



House of Representatives

General Assembly

File No. 154

February Session, 2010

Substitute House Bill No. 5372

House of Representatives, March 25, 2010

The Committee on Housing reported through REP. GREEN of the 1st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING VISITABLE HOUSING.

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

1 Section 1. Section 29-269 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) The State Building Inspector and the Codes and Standards
4 Committee shall revise the State Building Code to be in substantial
5 compliance with the provisions of the Americans with Disabilities Act
6 of 1990, as amended, 42 USC 12101 and the Fair Housing Amendments
7 Act of 1988, as amended, 42 USC 3600. The provisions of this
8 subsection and the State Building Code as from time to time revised
9 pursuant to this section shall control the design, construction and
10 arrangement of all buildings and building elements, constructed under
11 permits issued on or after October 1, 1975, and all buildings or
12 building elements constructed or substantially renovated by the state,
13 any municipality or any other political subdivision of the state, the
14 architectural design of which was commenced on or after October 1,
15 1977, except buildings which have been approved by the Department

16 of Housing and Urban Development as being in conformance with
17 federal standards for housing for the elderly and physically
18 handicapped and for which a permit was issued prior to June 9, 1976,
19 to ensure accessibility thereto and use by the physically handicapped.

20 (b) Any variation of or exemption from any provision of (1) the State
21 Building Code relating to accessibility to, and use of, buildings and
22 structures by persons with disabilities, (2) subsection (g) of section 14-
23 253a, (3) section 29-273, or (4) section 29-274, shall be permitted only
24 when approved by the State Building Inspector and the director of the
25 Office of Protection and Advocacy for Persons with Disabilities acting
26 jointly. Any person, agent of the state, municipality or any other
27 political subdivision of the state may apply to the State Building
28 Inspector to vary or set aside standards incorporated in the State
29 Building Code pursuant to the provisions of subsection (a) of this
30 section. The State Building Inspector, within seven days of receipt of
31 any such application, shall forward a copy of such application to said
32 director, who shall, within thirty days of receipt, review the
33 application, and acting jointly with the State Building Inspector, render
34 a decision to accept or reject the application in whole or in part. The
35 State Building Inspector and said director may approve a variation of
36 or exemption from any such standard or specification when they
37 jointly determine that it would not be feasible or would unreasonably
38 complicate the construction, alteration or repair in question. Such
39 determination shall be in writing, shall state the reasons therefor and if
40 it sets aside any such standard or specification, a copy of such
41 determination shall be sent to said director. Any person aggrieved by
42 any such decision may appeal to the Codes and Standards Committee
43 within thirty days after such decision has been rendered.

44 (c) Regulations or codes made or amended by authority of this
45 section shall, after a public hearing called for that purpose by the State
46 Building Inspector not less than thirty days before the date of such
47 hearing, be filed by the State Building Inspector with the Secretary of
48 the State in accordance with the provisions of chapter 54 and he shall
49 thereafter make copies available to persons having an interest therein.

50 (d) If any regulation is set aside by a court of competent jurisdiction,
51 such ruling shall affect only the regulation, standard or specification
52 included in the ruling and all other regulations, standards or
53 specifications shall remain in effect.

54 (e) Notwithstanding the provisions of subsection (b) of this section,
55 a variation or exemption from the State Building Code shall not be
56 required to construct visitable features in a residential home. For
57 purposes of this section, "visitable features" means (1) interior
58 doorways that are not less than thirty-two inches in width, (2) at least
59 one no-step entrance to a home, and (3) at least one full or half
60 bathroom on the first floor.

61 Sec. 2. (*Effective October 1, 2010*) For purposes of this section,
62 "visitable housing" means one-to-four family residential construction
63 that includes three basic architectural features to allow persons with
64 disabilities to easily visit: (1) Interior doorways that are not less than
65 thirty-two inches in width, (2) at least one no-step entrance, and (3) at
66 least one full or half bathroom on the first floor. The Connecticut
67 Housing Finance Authority shall establish a program to encourage the
68 development of visitable housing in the state. The program shall
69 identify financial incentives for developers who construct visitable
70 housing and include public education about such housing. The
71 Connecticut Housing Finance Authority shall submit a report on the
72 program in accordance with section 11-4a of the general statutes to the
73 joint standing committee of the General Assembly having cognizance
74 of matters relating to housing not later than October 2, 2011.

75 Sec. 3. (NEW) (*Effective October 1, 2010, and applicable to assessment*
76 *years commencing on or after said date*) As used in this section, "visitable
77 housing" means one-to-four family residential construction that
78 includes three basic architectural features to allow persons with
79 disabilities to easily visit: (1) Interior doorways that are not less than
80 thirty-two inches in width, (2) at least one no-step entrance, and (3) at
81 least one full or half bathroom on the first floor. Any municipality
82 may, by ordinance adopted by its legislative body, provide property

83 tax abatements to developers of visitable housing.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	29-269
Sec. 2	<i>October 1, 2010</i>	New section
Sec. 3	<i>October 1, 2010, and applicable to assessment years commencing on or after said date</i>	New section

Statement of Legislative Commissioners:

In line 83, the phrase "tax credits" was changed to "tax abatements".

HSG *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
CT Housing Finance Authority	SF - Cost	Potential	Potential

Note: SF=Special Fund (Non-appropriated)

Municipal Impact:

Municipalities	Effect	FY 11 \$	FY 12 \$	FY 13
Various Municipalities	Potential Revenue Loss	See Below	See Below	See Below

Explanation

The bill, which requires the Connecticut Housing Finance Authority (CHFA) to encourage developers to build one to four family residential homes that are easy for people with disabilities to visit, will result in costs to the CHFA of \$60,000 for one staff person. In 2008, there were 5,220 building permits issued for single family home construction. CHFA, a quasi-public agency, does not work with developers of one to four family residential homes, thus they will require an additional staff person to market to these developers and provide technical assistance.

Section 3 could result in a grand list reduction. If a municipality chooses to abate property taxes it will experience a loss of revenue, which may necessitate an increase in its mill rate or a modification to its budget to offset the loss.

The Out Years

State Impact: None

Municipal Impact: Will continue into the future as described above.

OLR Bill Analysis**sHB 5372*****AN ACT CONCERNING VISITABLE HOUSING.*****SUMMARY:**

This bill requires the Connecticut Housing Finance Authority (CHFA) to establish a program that encourages Connecticut developers to build residential homes that are easy for people with disabilities to visit. CHFA must submit a report on the program to the Housing Committee by October 2, 2011.

The bill exempts the developers from a requirement to obtain a State Building Code variance or exemption to construct such homes. It authorizes municipal legislative bodies to adopt ordinances giving these developers a property tax abatement.

The bill covers one-to-four family residential housing with (1) interior doorways that are at least 32 inches wide and (2) at least one step-less entry and one full or half bathroom on the first floor (i.e., visitable features).

EFFECTIVE DATE: October 1, 2010 and the property tax abatement provision is applicable to assessment years beginning on and after that date.

BACKGROUND***State Building Code***

The State Building Code applies to building construction in all towns, cities, and boroughs in Connecticut (CGS § 29-253). It contains provisions concerning accessibility to, and use of, buildings and structures by people with disabilities but no visitability provision. A developer must apply for a variation or exemption if a building design

conflicts with accessibility requirements in the State Building Code. The State Building Inspector and the Office of Protection and Advocacy director may approve a variation of, or exemption from, any standard or specification when they jointly determine that it would not be feasible or would unreasonably complicate the construction in question (CGS § 29-269).

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 11 Nay 0 (03/11/2010)