The Connecticut General Assembly is currently considering Proposed Bill No. 6954 that will limit the liability of certain municipalities for damages resulting from fire when the municipality has failed to perform inspections as mandated by Section 29-305 (b) of the Connecticut General Statutes. If passed, this bill will remove inspection frequency requirements of the statutes that are necessary to evaluate and maintain compliance with State fire safety regulations. The Connecticut Fire Marshal’s Association (CFMA) opposes this bill because of the detrimental effect that it will have on the safety of people who live, work, worship and play within buildings throughout the State of Connecticut.

The responsibility for the local fire marshal to inspect and enforce the Connecticut Fire Safety Code (CFSC) and Connecticut Fire Prevention Code (CFPC) in buildings and structures regulated by those codes has been assigned by the Connecticut General Statutes (CGS) for more than 60 years. CGS Section 29-305 states that “each local fire marshal shall inspect, or cause to be inspected, at least once each calendar year, or as often as prescribed by the State Fire Marshal, in the interests of public safety, all buildings and facilities of public service and all
Recognizing that an annual inspection requirements for all buildings creates a burden on municipalities, the legislature revised Section 29-305 in 2011 to allow the State Fire Marshal to assign priorities for inspections based upon the use of the building. While this revision gave some relief to the local fire marshal for occupancies such as business and mercantile, which now require inspections every three years, the legislature was careful to maintain the annual inspection requirement for residential occupancies which is where most fire deaths and injuries occur.

The fact that our statutes mandate fire inspections in not by chance. The importance of fire code enforcement has been well established through tragic fire losses such as the Coconut Grove, Our Lady of the Angles School, Beverly Hills Supper Club, the Happy Land Social Club, the Station Night Club, and more recently, the Ghost Ship fire. In all of these multiple fatality fires, lack of compliance with fire codes was listed as the major causative factor. A study by the National Fire Protection Association (NFPA) in conjunction with the U. S. Fire Administration (USFA) showed that from four to eight percent of fires were caused by factors that could have been seen and corrected by direct actions by fire inspectors. The study also found that jurisdictions conducting inspections had much lower fire losses than those that did not. The fire rate in jurisdiction without code enforcement was more than twice the rate of those with a code enforcement program. While it was recognized that from 40 to 60 percent of fires during the study period were caused by carelessness and lack of maintenance which could not be corrected by direct actions by fire inspectors, the rates of these fires dropped significantly in jurisdictions with a code enforcement program (Hall, Karter, Koss, Schainblatt, & McNerney, 1978).
While Proposed Bill 6954 will impact all occupancies, the largest impact will be felt in multiple family residential occupancies that are regulated by the fire codes. Residential occupancies present unique challenges due to the number of people that can be affected by a single fire condition. They also present code enforcement issues because of absentee landlords and management companies who are difficult to contact and frequently uncooperative in efforts to bring their facilities into code compliance.
The CFMA opposes Proposed Bill 6954 for the following reasons:

1. Regularly scheduled fire inspections save lives by insuring that code required fire protection features such as safe exits, fire protection systems, and fire safe practices are being maintain in buildings throughout the State.

2. Eliminating the mandatory inspection frequencies of Section 29-305 will negatively impact the safety of buildings throughout the State by eliminating the incentive for municipalities to maintain reasonably staffed fire marshal offices.

3. The proposed bill eliminates the mandatory inspection frequency only for very large municipalities with 50,000 or more buildings requiring inspection. It is in these large municipalities where much of the unsafe and substandard buildings exist, especially those used for residential purposes.

References


By: Michael L. Sinsigalli, EFO
West Hartford Fire Dept.
95 Raymond Road
West Hartford, CT 06107
(860)561-8308