



December 3, 2013

165 Capitol Avenue
Hartford, CT 06106

Senator Andres Ayala, Co-Chair
Representative Selim Noujaim, Co-Chair
Regulation Review Committee
Room 011, Capitol Building
Hartford, CT 06106

Re: 2013 Amendment to the 2005 Connecticut State Building Code

Dear Senator Ayala and Representative Noujaim:

Attached, please find this agency's resubmitted 2013 Amendment to the State Building Code. As this proposed regulation is an amendment to the existing 2005 State Building Code, which itself is essentially an amendment to national model codes adopted by the state, certain issues raised by the committee are not applicable. As with past amendments to the State Building Code, most recently in 2011 and 2009, the 2013 amendment must be drafted in conformance with the underlying documents, not necessarily in conformance with the drafting of other state agency regulations.

Note that throughout the proposed regulation, the agency did not rewrite provisions that cite statutory language while also repeating or paraphrasing the statutory language. The underlying 2005 State Building Code is written to include statutory references and the statutory language when Connecticut state statute requires variation from the model code. Connecticut-specific statutorily required provisions are drafted this way in more than 65 instances of the underlying Code and previous amendments. To change the method of references in this current amendment would be inconsistent with the previous versions, confusing to the reader, and unnecessarily burdensome to the building community.

If you have any questions, please do not hesitate to contact me or Acting State Building Inspector Joe Cassidy (860 713-5705).

Sincerely,

Jenna Padula
Staff Attorney
(860) 713-5868

c: Senator Chapin, Co-Chair Public Safety Sub-Committee
Representative Candelora, Co-Chair Public Safety Sub-Committee
Joe Cassidy, Acting State Building Inspector

DEPARTMENT OF ADMINISTRATIVE SERVICES

Summary of Changes—Proposed Regulation 2013-038

2013 Amendment to the 2005 Connecticut State Building Code

Regarding the substantive concerns:

1. Page 28, Section N1101.4.1.1, the agency rewrote the provision.

Throughout the proposed regulation, the agency did not rewrite the other provisions that cite sections of the General Statutes while also repeating or paraphrasing the statutory language. This proposed regulation is an amendment to the 2005 Connecticut State Building Code, which is written to include references to statutes and the language contained within such sections. Eighteen of the sections cited in the Memorandum were included in the underlying 2005 Connecticut State Building Code. In addition, the 2005 Connecticut State Building Code references a General Statute section while repeating or paraphrasing the statutory language dozens of times, including in the amendments to the 2003 International Building Code, Sections 101.4.8.1, 103.2, 104.1.1, 104.6, 104.10.3, 104.10.4, 104.10.5, 105.2.4, 105.3.1.1, 106.1.5.1, 106.1.6, 106.5.1, 106.1.6, 106.5, 110.1, 110.1.2, 110.1.3, 112.1, and at least 14 other sections; in the amendments to the 2003 International Existing Building Code, Sections 101.12.1, 106.1.4, 106.1.5.1, 106.1.6, 110.1, 110.1.2, and 506.1.3; in the amendments to the 2003 International Plumbing Code, Sections 102.6, 104.2, 104.5, 105.1.2, and 108.4; in the amendments to the 2003 International Mechanical Code, Section 101.2.3.1; and in the amendments to the 2003 International Residential Code, Sections R101.4.2.1, R104.1.1 (also in current amendment), R104.6 (also in current amendment), R104.10 (also in current amendment), R105.3.1.2 (also in current amendment), R110.1 (also in current amendment), R110.1.1 (also in current amendment), R110.1.2 (also in the current amendment), R112.1 (also in the current amendment), R112.1.2 (also in the current amendment), R112.3 to R112.8 (all also in the current amendment), R113.4 (also in the current amendment), R301.9, and N1101.3.1.1 (also in the current amendment).

In the 2009 Amendment to the 2005 Connecticut State Building Code, examples of references to a section of the General Statutes while also repeating or paraphrasing the statutory language can be found in the amendments to the 2006 International Energy Conservation Code, Section 402.2.10 and in the amendments to the 2003 International Residential Code, Sections R322.6.2 and R322.6.3.

The committee did not raise an issue with any of the statutory references in the underlying code or previous amendments. To change the references to Connecticut-specific statutorily required provisions of the State Building Code in this 2013 amendment would be inconsistent with the underlying code and previous amendments, confusing to the reader and unnecessarily burdensome to the building community.

2. Page 5, Section R104.10, the agency changed “14 days” to “30 days” in the second to last line.

3. Page 6, Section R105.1.1 the agency added a reference to section 29-263 of the Connecticut General Statutes, adding this section to the list of sections that both cite to and repeat the statutory language.

4. Page 12, Section R112.2.1 the agency did not change the language as the reference to “five years experience each” continues to have the same meaning as it did in the underlying 2005 Connecticut State Building Code.

5. Page 13, Section R114.2, the agency added “shall be liable for penalties in accordance with Section R113.4”.

6. Page 18, Section R302.2, the agency changed “Chapters 34 through 43” to “Chapters 34 to 43, inclusive, of this code”.

7. Page 28, Section N1101.8, the agency did not delete or modify the language as the code as written already names three equivalent rating systems and further states that buildings approved in writing by any of the named rating systems shall be considered in compliance with this chapter.

8. Page 43, Section 90.2, the agency did not substitute “the 2011 NFPA National Electrical Code” for references to “this code” as Section 90.2 is not the first section of the underlying model code and doing so would be inconsistent with such underlying model code. In addition, the substitution has not been made in previous versions and amendments to the Connecticut State Building Code.

