



# Senate

General Assembly

**File No. 661**

January Session, 2011

Substitute Senate Bill No. 487

*Senate, April 28, 2011*

The Committee on Public Safety and Security reported through SEN. HARTLEY of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT PROHIBITING LOCAL BUILDING STANDARDS.**

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

1 Section 1. Subsection (a) of section 8-2 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (a) The zoning commission of each city, town or borough is  
5 authorized to regulate, within the limits of such municipality, the  
6 height, number of stories and size of buildings and other structures;  
7 the percentage of the area of the lot that may be occupied; the size of  
8 yards, courts and other open spaces; the density of population and the  
9 location and use of buildings, structures and land for trade, industry,  
10 residence or other purposes, including water-dependent uses, as  
11 defined in section 22a-93, and the height, size and location of  
12 advertising signs and billboards. Such bulk regulations may allow for  
13 cluster development, as defined in section 8-18. Such zoning  
14 commission may divide the municipality into districts of such number,

15 shape and area as may be best suited to carry out the purposes of this  
16 chapter; and, within such districts, it may regulate the erection,  
17 construction, reconstruction, alteration or use of buildings or  
18 structures and the use of land. All such regulations shall be uniform  
19 for each class or kind of buildings, structures or use of land throughout  
20 each district, but the regulations in one district may differ from those  
21 in another district, and may provide that certain classes or kinds of  
22 buildings, structures or uses of land are permitted only after obtaining  
23 a special permit or special exception from a zoning commission,  
24 planning commission, combined planning and zoning commission or  
25 zoning board of appeals, whichever commission or board the  
26 regulations may, notwithstanding any special act to the contrary,  
27 designate, subject to standards set forth in the regulations and to  
28 conditions necessary to protect the public health, safety, convenience  
29 and property values. Such regulations shall be made in accordance  
30 with a comprehensive plan and in adopting such regulations the  
31 commission shall consider the plan of conservation and development  
32 prepared under section 8-23. Such regulations shall be designed to  
33 lessen congestion in the streets; to secure safety from fire, panic, flood  
34 and other dangers; to promote health and the general welfare; to  
35 provide adequate light and air; to prevent the overcrowding of land; to  
36 avoid undue concentration of population and to facilitate the adequate  
37 provision for transportation, water, sewerage, schools, parks and other  
38 public requirements. Such regulations shall be made with reasonable  
39 consideration as to the character of the district and its peculiar  
40 suitability for particular uses and with a view to conserving the value  
41 of buildings and encouraging the most appropriate use of land  
42 throughout such municipality. Such regulations may, to the extent  
43 consistent with soil types, terrain, infrastructure capacity and the plan  
44 of conservation and development for the community, provide for  
45 cluster development, as defined in section 8-18, in residential zones.  
46 Such regulations shall also encourage the development of housing  
47 opportunities, including opportunities for multifamily dwellings,  
48 consistent with soil types, terrain and infrastructure capacity, for all  
49 residents of the municipality and the planning region in which the

50 municipality is located, as designated by the Secretary of the Office of  
51 Policy and Management under section 16a-4a. Such regulations shall  
52 also promote housing choice and economic diversity in housing,  
53 including housing for both low and moderate income households, and  
54 shall encourage the development of housing which will meet the  
55 housing needs identified in the housing plan prepared pursuant to  
56 section 8-37t and in the housing component and the other components  
57 of the state plan of conservation and development prepared pursuant  
58 to section 16a-26. Zoning regulations shall be made with reasonable  
59 consideration for their impact on agriculture. Zoning regulations may  
60 be made with reasonable consideration for the protection of historic  
61 factors and shall be made with reasonable consideration for the  
62 protection of existing and potential public surface and ground  
63 drinking water supplies. On and after July 1, 1985, the regulations shall  
64 provide that proper provision be made for soil erosion and sediment  
65 control pursuant to section 22a-329. Such regulations may also  
66 encourage energy-efficient patterns of development, the use of solar  
67 and other renewable forms of energy, and energy conservation. The  
68 regulations may also provide for incentives for developers who use  
69 passive solar energy techniques, as defined in subsection (b) of section  
70 8-25, in planning a residential subdivision development. The  
71 incentives may include, but not be limited to, cluster development,  
72 higher density development and performance standards for roads,  
73 sidewalks and underground facilities in the subdivision. Such  
74 regulations may provide for a municipal system for the creation of  
75 development rights and the permanent transfer of such development  
76 rights, which may include a system for the variance of density limits in  
77 connection with any such transfer. Such regulations may also provide  
78 for notice requirements in addition to those required by this chapter.  
79 Such regulations may provide for conditions on operations to collect  
80 spring water or well water, as defined in section 21a-150, including the  
81 time, place and manner of such operations. No such regulations shall  
82 prohibit the operation of any family day care home or group day care  
83 home in a residential zone. No such regulations shall prohibit the use  
84 of receptacles for the storage of items designated for recycling in

