



# House of Representatives

**File No. 690**

General Assembly

February Session, 2004

**(Reprint of File No. 111)**

House Bill No. 5488  
As Amended by House  
Amendment Schedules  
"A", "B" and "C"

Approved by the Legislative Commissioner  
April 30, 2004

**AN ACT REVISING THE STATE BUILDING CODE FOR SUBSTANTIAL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND CONCERNING MAIN ENTRANCES IN PLACES OF PUBLIC ASSEMBLY.**

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2 statutes are repealed and the following is substituted in lieu thereof  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. On and after October 1, 2004, parking spaces for  
9 passenger motor vehicles designated for the handicapped shall be as  
10 near as possible to a building entrance or walkway and shall be fifteen  
11 feet wide including five feet of cross hatch. On and after October 1,  
12 2004, parking spaces for passenger vans designated for the  
13 handicapped shall be as near as possible to a building entrance or

14 walkway and shall be sixteen feet wide including eight feet of cross  
15 hatch. Such spaces shall be designated by above grade signs with  
16 white lettering against a blue background and shall bear the words  
17 "handicapped parking permit required" and "violators will be fined".  
18 Such sign shall also bear the international symbol of access. When such  
19 a sign is replaced, repaired or erected it shall indicate the minimum  
20 fine for a violation of subsection (f) of this section. Such indicator may  
21 be in the form of a notice affixed to such a sign.

22 (i) Any public parking garage or terminal, as defined in the [state  
23 building code] State Building Code, constructed under a building  
24 permit application filed on [and] or after October 1, 1985, and prior to  
25 October 1, 2004, shall have nine feet six inches vertical clearance at a  
26 primary entrance and along the route to at least two parking spaces  
27 which conform with the requirements of subsection (h) of this section  
28 and which have nine feet six inches vertical clearance unless an  
29 exemption has been granted pursuant to the provisions of subsection  
30 (b) of section 29-269. Each public parking garage or terminal, as  
31 defined in the State Building Code, constructed under a building  
32 permit application filed on or after October 1, 2004, shall have eight  
33 feet two inches vertical clearance at a primary entrance and along the  
34 route to at least two parking spaces for passenger vans which conform  
35 with the requirements of subsection (h) of this section and which have  
36 eight feet two inches vertical clearance unless an exemption has been  
37 granted pursuant to the provisions of subsection (b) of section 29-269.

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

40 Any state-assisted rental housing or rental housing project  
41 constructed or substantially rehabilitated under a building permit  
42 [issued] application filed on or after January 1, 1976, and prior to  
43 October 1, 2004, and which contains ten or more housing units shall  
44 have at least ten per cent of the units and all common use areas and  
45 facilities designed to promote safe and accessible means of entrance  
46 and egress and ease of access and use of facilities for the physically

47 disabled, as defined in subsection (b) of section 1-1f, unless a waiver of  
48 such requirement is obtained from the Commissioner of Economic and  
49 Community Development as provided in this section. Any state-  
50 assisted rental housing or rental housing project constructed or  
51 substantially rehabilitated under a building permit application filed on  
52 or after October 1, 2004, and which contains four or more dwelling  
53 units shall have the dwelling units and all common use areas and  
54 facilities designed in accordance with the State Building Code to  
55 promote the safe and accessible use of facilities for the physically  
56 disabled, as defined in subsection (b) of section 1-1f, unless such  
57 waiver is obtained. Said commissioner may, with the concurrence of  
58 the director of the Office of Protection and Advocacy for Persons with  
59 Disabilities and the State Building Inspector, waive the requirement for  
60 such units for any state-financed rental housing project awarded state  
61 assistance under sections 8-124a and 8-216b, provided all requirements  
62 concerning the provision of housing units accessible to the physically  
63 disabled promulgated by the United States Department of Housing  
64 and Urban Development have been met. Physically disabled persons  
65 and families shall receive priority in placement in no less than ten per  
66 cent of the housing units constructed or substantially rehabilitated  
67 after January 1, 1976.

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

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

76 (b) Any complex, or building which is not part of a complex, and is  
77 a dormitory or rooming or boarding house, as defined in the State  
78 Building Code, containing in the aggregate twenty-five or more beds  
79 shall provide accessibility to at least one bed for use by persons with

80 disabilities for every twenty-five such beds or fraction thereof.

81 (c) (1) Until October 1, 1991, and except as provided in subsection  
82 (b) of this section, any complex, or building which is not part of a  
83 complex, designated as use group R-2, "Residential-Multifamily", as  
84 defined in the State Building Code, containing in the aggregate twenty-  
85 five or more dwelling units shall provide at least one dwelling unit  
86 accessible to and usable by persons with disabilities for every twenty-  
87 five such units or fraction thereof. (2) Except as provided in subsection  
88 (b) of this section, all dwelling units constructed or substantially  
89 renovated on or after July 1, 1991, and which are located on the ground  
90 floor and on any floor serviced by an elevator shall be accessible to and  
91 adaptable for persons with disabilities in any complex, or building  
92 which is not part of a complex, designated as use group R-2,  
93 "Residential-Multifamily", as defined in the State Building Code.