Regarding the technical corrections:

1. Page 1, the agency changed the introductory language to “Section 29-252-1d of the Regulations of Connecticut State Agencies is amended to read as follows” and deleted the introductory language on pages 2 and 43.

2. Page 1, the agency inserted two commas and changed the fourth line of the last paragraph to “[P.O. Box 9101,] Quincy, MA [02269-9101] 02169-7471”.

3. Page 2, Section R101.1, the agency did not change the reference to “these regulations”. The language in Section R101.1 of the 2013 Amendment to the State Building Code mirrors the language in Section 101.1 of the Amendments to the 2003 International Existing Building Code portion of the 2005 State Building Code, Section 101.1 of the Amendments to the 2003 International Plumbing Code portion of the 2005 State Building Code, Section 101.1 of the Amendments to the 2003 International Mechanical Code portion of the 2005 State Building Code, Section 101.1 of the Amendments to the 2003 International Energy Conservation Code portion of the 2005 State Building Code, and Section R101.1 of the Amendments to the 2003 International Residential Code portion of

the 2005 State Building Code (as in the current amendment). In addition, this language mirrors the language of Section 101.1 of the Amendments to the 2006 International Energy Conservation Code portion of the 2009 Amendment to the State Building Code and Section 101.1 of the Amendments to the 2009 International Energy Conservation Code portion of the 2011 Amendment to the 2005 State Building Code. The committee did not raise an issue with any of the references to “these regulations” in the underlying code or previous amendments. Changing the language in the current amendment would make one section of the code inconsistent with the others.

4. Page 3, Section R101.4.2, the agency deleted the reference to Section 29-316 of the Connecticut General Statutes.

5. Page 4, Section R103.3, the agency did not delete a comma and insert “and” in the third line as this is a list of appointments that may be made by a building official.

6. Page 5, Section 104.10.2, the agency deleted “and” in the third line.

7. Page 8, Section R105.3.1, the agency substituted “therefor” for “therefore” twice.

8. Pages 10 and 11, the agency substituted “building official” for “Building Official” throughout the sections.

9. Page 11, Section R112.1, the agency substituted “subsection (b)” for “subsection (a)”.

10. Page 12, Section R112.3, the agency deleted “under this subsection”.

11. Pages 13 and 14, the agency did not change the format of any of the nine defined terms. The underlying model code includes more than 350 defined terms in this section, some of which use “[the term] shall mean...”, some of which use a complete sentence as in “[the term] is a device that...”, and some of which use sentence fragments. In addition, the definitions for “COMPLEX” and “BUILDING, EXISTING” are nearly verbatim to the definitions for such terms in the 2009 Amendment to the 2005 State Building Code.

12. Page 13, the agency substituted “measured” for “measure”.

13. Page 15, Figures R.301.2(1) to R301.2(6), the agency substituted “Delete without substitution” for “Delete without Substitution”.

14. Page 18, Section R302.2.4, Exception 2, the agency substituted “fastened” for “may fasten”.

15. Page 20, Section R310.1, the agency did not substitute “Existing” for “In existing” as the exception refers to basements and attics in existing buildings, not basements, attics and existing buildings.

16. Page 21, Section R311.7.1, the agency inserted “of” after “width” in the second line of Exception 3.
17. Page 24, Section R315.1.1, the agency inserted “a” in the fourth line.
18. Page 25, Section R320.4.2, the agency deleted the semicolon in the fourth line as there was no semicolon in the second line.
19. Page 26, Section 321.1, the agency did not change “limited use/limited application” as this refers to a classification of elevators and is consistent with the underlying model code.
20. Page 27, Section 403.1, Exception, the agency substituted “under this section” for “above” in the third line.
21. Page 27, Section R404.4.1, the agency substituted “are not” for “shall not be” in the last line.
22. Page 27, Section R405.3, the agency substituted “including, but not limited to,” for “including but not limited to”.
23. Page 28, Section N1101.8, the agency substituted “may deem” for “shall be permitted to deem” in the second line.
24. Page 30, Sections G2412.2 and G2423.1, the agency added references to the State Fire Prevention Code.
25. Page 31, Section E3401.2.1, the agency substituted “to 43, inclusive” for “through 43 inclusive” in the third line.
26. Page 36, the agency changed the zip code for the National Fire Protection Association.
27. Page 43, Section 90.2(A), the agency did not change the punctuation in the subdivisions as doing so would be inconsistent with the underlying model code.
28. Page 44, Section 90.2(B)(5)a, the agency did not delete the second “or” because doing so would be inconsistent with the underlying model code.
29. Page 45, Section 210.8, the agency did not substitute “**Exception**” for “Exception” nor did it substitute “Exception” for “Exception to (2)”, “Exception to (3)” or “Exception to (5)” as such substitutions would be inconsistent with the underlying model code.
30. Page 45, the agency did not insert “Section” before section numbers as such insertions would be inconsistent with the underlying model code.

31. Page 46, Section 250.50, the agency did not substitute “(A)(1) to (A)(6), inclusive, of section 250.52” for “250.52(A)(1) through (A)(6)” as such substitution would be inconsistent with the underlying model code.

32. Page 46, Section 250.104, the agency deleted “(1)”.

33. Page 48, Section 700.7, the agency substituted “service-entrance equipment” for “service entrance equipment” in three places.