



General Assembly

February Session, 2016

Raised Bill No. 238

LCO No. 1985



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

***AN ACT CONCERNING ADOPTION OF MUNICIPAL ORDINANCES
REGARDING AUTOMATIC FIRE EXTINGUISHING SYSTEMS IN NEW
RESIDENTIAL BUILDINGS.***

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

1 Section 1. Section 29-315 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) (1) When any building is to be built having more than four
4 stories and is to be used for human occupancy, such building shall
5 have an automatic fire extinguishing system approved by the State Fire
6 Marshal on each floor.

7 (2) When any building is (A) to be built as an educational
8 occupancy, (B) eligible for a school building project grant pursuant to
9 chapter 173, and (C) put out to bid on or after July 1, 2004, such
10 building shall have an automatic fire extinguishing system approved
11 by the State Fire Marshal on each floor. As used in this subsection,
12 "educational occupancy" has the same meaning as provided in the Fire
13 Safety Code.

14 (3) The State Fire Marshal and the State Building Inspector may
15 jointly grant variations or exemptions from, or approve equivalent or
16 alternate compliance with, the requirement in subdivision (2) of this
17 subsection, where strict compliance with such requirement would
18 entail practical difficulty or unnecessary hardship or is otherwise
19 adjudged unwarranted, provided (A) any such variation or exemption
20 or approved equivalent or alternate compliance shall, in the opinion of
21 the State Fire Marshal and the State Building Inspector, secure the
22 public safety, and (B) the municipality in which such educational
23 occupancy is located complies with all other fire safety requirements in
24 the Fire Safety Code and the State Building Code with respect to such
25 occupancy. If either the State Fire Marshal or the State Building
26 Inspector determines that a variation or exemption from, or an
27 equivalent or alternate compliance with, said subdivision (2) should
28 not be permitted, no such variation or exemption, or equivalent or
29 alternate compliance shall be granted or approved. Any determination
30 made pursuant to this subdivision by the State Fire Marshal and the
31 State Building Inspector shall be in writing. Any person aggrieved by
32 any decision of the State Fire Marshal or the State Building Inspector,
33 or both, may appeal to the Codes and Standards Committee no later
34 than fourteen days after issuance of the decision. Any person
35 aggrieved by any ruling of the Codes and Standards Committee may
36 appeal to the superior court for the judicial district wherein such
37 occupancy is located.

38 (b) Each hotel or motel having six or more guest rooms and
39 providing sleeping accommodations for more than sixteen persons for
40 which a building permit for new occupancy is issued on or after
41 January 1, 1987, shall have an automatic fire extinguishing system
42 installed on each floor in accordance with regulations adopted by the
43 Commissioner of Administrative Services. Such regulations shall be
44 incorporated into the State Fire Prevention Code.

45 (c) Not later than October 1, 1992, each hotel or motel having more
46 than four stories shall have an automatic fire extinguishing system

47 approved by the State Fire Marshal on each floor.

48 (d) (1) Not later than January 1, 1995, each residential building
49 having more than four stories and occupied primarily by elderly
50 persons shall have an automatic fire extinguishing system approved by
51 the State Fire Marshal on each floor. Not later than January 1, 1994, the
52 owner or manager of or agency responsible for such residential
53 building shall submit plans for the installation of such system, signed
54 and sealed by a licensed professional engineer, to the local fire marshal
55 within whose jurisdiction such building is located or to the State Fire
56 Marshal, as the case may be. For the purposes of this subsection, the
57 phrase "occupied primarily by elderly persons" means that on October
58 1, 1993, or on the date of any inspection, if later, a minimum of eighty
59 per cent of the dwelling units available for human occupancy in a
60 residential building have at least one resident who has attained the age
61 of sixty-five years.

62 (2) Each residential building having more than twelve living units
63 and occupied primarily by elderly persons, as defined in subdivision
64 (1) of this subsection, or designed to be so occupied, for which a
65 building permit for new occupancy is issued or which is substantially
66 renovated on or after January 1, 1997, shall have an automatic fire
67 extinguishing system approved by the State Fire Marshal on each floor.

68 (e) Any municipality may adopt an ordinance pursuant to section 7-
69 148 requiring that each residential building intended for occupancy by
70 one or two families and for which a building permit for new
71 occupancy is issued after the adoption of such ordinance shall have an
72 automatic fire extinguishing system approved by the local fire marshal
73 on each floor. Any such ordinance shall specify procedures for
74 notifying the local fire marshal when any such automatic fire
75 extinguishing system undergoes repairs or is disconnected from its
76 water source.