94 (d) Any complex, or building which is not part of a complex,  
95 designated as use group R-3, "Residential, one and two family  
96 attached" as defined in the State Building Code, containing ten or more  
97 dwelling units constructed or substantially renovated on or after July  
98 1, 1991, shall provide at least one dwelling unit accessible to and  
99 adaptable for persons with disabilities for every ten such units or  
100 substantial fraction thereof. Such units may incorporate adaptable  
101 fixtures and features as provided for in the State Building Code.]

102 Each residential building or complex constructed, substantially  
103 renovated or established by change of use under a building permit  
104 application filed on or after October 1, 2004, shall provide accessible or  
105 adaptable dwelling units for persons with disabilities as required by  
106 the State Building Code.

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

109 (a) The provisions of section 29-269 shall not apply to [the following  
110 use groups in the State Building Code: (1) Use group H "High Hazard";  
111 (2) use group S-1 "Storage, Moderate" to the extent that such facility is

112 not designed to be utilized by the general public; (3) use group S-2  
113 "Storage, Low" to the extent that such facility is not a parking garage to  
114 be utilized by the general public; and (4) use group R-4 "Residential,  
115 one and two family detached"; except that the provisions of section 29-  
116 269 shall apply to any employer occupying space in use group H, S-1  
117 or S-2 who is in violation of section 46a-60] detached one and two  
118 family dwellings.

119 (b) The provisions of section 29-269, as amended by this act, shall  
120 not apply to the renovations, additions or alterations to existing  
121 buildings above the street floor being converted to use group B,  
122 "Business Buildings", as defined in the State Building Code, provided:  
123 (1) Each story above the street floor contains less than three thousand  
124 square feet of total gross area per floor; [and] (2) the street floor is  
125 renovated or altered to comply with the provisions of section 29-269,  
126 as amended by this act; and (3) the nonaccessible story above the street  
127 floor does not include the offices of health care providers, municipal or  
128 state agencies or passenger transportation facilities or offices located in  
129 airport terminals.

130 [(c) The provisions of section 29-269 shall not apply to any complex,  
131 or building which is not part of a complex, designated as use group R-  
132 1, "Residential-Hotels", as defined in the State Building Code, having  
133 fewer than twenty-five dwelling units or to the second story of a two  
134 story use group R-1 building where the street floor complies with the  
135 requirements of section 29-269 and subsection (a) of section 29-273.]

136 [(d)] (c) Any building consisting of three stories or less, not  
137 otherwise exempted from the provisions of section 29-269, as amended  
138 by this act, shall be exempt from said section if (1) each story above or  
139 below the street floor contains less than three thousand square feet of  
140 total gross area, [and] (2) the street floor is designed, renovated or  
141 altered to comply with the provisions of section 29-269, as amended by  
142 this act, and if applicable, section 29-273, and (3) the nonaccessible  
143 story above or below the street floor does not include the offices of  
144 health care providers, municipal or state agencies or passenger

145 transportation facilities or offices located in airport terminals or  
146 mercantile facilities having five or more tenant spaces.

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

149 (a) The State Building Inspector and the Codes and Standards  
150 Committee, with the approval of the Commissioner of Public Safety  
151 shall adopt [regulations in accordance with the provisions of chapter  
152 54] standards as referenced in the State Building Code concerning the  
153 installation, operation, maintenance and use of inclined stairway  
154 chairlifts, vertical wheelchair or incline lifts and limited use, limited  
155 access elevators. [In adopting such regulations, the] The State Building  
156 Inspector and said committee may adopt, by reference, standards  
157 concerning inclined stairway chairlifts, vertical wheelchair or incline  
158 lifts and limited use, limited access elevators, as set forth by the  
159 American National Standards Institute.

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

178 any such standard or specification, a copy of such determination shall  
179 be sent to said executive director.

180 (c) Such lifts and elevators may be installed (1) in existing buildings  
181 principally used for meeting, gathering or assembling by any civic,  
182 religious, fraternal or charitable organization, (2) in residential  
183 buildings designed to be occupied by one or two families, [and] (3) in  
184 new buildings for which a building permit application has been filed  
185 on or after October 1, 2004, in accordance with the State Building Code,  
186 and [(3)] (4) in other existing buildings and structures only if the  
187 executive director of the Office of Protection and Advocacy for Persons  
188 with Disabilities and the State Building Inspector jointly approve such  
189 installation. An application for the installation of such lift or elevator in  
190 other buildings and structures under subdivision [(3)] (4) of this  
191 subsection shall be submitted to the State Building Inspector who shall,  
192 within seven days of receipt of any such application, forward a copy of  
193 such application to said executive director, who shall, within thirty  
194 days of receipt, review the application, and acting jointly with the State  
195 Building Inspector, render a decision to accept or reject the application  
196 in whole or in part.