85 accordance with section 22a-241b or require that such receptacles  
86 comply with provisions for bulk or lot area, or similar provisions,  
87 except provisions for side yards, rear yards and front yards. No such  
88 regulations shall unreasonably restrict access to or the size of such  
89 receptacles for businesses, given the nature of the business and the  
90 volume of items designated for recycling in accordance with section  
91 22a-241b, that such business produces in its normal course of business,  
92 provided nothing in this section shall be construed to prohibit such  
93 regulations from requiring the screening or buffering of such  
94 receptacles for aesthetic reasons. Such regulations shall not impose  
95 conditions and requirements on manufactured homes having as their  
96 narrowest dimension twenty-two feet or more and built in accordance  
97 with federal manufactured home construction and safety standards or  
98 on lots containing such manufactured homes which are substantially  
99 different from conditions and requirements imposed on single-family  
100 dwellings and lots containing single-family dwellings. Such  
101 regulations shall not impose conditions and requirements on  
102 developments to be occupied by manufactured homes having as their  
103 narrowest dimension twenty-two feet or more and built in accordance  
104 with federal manufactured home construction and safety standards  
105 which are substantially different from conditions and requirements  
106 imposed on multifamily dwellings, lots containing multifamily  
107 dwellings, cluster developments or planned unit developments. Such  
108 regulations shall not prohibit the continuance of any nonconforming  
109 use, building or structure existing at the time of the adoption of such  
110 regulations. Such regulations shall not provide for the termination of  
111 any nonconforming use solely as a result of nonuse for a specified  
112 period of time without regard to the intent of the property owner to  
113 maintain that use. Such regulations shall not provide for any building  
114 code or construction standard. Any city, town or borough which  
115 adopts the provisions of this chapter may, by vote of its legislative  
116 body, exempt municipal property from the regulations prescribed by  
117 the zoning commission of such city, town or borough; but unless it is  
118 so voted municipal property shall be subject to such regulations.

119 Sec. 2. Section 29-253 of the general statutes is repealed and the

120 following is substituted in lieu thereof (*Effective from passage*):

121 (a) The State Building Code, including any amendment to said code  
122 adopted by the State Building Inspector and Codes and Standards  
123 Committee, shall be the building code for all towns, cities and  
124 boroughs.

125 (b) Any provision of a municipal ordinance or regulation that  
126 requires any building code or construction standard other than those  
127 contained in the State Building Code is superseded and shall be of no  
128 force or effect. The provisions of this subsection shall not apply to any  
129 municipal housing code that regulates the maintenance, sanitation,  
130 ventilation, appearance or other condition of any building intended for  
131 residential use.

132 [(b)] (c) Nothing in this section shall prevent any town, city or  
133 borough from adopting an ordinance governing the demolition of  
134 buildings deemed to be unsafe. As used in this subsection, "unsafe  
135 building" means a building that constitutes a fire hazard or is  
136 otherwise dangerous to human life or the public welfare.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	8-2(a)
Sec. 2	<i>from passage</i>	29-253

**PS**      *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 12 \$	FY 13 \$
Treasurer, Debt Serv.	GF - Cost Avoidance	Potential	Potential

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	Potential Cost Avoidance/Potential Cost	See Below	See Below

**Explanation**

The bill would prohibit zoning commissions from adopting regulations concerning building codes or construction standards, and nullify any municipal ordinance or regulation more stringent than the State Building Code (except certain housing code requirements). As the state and municipalities finance capital projects, they may experience a cost avoidance for any given project, should construction expenses be reduced. The amount of potentially averted costs would vary with the complexity and magnitude of any affected project.

Enactment of the bill may result in additional costs for local public safety or health authorities, in the course of responding to emergent situations, as locally established standards (other than certain housing code regulations for buildings intended for residential use) that promote public safety/health would be superseded by the State Building Code.

**The Out Years**

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

**OLR Bill Analysis****sSB 487*****AN ACT PROHIBITING LOCAL BUILDING STANDARDS.*****SUMMARY:**

This bill prohibits zoning commissions from adopting regulations that provide for any building code or construction standard.

By law, the State Building Code is the building code for all towns, cities, and boroughs. With one exception, the bill specifies that the state code supersedes any municipal ordinance or regulation that requires a different building code or construction standard. Under the bill, any such ordinance has no force and effect. It exempts any municipal housing code regulating the maintenance, sanitation, ventilation, appearance, or other condition of residential buildings.

Under existing law unchanged by the bill, a town, city, or borough may adopt an ordinance governing the demolition of hazardous buildings.

EFFECTIVE DATE: October 1, 2011

**BACKGROUND*****Legislative History***

The Senate referred the bill (File 216) to the Public Safety and Security Committee, which (1) eliminated a provision barring zoning commissions from adopting regulations that exceed the State Building Code, rather than just providing any building codes or standards, and (2) added the exemption for municipal housing codes.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable

Yea 20 Nay 0 (03/07/2011)

Public Safety and Security Committee

Joint Favorable Substitute

Yea 22 Nay 0 (04/13/2011)