77 [(e)] (f) No building inspector shall grant a building permit unless a

78 fire extinguishing system as required by subsection (a) or (b) of this
79 section is included in the final, approved building plans and no fire
80 marshal or building inspector shall permit occupancy of such a
81 building unless such fire extinguishing system is installed and
82 operable. The State Fire Marshal may require fire extinguishing
83 systems approved by [him] said marshal to be installed in other
84 occupancies where they are required in the interest of safety because of
85 special occupancy hazards.

86 [(f)] (g) (1) Not later than July 31, 2006, each chronic and
87 convalescent nursing home or rest home with nursing supervision
88 licensed pursuant to chapter 368v shall have a complete automatic fire
89 extinguishing system approved by the State Fire Marshal installed
90 throughout such chronic and convalescent nursing home or rest home
91 with nursing supervision. Not later than July 1, 2004, the owner or
92 authorized agent of each such home shall submit plans for the
93 installation of such system, signed and sealed by a licensed
94 professional engineer, to the local fire marshal and building official
95 within whose jurisdiction such home is located or to the State Fire
96 Marshal, as the case may be, and shall apply for a building permit for
97 the installation of such system. The owner or authorized agent shall
98 notify the Department of Public Health of such submission.

99 (2) On or before July 1, 2005, and quarterly thereafter, each chronic
100 and convalescent nursing home or rest home with nursing supervision
101 licensed pursuant to chapter 368v shall submit a report to the local fire
102 marshal describing progress in installing the automatic fire
103 extinguishing systems required under subsection (a) of this section. In
104 preparing such report each such nursing home or rest home shall
105 conduct a facility risk analysis. Such analysis shall include, but not be
106 limited to, an analysis of the following factors: Type of construction,
107 number of stories and residents, safeguards in the facility, types of
108 patients, travel distance to exits and arrangement of means of egress.
109 After review of the report, the local fire marshal may require the
110 nursing home or rest home to implement alternative fire safety

111 measures to reduce the level of risk to occupants before installation of
112 automatic fire sprinklers is completed.

113 ~~[(g)]~~ (h) Any person who fails to install an automatic fire
114 extinguishing system in violation of any provision of this section,
115 except subsection (e) of this section, shall be subject to a civil penalty of
116 not more than one thousand dollars for each day such violation
117 continues. The Attorney General, upon request of the State Fire
118 Marshal, shall institute a civil action to recover such penalty.

119 Sec. 2. Subsections (a) to (d), inclusive, of section 10a-194i of the
120 general statutes are repealed and the following is substituted in lieu
121 thereof (*Effective October 1, 2016*):

122 (a) The Connecticut Health and Educational Facilities Authority
123 shall develop a loan program for the purpose of providing financial
124 assistance to owners of chronic and convalescent nursing homes or rest
125 homes with nursing supervision licensed pursuant to chapter 368v for
126 costs incurred in installing automatic fire extinguishing systems,
127 including smoke detectors and warning equipment, approved by the
128 State Fire Marshal and required by subsection ~~[(f)]~~ (g) of section 29-315,
129 as amended by this act.

130 (b) There is established, within the Connecticut Health and
131 Educational Facilities Authority, a revolving loan account for the
132 purpose of the loan program authorized by this section. The revolving
133 loan account shall contain any moneys provided or required by law to
134 be deposited in the account. The authority may accept contributions
135 from any source, public or private, for deposit in the account for
136 purposes of the loan program.

137 (c) Loans made pursuant to this section shall have such terms and
138 conditions, and shall be subject to such eligibility, loan approval, credit
139 and other underwriting requirements and criteria as are determined by
140 the authority to be reasonable in light of the objectives of the loan
141 program.

142 (d) On or before October 1, 2006, and annually thereafter so long as
143 the loan program remains active, the authority shall submit to the joint
144 standing committees of the General Assembly having cognizance of
145 matters relating to public health, public safety and security and
146 housing a report, in accordance with section 11-4a, setting forth the
147 following information: (1) A list of the loans made under the program
148 and a general description of the terms and conditions of such loans
149 and the repayment history; (2) an assessment of the impact of such
150 loans on compliance with the requirements of subsection [(f)] (g) of
151 section 29-315, as amended by this act; (3) the need for additional
152 funding for the loan program authorized by this section; and (4) such
153 other information as the authority deems relevant to evaluating the
154 success of the loan program in meeting its objectives.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	29-315
Sec. 2	<i>October 1, 2016</i>	10a-194i(a) to (d)

Statement of Purpose:

To allow municipalities to adopt ordinances requiring automatic fire extinguishing systems in new residential buildings.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]