197 (d) Any person aggrieved by any such decision of the State Building  
198 Inspector and the executive director of the Office of Protection and  
199 Advocacy for Persons with Disabilities may appeal to the Codes and  
200 Standards Committee within thirty days after such decision has been  
201 rendered.

202 (e) Any person aggrieved by any ruling of the Codes and Standards  
203 Committee may appeal therefrom to the Superior Court in accordance  
204 with section 4-183.

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

208 (b) Any variation of or exemption from any provision of (1) the State  
209 Building Code relating to accessibility to, and use of, buildings and

210 structures by persons with disabilities, (2) subsection (g) of section 14-  
211 253a, (3) section 29-273, as amended by this act, or (4) [subsections (b)  
212 and (d) of] section 29-274, as amended by this act, shall be permitted  
213 only when approved by the State Building Inspector and the director  
214 of the Office of Protection and Advocacy for Persons with Disabilities  
215 acting jointly. Any person, agent of the state, municipality or any other  
216 political subdivision of the state may apply to the State Building  
217 Inspector to vary or set aside standards incorporated in the State  
218 Building Code pursuant to the provisions of subsection (a) of this  
219 section. The State Building Inspector, within seven days of receipt of  
220 any such application, shall forward a copy of such application to said  
221 director, who shall, within thirty days of receipt, review the  
222 application, and acting jointly with the State Building Inspector, render  
223 a decision to accept or reject the application in whole or in part. The  
224 State Building Inspector and said director may approve a variation of  
225 or exemption from any such standard or specification when they  
226 jointly determine that it would not be feasible or would unreasonably  
227 complicate the construction, alteration or repair in question. Such  
228 determination shall be in writing, shall state the reasons therefor and if  
229 it sets aside any such standard or specification, a copy of such  
230 determination shall be sent to said director. Any person aggrieved by  
231 any such decision may appeal to the Codes and Standards Committee  
232 within thirty days after such decision has been rendered.

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

236 (d) The Commissioner of Economic and Community Development  
237 shall enter into a contract with a community housing development  
238 corporation for state financial assistance in the form of a grant-in-aid  
239 which shall be used by such community housing development  
240 corporation to provide grants for the purpose of conversion of  
241 adaptable living units into units accessible to persons with disabilities  
242 and for reconversion of such units to adaptable living units. Eligible  
243 applicants shall include any tenant or owner of a unit in a complex or

244 building subject to the provisions of [subsections (c) and (d) of] section  
 245 29-273, as amended by this act.

246 Sec. 8. Section 3 of public act 03-231 is repealed and the following is  
 247 substituted in lieu thereof (*Effective from passage*):

248 (a) Each place of public assembly, as defined in the State Fire Safety  
 249 Code, constructed under a building permit application filed on or after  
 250 [July 9, 2003,] the effective date of this section or renovated under a  
 251 building permit application filed on or after said date to increase  
 252 capacity or change its occupancy, as defined in the State Building  
 253 Code, that has a single main entrance shall have [a] such main entrance  
 254 sufficient to allow the emergency exit of two-thirds of the capacity of  
 255 such place of assembly.

256 (b) The State Fire Marshal or the State Building Inspector may grant  
 257 variations or exemptions from, or approve equivalent or alternate  
 258 compliance with, the requirement in subsection (a) of this section  
 259 where strict compliance with such requirement would entail practical  
 260 difficulty or unnecessary hardship, or is otherwise adjudged  
 261 unwarranted, provided the intent of the provisions of subsection (a) of  
 262 this section shall be observed and public welfare and safety be assured.  
 263 Any such determination by the State Fire Marshal or the State Building  
 264 Inspector shall be in writing. Any person aggrieved by any decision of  
 265 the State Fire Marshal or the State Building Inspector may appeal to  
 266 the Codes and Standards Committee within fourteen days after  
 267 mailing of the decision. Any person aggrieved by any ruling of the  
 268 Codes and Standards Committee may appeal to the superior court for  
 269 the judicial district wherein the place of assembly concerned is located.

This act shall take effect as follows:	
Section 1	October 1, 2004
Sec. 2	October 1, 2004
Sec. 3	October 1, 2004
Sec. 4	October 1, 2004
Sec. 5	October 1, 2004

Sec. 6	<i>October 1, 2004</i>
Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>from passage</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:

**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.; Judicial Dept.	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.<sup>1</sup> 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.

