

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 21-165—sHB 6600

Public Safety and Security Committee

AN ACT CONCERNING SMOKE DETECTION AND WARNING EQUIPMENT, THE STATE FIRE PREVENTION AND FIRE SAFETY CODES, THE CODE TRAINING AND EDUCATION BOARD OF CONTROL, TEMPORARY FIRE MARSHALS, CERTAIN FIRE REPORTS AND SMALL WATER HEATERS

SUMMARY: This act makes several unrelated changes in laws affecting the state’s fire codes, fire marshals, related boards, and water heaters. Among other things, the act:

1. requires that single-family residences with building permits for new occupancy issued (“built”) before October 1, 1978, have smoke detection and warning equipment (“smoke detectors”) when one is installed or replaced;
2. extends certain provisions authorizing fire marshals to issue orders, citations, and penalties to cover violations of the state’s Fire Safety Code and other fire safety laws;
3. changes the composition of the seven-member Code Training and Education Board of Control, including requiring that four appointees be Codes and Standards Committee members;
4. eliminates specific municipal reporting requirements related to fires, explosions, and other fire emergencies, including on the duration of firefighters’ exposures to heat, radiation, or known or suspected carcinogens; and
5. exempts certain hot water heaters from the state Safety Code for Boilers and Hot Water Heaters.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, unless otherwise noted below.

§ 1 — FIRE SAFETY CODE CHANGES

Incorporation of a Model Life Safety Code

The act requires that the Fire Safety Code be based on a nationally recognized model life safety code, in addition to a nationally recognized model fire code as existing law requires. It also requires that the Fire Safety Code be updated within 18 months after revisions are made to the model life safety code, as is the case under existing law for revisions to the model fire code, unless the State Fire Marshal and the Codes and Standards Committee certify that an update is not necessary.

OLR PUBLIC ACT SUMMARY

Adoption Process Conforming Changes

The act makes various conforming changes, including deleting obsolete references to regulations, to reflect the existing code adoption process. By law, instead of being adopted under the Uniform Administrative Procedure Act as a regulation, the code is instead adopted through a similar process that, among other things, does not require the attorney general's review for legal sufficiency (CGS § 29-292a).

Inclusion of Structures and Adjacent Areas

Prior law required that the Fire Safety Code provide for reasonable safety from fire, smoke, and panic in generally all buildings and their adjacent areas. The act expands this safety provision by also requiring that structures and their adjacent areas be included. By law, this code requirement does not apply to single- and dual-family private dwellings and all premises.

Smoke Detectors

The act generally expands which residential buildings must have smoke detectors. Under prior law, the Fire Safety Code had to require smoke detectors only in single-family residences built on or after October 1, 1978, and multi-family residences.

Under the act, the code must require smoke detectors in:

1. existing single and multi-family residences, regardless of when they were built, when a smoke detector is installed or replaced and
2. new single- and multi-family residences built on or after July 1, 2021.

Relatedly, under prior law, the code had to require that single- and multi-family residences built on or after October 1, 1985, have smoke detectors capable of operating using alternating current and batteries. Under the act, the code must require that smoke detectors in all existing and new residences be capable of operating using any power source allowed in the standards adopted in the code.

Additionally, the act eliminates several provisions requiring that the Fire Safety Code have requirements on smoke detector capabilities, installation, and accompanying literature.

Carbon Monoxide Detectors

The act eliminates several provisions that required that Fire Safety Code have requirements regarding carbon monoxide detection and warning equipment ("carbon monoxide detectors"), including on installation and use; equipment location, power requirements, and standards; testing and inspection; maintenance; and ones directed at specific school buildings.

§ 1 — CERTIFICATES OF OCCUPANCY

OLR PUBLIC ACT SUMMARY

Prior law prohibited issuing a certificate of occupancy for (1) single-family residences built on or after October 1, 1978, and (2) multi-family residences, unless the local fire marshal or building official certified that the residence was equipped with smoke detectors that complied with the Fire Safety Code. The act extends this prohibition to all single-family residences, regardless of when they were built.

Prior law also prohibited issuing a certificate of occupancy for (1) single- and dual-family residences subject to the Fire Safety Code and built on or after October 1, 2005, and (2) public and private school buildings built on or after January 1, 2012, unless the local fire marshal or building official certified that the buildings were equipped with carbon monoxide detectors that complied with the Fire Safety Code. The act changes the prohibition concerning residences to instead apply to all new residences subject to the code. It maintains the existing prohibition regarding school buildings.

The act also requires the local fire marshal or building official, before issuing a certificate, to also certify that the smoke or carbon monoxide detectors, respectively, comply with the State Building Code.

§ 2 — HOME INSPECTION REGULATIONS

Existing law requires the Department of Consumer Protection commissioner, with advice and assistance from the Home Inspection Licensing Board, to adopt certain regulations on home inspectors. The act requires the commissioner to establish a minimum and uniform standard for home inspections in these regulations. The standard must include a requirement that inspectors report on the presence of a smoke detector, including specifying (1) the equipment's location and total number and (2) if they were able to test it and verify that it was less than 10 years old.

§ 3 — FIRE PREVENTION CODE

The act requires that the Fire Prevention Code be based on a nationally recognized fire code instead of a fire prevention one. It also requires that the Fire Prevention Code include provisions for processes and activities occurring in all buildings and structures regulated by the code as well as in their adjacent areas.

