



OLR RESEARCH REPORT

July 9, 2012

2012-R-0275

LEGISLATIVE HISTORY OF THE PROVISION ESTABLISHING A STATEWIDE BUILDING CODE

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You asked for a legislative history of the legislation establishing a statewide building code.

SUMMARY

In 1969, Public Act 443 made the State Building Code a statewide code, requiring municipalities (towns, cities, and boroughs) to follow it, but allowing them and interested parties to propose amendments to it. Prior law had allowed municipalities to adopt the code by ordinance. The act also created the Codes and Standards Committee to work with the state building inspector to administer the code.

When the legislation was introduced in 1969, some towns had adopted the state code, but more than one-third of Connecticut towns did not have a building code and several had adopted local codes. The legislation started in the Committee on State Development as SB 417, *An Act Concerning the Applicability of the State Building Code to Municipalities*. The committee referred it to the General Law Committee, which reported a substitute bill to the floor. The bill passed on a voice vote in both chambers and it took effect on October 1, 1970. The provisions are codified at CGS §§ [29-252](#), [-253](#), and [-254](#).

Legislators who supported the legislation argued that a uniform code (1) promotes public safety by setting minimum standards to which buildings can be legally constructed, (2) reduces building construction costs, and (3) improves efficiency by providing consistent construction standards for design and construction professionals.

Legislators who opposed the legislation generally acknowledged the value of a uniform code, but they contended that the decision to adopt such a code should be left to the towns.

SUBSTITUTE SENATE BILL 417 (sSB 417)

sSB 417 made numerous changes in the statutes pertaining to the State Building Code. It, among other things:

1. made the state building code the building code for all municipalities;
2. created the Codes and Standards Committee to work with the state building inspector to enforce and administer the code;
3. allowed municipalities and interested parties to propose amendments to the code and created a public hearing process for adopting amendments;
4. required municipalities to appoint, and set qualifications and certification requirements for, building officials; and
5. required each municipality to establish a board of appeals to hear appeals of building officials' decisions.

The bill started in the Committee on State Development, which referred it to the General Law Committee. The General Law Committee scheduled a public hearing on the bill for February 25, 1969, but we found no testimony on record.

SENATE DEBATE

The Senate debated sSB 417 on May 22. In bringing out the bill, Senator Jackson explained that it would put "some teeth into our statutes" and prevent problems with unscrupulous contractors. The bill passed on a voice vote with virtually no debate and no opposition.

HOUSE DEBATE

Supporting Arguments

The House debated the bill on May 26. The debate focused almost exclusively on the provision making the State Building Code the code for all municipalities.

Representative Stecker introduced the bill and explained its purpose. He pointed out that 70 towns did not have a building code; 13 had “private” codes, including Hartford and New Haven; and the others used the Connecticut basic building code. He highlighted some of the potential problems with having different building codes, construction standards, and code-related inspection and enforcement requirements. He also named several sources of support for a uniform, mandatory code, including the state building inspector, Public Works Department, federal Housing and Urban Development Department, and Connecticut Building Officials Association. Quoting an association official, Representative Stecker stated:

There must be a uniform code or as close to a uniform code as possible, adopted by all of our cities, towns and municipalities as quickly as possible. There has been a great need for this legislation, the purpose of which is to bring about a set of circumstances that would allow sound and safe construction and healthful standards of occupancy in dwellings, business establishments without burdening the public with unnecessary stringent methods of construction and specification type codes. By the same token, many towns and boroughs have had to accept inferior methods of construction because they have had no code to protect them whatsoever (House Proc., 1969 Sess., p. 3876).

Safety Issues. Several legislators argued for a statewide, uniform code on safety grounds. For example, according to Representative McNellis:

A building code is for the protection of the public in all of our cities and towns. Too many of our towns have no building code. This permits unscrupulous builders and contractors to construct buildings of substandard quality and then cover it up with finished walls which can hide many defects. Years later when many of these defects show, it’s too late for the owner of the building, usually a homeowner, to do anything about it. . . (House Proc., 1969 Sess., pp. 3890-3891).

Cost. Some representatives pointed out that a uniform code would help reduce building costs. According to Representative O’Neill, it would also encourage people to “go into the cities to help to rebuild” (House Proc., 1969 Sess., p. 3878).

Others pointed out that a statewide code removes the expense to municipalities to update local codes. According to Representative Stecker, “the cost of preparing a building code and keeping it up to date and keeping it a viable code is an extremely expensive thing” (House Proc., 1969 Sess., p. 3891).

Efficiency. Several legislators commented on the difficulty facing developers trying to work with building codes that vary throughout the state. Representative Taxcinelli noted the “consternation it causes when going from town to town and the building codes differ” (House Proc., 1969 Sess., p. 3878). Similarly, Representative Ajello said:

The significance of this bill is that it eliminates or will tend to eliminate the crazy patchwork of building codes or the lack of them entirely which now are a problem throughout our state. Anyone who has experienced the difficulty of determining from town to town the requirements particularly when one occasionally finds amateur building inspectors who aren’t too sure about the provisions of the code themselves in their own town will certainly realize that it is beneficial to standardize this thing (House Proc., 1969 Sess., p. 3882).

Opposing Arguments

Legislators who opposed the bill did so on the grounds that it was a mandate on towns. Representative Mayer acknowledged that a uniform, statewide code would reduce building costs and make it easier for builders who would no longer have to deal with multiple codes (House Proc., 1969 Sess., p. 3879). But, he contended, “I think that you are taking the power away from the local communities and you should not do it” (House Proc., 1969 Sess., p. 3872).

Similarly, Representative Camp argued:

I think that the towns are quite capable of determining what is safe for their town and what standards should be applied to their town. I think the difficulty with the hodgepodge around the state does exist but it seems to me that by allowing the towns to adopt a state building code, we can do much toward persuading

them to without shoving this stuff down their throat (House Proc., 1969 Sess., p. 3889).

Amendments

The House called and rejected two amendments. House Amendment "A" would have exempted towns that had already adopted a local building code from the state code. House Amendment "B" would have allowed towns to impose stricter requirements than those in the state code.

ATTACHMENTS

Transcript of the floor debate is attached.

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