House Amendment "A" allows the State Fire Marshal or the State Building Inspector to grant variations or exemptions in certain circumstances. It also clarifies the current practice that building/fire safety determinations can be appealed to the Codes and Standards Committee and superior court. Passage is not anticipated to result in the need for additional resources.

House Amendments "B" and "C" make clarifying and technical changes that do not alter the fiscal impact of the original bill.

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

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**OLR BILL ANALYSIS**

HB 5488 (as amended by House "A", "B" and "C")\*

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

This bill generally requires compliance with the State Building Code rather than explicit statutory specifications regarding handicapped access. It effectively brings certain structures and parking spaces into more complete compliance with the accessibility requirements of the 1990 federal Americans with Disabilities Act (ADA) and the 1988 Fair Housing Amendments Act (FHAA). Beginning October 1, 2004, the bill modifies accessibility requirements for parking spaces designated for use by the handicapped and requires accessibility features for residential facilities to conform to the standards in the building code rather than statutory specifications. It applies to (1) parking areas, garages, and terminals constructed under a building permit application filed 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 a building permit application filed on or after October 1, 2004; and (3) other residential dwellings constructed, substantially renovated, or established by change of use under a building permit application filed on or after October 1, 2004.

The bill also (1) requires the state building inspector and the Codes and Standards Committee to adopt standards in the building code, rather than regulations, governing the installation, operation, maintenance, and use of inclined chairlifts; vertical wheelchair or incline lifts; and limited-use, limited-access elevators and (2) requires that these limited-use, limited-access elevators be installed in accordance with the building code if they are installed in new buildings for which a permit application was filed on or after October 1, 2004. 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 building code's accessibility requirements.

The bill also permits variations and exemptions from standards for exits in places of public assembly.

\*House Amendment "A" modifies the provisions on exit requirements in places of public assembly.

\*House Amendment "B" (1) adds the provision on size of handicapped parking spaces for passenger vans and eliminates the original bill's requirement for construction to conform to the building code; (2) restores a requirement, removed by the bill, for the state building inspector and Office of Advocacy and Protection director to review and approve limited-use and limited-access lifts and elevators; and (3) specifies height of vertical clearance, rather than requiring compliance with the building code, as under the bill.

\*House Amendment "C" generally exempt from the bill's provision buildings for which a permit was applied for before October 1, 2004.

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 this bill affects 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.

### **HANDICAPPED PARKING SPACES**

Under current law, handicapped parking spaces must be 15 feet wide, including three feet of cross hatch and must be located as near as possible to a building entrance or parallel to a sidewalk on a public highway. The bill requires that beginning October 1, 2004, (1) handicapped spaces for passenger vehicles include five feet of cross hatch and (2) handicapped spaces for passenger vans measure 16 feet by eight feet, including the cross hatch. For both types of vehicles, the bill eliminates the option of being located parallel to a sidewalk as an alternative to having the hatched area.

The bill reduces, from 9 feet six inches to 8 feet two inches, the amount of vertical clearance public garages and terminals must have to at least two parking spaces for passenger vans unless granted an exemption. The requirement applies to garages and terminals constructed under a building permit application filed on or after October 1, 2004.

### **PLACES OF PUBLIC ASSEMBLY**

Under current law, any place of public assembly constructed or renovated after July 9, 2003 to increase capacity or change its occupancy must have a main entrance to allow the emergency exit of two-thirds of the capacity of the building during an emergency. The bill limits the requirement to places constructed under a building permit application filed on or after October 1, 2004, if they have a single main entrance.

The bill allows the state fire marshal and state building inspector to grant variations or exemptions or approve equivalent or alternate compliance if they believe strict compliance would entail practical difficulty or unnecessary hardship or is unwarranted. When making

such determination they must observe the bill's intent and assure public safety. They must put the determination in writing.

Anyone aggrieved by the officials' decision may appeal to the Codes and Standards Committee within 14 days after the decision is mailed. Anyone aggrieved by the committee's decision may appeal to the Superior Court.

## **BACKGROUND**

### ***Legislative History***

The House referred the bill to the Planning and Development Committee on March 23, Appropriations Committee on April 6, Human Services Committee on April 15, and Government Administration Committee on April 21. All of them reported the bill favorably without change.

## **COMMITTEE ACTION**

### Public Safety Committee

Joint Favorable Report  
Yea 21 Nay 0

### Planning and Development Committee

Joint Favorable Report  
Yea 16 Nay 0

### Appropriations Committee

Joint Favorable Report  
Yea 50 Nay 0

### Human Services Committee

Joint Favorable Report  
Yea 14 Nay 0

### Government Administration Committee

Joint Favorable Report  
Yea 15 Nay 0