



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN OPPOSITION TO:

**S.B. NO. 86 (RAISED) AN ACT CONCERNING THE FIRE SAFETY CODE AND ONE,
TWO AND THREE-FAMILY DWELLINGS**

JOINT COMMITTEE ON PLANNING AND DEVELOPMENT

February 19, 2016

The Division of Criminal Justice strongly opposes S.B. No. 86, An Act Concerning the Fire Safety Code and One, Two and Three-Family Dwellings and would respectfully recommend that the Committee take NO ACTION on this bill.

For the record, I am Judith R. Dicine, the Supervisory Assistant State's Attorney for Housing Matters, and I appear before the Committee today in that official capacity. Pursuant to Section 51-278 of the General Statutes the Division of Criminal Justice is responsible for the prosecution of criminal housing matters within the State of Connecticut. It is on the basis of our experience and resulting expertise in the investigation and prosecution of criminal housing matters that the Division must strongly oppose S.B. No. 86.

S.B. No. 86 proposes to remove three-family dwellings from the list of required annual Connecticut Fire Safety Code (CFSC) inspections by local fire marshals. There is no three-family exception currently in our code, and for good reason. The CFSC prevents fires and resulting injuries by requiring minimum fire safety protection to occupants of buildings in the event of fire or other emergency. It currently applies to both new construction and existing structures, inclusive of apartment occupancies, which our code defines as a three-family dwelling unit or larger. Therefore, a three-family dwelling is an apartment occupancy under the CFSC and is to be inspected the same as any structure with more than three apartments. Our definition is based on national code standards based on current research and data, which assess risks in various occupancy types and from that creates the standards (as put forth by the National Fire Protection Association). Connecticut has adopted this national code and its standards for preventing fires and injuries. There is no indication that we need less than that level of security. On the contrary, we have found our CFSC routine inspection program, particularly on residential housing, is highly productive in identifying hazards and risks before an incident occurs. We respectfully state that this life safety inspection should not be removed.

Section 3 of S.B. No. 86 proposes additionally to allow a variation or exemption from the CFSC for all three-family dwelling units in the state when application of the code would cause "impairment or destruction of the features of a historic structure or landmark". We have beautiful old "apartment" occupancies in our state, of various sizes and styles, including three-family dwellings. Some qualify as historic and are still occupied by tenants. Obviously, the need for safety for these tenants is identical to that of any other building occupant. However, recognizing that our historic structures are very special to Connecticut, we have a system in place under current law which allows for the weighing out of the interests of historic value or beauty versus fire safety. As written now, General Statutes Section 29-296 provides an application process for reasonable modifications of the code by any affected property owner, which may be granted by the State Fire Marshal where strict compliance with such provisions would entail practical difficulty, unnecessary hardship or is otherwise adjudged unwarranted, provided any such variation or exemption or approved equivalent or alternate compliance shall, in the opinion of the State Fire Marshal, secure the public safety. The current modification procedure in Section 29-296, in our opinion, affords adequate consideration of the special concerns presented with compliance with the CFSC in historic properties, while retaining minimum fire safety.

Many of our old buildings are in need of maintenance, including critical components affecting egress and first alert systems. In a typical municipality, it is the fire marshal alone who enters an apartment occupancy yearly to check the life safety components of the structure as it ages and deteriorates. Public safety being the chief concern of government, we suggest the CFSC inspection schedule adopted by this state currently reflects that priority. We should continue to recognize the importance of our existing three-family inclusion in our code for annual inspections and require compliance with the minimum fire safety standards that apply to all our apartment occupancies, at a minimum.

In conclusion, the Division wishes to thank the Committee for affording this opportunity to provide testimony on this important issue. We would be happy to provide any additional information the Committee might require or to answer any questions that you might have.