installation. An
176 application for the installation of such lift or elevator in other buildings
177 and structures under subdivision (3) of this subsection shall be
178 submitted to the State Building Inspector who shall, within seven days

179 of receipt of any such application, forward a copy of such application
180 to said executive director, who shall, within thirty days of receipt,
181 review the application, and acting jointly with the State Building
182 Inspector, render a decision to accept or reject the application in whole
183 or in part.]

184 [(d)] (c) Any person aggrieved by any such decision of the State
185 Building Inspector and the executive director of the Office of
186 Protection and Advocacy for Persons with Disabilities may appeal to
187 the Codes and Standards Committee within thirty days after such
188 decision has been rendered.

189 [(e)] (d) Any person aggrieved by any ruling of the Codes and
190 Standards Committee may appeal therefrom to the Superior Court in
191 accordance with section 4-183.

192 Sec. 6. Subsection (b) of section 29-269 of the general statutes is
193 repealed and the following is substituted in lieu thereof (*Effective*
194 *October 1, 2004*):

195 (b) Any variation of or exemption from any provision of (1) the State
196 Building Code relating to accessibility to, and use of, buildings and
197 structures by persons with disabilities, (2) subsection (g) of section 14-
198 253a, (3) section 29-273, as amended by this act, or (4) [subsections (b)
199 and (d) of] section 29-274, as amended by this act, shall be permitted
200 only when approved by the State Building Inspector and the director
201 of the Office of Protection and Advocacy for Persons with Disabilities
202 acting jointly. Any person, agent of the state, municipality or any other
203 political subdivision of the state may apply to the State Building
204 Inspector to vary or set aside standards incorporated in the State
205 Building Code pursuant to the provisions of subsection (a) of this
206 section. The State Building Inspector, within seven days of receipt of
207 any such application, shall forward a copy of such application to said
208 director, who shall, within thirty days of receipt, review the
209 application, and acting jointly with the State Building Inspector, render
210 a decision to accept or reject the application in whole or in part. The
211 State Building Inspector and said director may approve a variation of

212 or exemption from any such standard or specification when they
 213 jointly determine that it would not be feasible or would unreasonably
 214 complicate the construction, alteration or repair in question. Such
 215 determination shall be in writing, shall state the reasons therefor and if
 216 it sets aside any such standard or specification, a copy of such
 217 determination shall be sent to said director. Any person aggrieved by
 218 any such decision may appeal to the Codes and Standards Committee
 219 within thirty days after such decision has been rendered.

220 Sec. 7. Subsection (d) of section 8-218 of the general statutes is
 221 repealed and the following is substituted in lieu thereof (*Effective*
 222 *October 1, 2004*):

223 (d) The Commissioner of Economic and Community Development
 224 shall enter into a contract with a community housing development
 225 corporation for state financial assistance in the form of a grant-in-aid
 226 which shall be used by such community housing development
 227 corporation to provide grants for the purpose of conversion of
 228 adaptable living units into units accessible to persons with disabilities
 229 and for reconversion of such units to adaptable living units. Eligible
 230 applicants shall include any tenant or owner of a unit in a complex or
 231 building subject to the provisions of [subsections (c) and (d) of] section
 232 29-273, as amended by this act.

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>
Sec. 7	<i>October 1, 2004</i>

PS *Joint Favorable*

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:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Various State Agencies	GF - Cost	Potential	Potential
Public Safety, Dept.; Protection & Advocacy, Off.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires compliance with state building codes rather than with explicit statutory specifications.¹ While it is assumed that the majority of state facilities already meet relevant federal requirements, passage of the bill could result in costs in instances where state agencies are required to make additional improvements in order to achieve compliance under the building codes.

¹ The purpose of the bill is to revise various provisions of the general statutes for compliance with the Americans with Disabilities Act (ADA).

OLR Bill Analysis

HB 5488

AN ACT REVISING THE STATE BUILDING CODE FOR SUBSTANTIAL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT**SUMMARY:**

This bill requires compliance with the State Building Code rather than explicit statutory specifications, effectively bringing certain structures and parking spaces into more complete compliance with the accessibility requirements of the federal Americans with Disabilities Act of 1990 (ADA) and the Fair Housing Amendments Act of 1988 (FHAA). Beginning October 1, 2004, the bill requires parking spaces designated for use by the handicapped, vertical clearances in public parking garages or terminals, and accessibility features for residential facilities to conform to the standards in the State Building Code rather than statutory specifications. It applies to (1) parking areas, garages, and terminals constructed on and after October 1, 2004; (2) state-assisted rental housing or rental housing projects with four or more dwelling units constructed or substantially rehabilitated under building permits issued on or after October 1, 2004; and (3) other residential dwellings constructed, substantially renovated, or established by change of use on or after October 1, 2004.

The bill also (1) requires the State Building Inspector and the Codes and Standards Committee to adopt standards within the State Building Code, rather than regulations, with respect to the installation, operation, maintenance, and use of inclined chairlifts; vertical wheelchair or incline lifts; and limited-use, limited-access elevators and (2) eliminates the requirement that the state building inspector and the executive director of the Office of Protection and Advocacy for Persons with Disabilities jointly review and approve installations of these lift and limited-use, limited-access elevator installations. The bill does not affect a similar joint review and approval process with respect to the existing process for requesting waivers or variances from the accessibility requirements of the building code.

EFFECTIVE DATE: October 1, 2004

USE OF STATE BUILDING CODE STANDARDS

By law, the State Building Code must be revised to be in substantial compliance with both the ADA and FHAA. These two federal laws establish a broad set of accessibility requirements for a wide variety of buildings, facilities, and residential dwellings.

The statutes affected by this bill generally predate these federal laws and establish requirements that differ from them in some cases. Since the building code must reflect the requirements of ADA and FHAA, use of it rather than the specific statutory requirements as the basis for these accessibility features and accommodations would apply standards that more closely follow the federal requirements.

The bill also revises the building code exemption provisions to conform them to ADA and FHAA requirements. It eliminates exemptions for several specific use groups and building types but maintains the exemption for detached one- and two-family dwellings. It also modifies the exemption for (1) renovations, additions, or alterations to existing buildings above the street floor being converted to use group B "Business Buildings" as defined in the building code and (2) buildings of three stories or less not otherwise exempted by adding an additional qualifying condition. In the former case, the nonaccessible story above the street cannot include offices of health care providers, municipal or state agencies or passenger transportation facilities, or offices located in airport terminals. In the latter case, the nonaccessible floor above or below the street floor cannot include the offices noted above or mercantile facilities having five or more tenant spaces.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Report

Yea 21 Nay 0