



# House of Representatives

**File No. 639**

General Assembly

February Session, 2010

**(Reprint of File No. 154)**

Substitute House Bill No. 5372  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 26, 2010

## **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 Section 29-269 of the general statutes is repealed and the  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 a visitable feature in a residential home. For  
57 purposes of this section, "visitable feature" means (1) interior doorways  
58 that provide a minimum thirty-two inch wide unobstructed opening,  
59 (2) an accessible means of egress, as defined in Appendix A to 28  
60 C.F.R. Part 36, or (3) a full or half bathroom on the first floor that is  
61 compliant with the provisions of the Americans with Disabilities Act of  
62 1990, as amended, 42 USC 12101.

63 Sec. 2. (NEW) (*Effective October 1, 2010*) (a) For purposes of this  
64 section, "visitable housing" means one-to-four family residential  
65 construction that includes three basic architectural features to allow  
66 persons with disabilities to easily visit: (1) Interior doorways that  
67 provide a minimum thirty-two inch wide unobstructed opening, (2) an  
68 accessible means of egress, as defined in Appendix A to 28 C.F.R. Part  
69 36, and (3) a full or half bathroom on the first floor that is compliant  
70 with the provisions of the Americans with Disabilities Act of 1990, as  
71 amended, 42 USC 12101.

72 (b) The Department of Economic and Community Development, in  
73 consultation with the Connecticut Housing Finance Authority, may  
74 establish a program to encourage the development of visitable housing  
75 in the state. The program shall (1) provide a single point of contact for  
76 any person seeking financial or technical assistance from the state to  
77 construct visitable housing, (2) identify financial incentives for  
78 developers who construct visitable housing, and (3) include public  
79 education about such housing. The department shall submit a report  
80 on the status of the program, in accordance with section 11-4a of the  
81 general statutes, to the joint standing committee of the General  
82 Assembly having cognizance of matters relating to housing not later

83 than October 1, 2012.

84 (c) The Department of Economic and Community Development  
85 shall establish, within available appropriations, an informational web  
86 page in a conspicuous place on such department's Internet web site  
87 with a list of links to available visitable housing resources.

88 Sec. 3. (NEW) (*Effective October 1, 2010, and applicable to assessment*  
89 *years commencing on or after said date*) As used in this section, "visitable  
90 housing" means one-to-four family residential construction that  
91 includes three basic architectural features to allow persons with  
92 disabilities to easily visit: (1) Interior doorways that provide a  
93 minimum thirty-two inch wide unobstructed opening, (2) an accessible  
94 means of egress to a home, as defined in Appendix A to 28 C.F.R. Part  
95 36, and (3) a full or half bathroom on the first floor that is compliant  
96 with the provisions of the Americans with Disabilities Act of 1990, as  
97 amended, 42 USC 12101. Any municipality may, by ordinance adopted  
98 by its legislative body, provide property tax abatements to developers  
99 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

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 \$
Department of Economic & Community Development	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:**

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

**Explanation**

The bill as amended permits the Department of Economic and Community Development (DECD) to establish a program to encourage the development of visitable housing and requires the department to submit a report on the status of the program. The bill as amended requires DECD to develop an informational web page with a list of links on visitable housing resources. These changes result in no fiscal impact to DECD.

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.

House "A" strikes the underlying bill and its associated fiscal impact. The amendment becomes the bill and its fiscal impact is discussed above.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sHB 5372 (as amended by House "A")\******AN ACT CONCERNING VISITABLE HOUSING.*****SUMMARY:**

This bill authorizes the Department of Economic and Community Development (DECD), in consultation with 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 (commonly known as visitable housing). It defines "visitable housing" as one-to-four family residential housing with "visitable features," which are (1) interior doorways that provide a minimum 32-inch wide clear opening, (2) at least one accessible means of egress, and (3) at least one full or half bathroom on the first floor that is compliant with the Americans with Disabilities Act of 1990, as amended.

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

Within available appropriations, the bill requires DECD to establish an informational webpage in a conspicuous place on its Internet website that provides links to available visitable housing resources.

\*House Amendment "A" (1) authorizes, rather than requires, the program; (2) puts DECD in charge of it, rather than CHFA; (3) requires a single contact for program financial and technical assistance and adds the website requirement; (4) extends the reporting deadline by one year; and (5) makes minor and technical changes to the visitability

criteria.

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

**VISITABLE HOUSING PROGRAM**

The bill permits DECD to establish a program to encourage visitable housing development. The program must (1) provide a single point of contact for any person seeking state financial or technical assistance to construct visitable housing, (2) identify financial incentives for developers constructing such housing, and (3) include public education.

If DECD establishes the program, it must submit a report on its status to the Housing Committee by October 1, 2012.

**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)

Public Safety and Security Committee

Joint Favorable

Yea 19 Nay 1 (04/07/2010)

Planning and Development Committee

Joint Favorable

Yea 18 Nay 0 (04/14/2010)