OLR Bill Analysis
sSB 608

AN ACT CONCERNING THE IMPROVEMENT OF RENTAL UNIT SAFETY.

SUMMARY

This bill makes various changes affecting the health and safety of certain types of rental housing. Specifically, it:

1. authorizes local building officials to issue stop-work orders for unpermitted work at rental unit construction sites and impose fines of up to $250 for violations;

2. authorizes municipalities to establish penalties for residential licensing program violations, including fines of up to $150 for each daily violation; and

3. makes owners of certain residential buildings who fail to abate toxic lead levels in accordance with Department of Public Health (DPH) regulations strictly liable for the death or injury of a person that is caused by the violation.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2019

§§ 1 & 2—RENTAL UNIT CONSTRUCTION SITES

The bill authorizes local building officials to request proof of a building permit from any person at a rental unit construction site. The official may issue a written order, personally or by certified mail, to a person constructing or altering a rental unit without the required permit (1) requiring that all unpermitted work cease immediately and (2) imposing a fine of up to $250 for each violation. Existing law gives local building officials similar authority with respect to certain unlicensed occupational work at construction sites.
Under the bill, anyone aggrieved by a building official’s stop-work order may appeal in writing to the local board of appeals (or chief executive officer, in a municipality where there is no board). Anyone aggrieved by the panel’s decision may appeal to the Codes and Standards Committee, which by law, acts jointly with the state building inspector and the state fire marshal to adopt and administer the state building and fire codes.

§ 3—RESIDENTIAL LICENSING PROGRAMS

The bill authorizes municipalities to establish, by ordinance, penalties for residential licensing program violations. Any such ordinance must set out the types of violations and corresponding fines; the maximum allowable fine is $150 for each day a violation continues. Under the bill, fines are payable to the municipal treasurer, just as fines for zoning regulation violations are under existing law.

The bill requires municipalities to enforce residential licensing program violations in accordance with their existing hearing process for citations. Generally, this means that alleged violators may pay the fine or request a hearing before a municipal hearing officer. If a person does neither within 10 days, a municipality may enforce the citation in Superior Court. A person dissatisfied with a hearing officer's decision may seek judicial review.

§§ 4 & 5—LEAD REMEDIATION, ABATEMENT, TESTING, AND MANAGEMENT

By law, owners of dwellings with toxic lead levels occupied by three or more families or by children under age six (hereafter “covered dwellings”) must abate, remediate, or manage lead materials in accordance with DPH regulations. Under these regulations, when a child resides in a dwelling unit, a building owner must take specified steps after receiving notice of an inspection report identifying toxic lead levels (see BACKGROUND).

The bill makes any person whose act or omission constitutes a violation of these lead abatement requirements strictly liable for the injury or death of a person resulting from the violation, whether or not...
negligence exists. In addition, for buildings with three or more families, an owner is strictly liable for an injury or death, whether or not negligence exists, that results from cracked, chipped, blistered, flaking, loose, or peeling paint on exposed, interior surfaces that constitutes a health hazard.

BACKGROUND

**DPH Lead Abatement Regulations**

Among other things, DPH regulations require owners of covered dwellings to (1) notify residents when toxic lead levels are present, and at least five working days before abatement will begin; (2) prepare and submit a lead abatement plan to the local health director; and (3) properly abate all defective paint, plaster, and other materials with toxic lead levels on interior and exterior surfaces, soil areas, and fixtures (Conn. Agency Regs., §§ 19a-111-1 to 19a-111-11.).

COMMITTEE ACTION

Housing Committee

Joint Favorable
Yea 10  Nay 4  (03/07/2019)