§§ 4, 7-10 & 15 — FIRE MARSHAL ORDERS, CITATIONS, PENALTIES, AND INJUNCTIONS

The act extends certain penalty provisions to violations of the Fire Safety Code and other fire safety laws, which prior law expressly limited to Fire Prevention Code violations. These provisions authorize and direct the State Fire Marshal and local fire marshals to:

1. order building owners and occupants to remedy code violations coupled with (a) fines of up to \$1,000, with a \$200 mandatory minimum, imprisonment up to six months, or both and (b) additional \$50 per day

OLR PUBLIC ACT SUMMARY

- finest for each day a violation continues;
- 2. request or apply for injunctions to close or restrict the use of properties if owners or occupants fail to abate or remedy violations; and
- 3. issue citations, instead of orders, that may carry fines up to \$250.

The provisions specifically extend to the following actions:

- 1. violating the Fire Safety Code (CGS § 29-295);
- 2. violating certain fire marshal orders to vacate a building (CGS § 29-306(c));
- 3. having dangerous combustible material or flammable conditions in a building or on premises (CGS § 29-310(b)); and
- 4. selling, offering to sell, or giving certain prohibited fire extinguishers (CGS §§ 29-313 & -314).

Relatedly, the act eliminates a penalty provision that applied to the above actions and required fines of up to \$1,000, with a \$200 mandatory minimum, imprisonment up to six months, or both.

§§ 5 & 15 — VARIATIONS AND EXEMPTIONS TO THE FIRE CODES

Under existing law regarding an application for variations or exemptions from the Fire Safety Code or Fire Prevention Code, a local fire marshal must forward to the state fire marshal by first class mail the application along with a letter on the application's merits within 15 business days after receiving the application. The act allows the local fire marshal to provide these materials by email and makes technical changes.

§ 6 — LOCAL INSPECTIONS OF BUILDINGS REGULATED BY THE FIRE CODES

By law, local fire marshals must inspect, or cause to be inspected, all buildings and facilities of public service and occupancies regulated by the Fire Safety Code within their jurisdictions at least once per calendar year or as often as the state fire marshal prescribes. The act extends this requirement to all buildings and facilities of public service and occupancies regulated by the Fire Prevention Code. Existing law and the act exempt single- and dual-family residences from this requirement and instead require they be inspected upon an owner or occupant's complaint and only to determine whether smoke detector requirements have been met. Existing law and the act also require local fire marshals to submit a written report to the local or regional school board documenting any inspection of a school building.

§ 11 — CODE TRAINING AND EDUCATION BOARD OF CONTROL

The act changes the composition of the seven-member Code Training and Education Board of Control. Under existing law and the act, one member must be a building professional (e.g., an architect or engineer) appointed by Department of Administrative Services (DAS) commissioner. The table below shows

OLR PUBLIC ACT SUMMARY

requirements for appointments of the remaining six members under prior law and the act. By law, the board promotes code training and education, and members serve three-year terms.

Code Training and Education Board of Control Membership

Membership	Under Prior Law	Under the Act
Building Code Training Council	Three members, one each appointed by the House speaker and House majority and minority leaders	One member, appointed by the Senate minority leader
Fire Marshal Training Council	Three members, one each appointed by the Senate president pro tempore and the Senate majority and minority leaders	One member, appointed by the House minority leader
Codes and Standards Committee	N/A	Four members, one each appointed by the top four legislative leaders

EFFECTIVE DATE: July 1, 2021, and applicable to appointments made on or after that date.

§ 12 — TEMPORARY LOCAL FIRE MARSHAL APPOINTMENTS

Under prior law, when a local fire marshal could no longer serve due to death, disability, dismissal, retirement, or revocation of his or her certification, and there was no existing deputy fire marshal, municipal officials or entities could appoint a deputy fire marshal as the acting fire marshal. The act instead allows the officials or entities to appoint a person who holds a fire marshal certification issued by the State Fire Marshal and the Codes and Standards Committee. Existing law limits this position to a maximum of 180 days.

§ 13 — MUNICIPAL REPORTS FOR FIRES, EXPLOSIONS, OR OTHER FIRE EMERGENCIES

By law, when a fire, explosion, or other fire emergency occurs, the fire chief or local fire marshal with jurisdiction over the location must report to the state fire marshal on facts relating to the incident’s cause, origin, kind, and estimated value and ownership of damaged or destroyed property, along with other information as the state fire marshal prescribes. The act eliminates a requirement that this report include the (1) name of each firefighter who was present at the incident and, as a result, exposed to heat, radiation, or a known or suspected carcinogen and (2) duration of each firefighter’s exposure.

§ 14 — SMALL HOT WATER HEATERS

The act exempts certain hot water heaters from the state Safety Code for Boilers and Hot Water Heaters. The exemption applies to heaters (1) approved by a nationally recognized testing agency and equipped with adequate safety devices, including a temperature and pressure release valve; (2) with a nominal capacity of up to 10 gallons and a heat input of up to 20,000 BTUs (British thermal units) per hour; and (3) installed in any occupancy.

The law already exempts hot water heaters meeting the first criterion listed above if they (1) have a capacity of up to 120 gallons and a heat input of no more than 200,000 BTUs per hour, (2) are solely for hot water supply carrying a pressure of up to 160 PSI (pounds per square inch), and (3) operate at a temperature of up to 210 degrees Fahrenheit. However, this exemption does not apply to heaters in schools, day care centers, hospitals, nursing or boarding homes, churches, or public buildings.

Generally, the Safety Code for Boilers and Hot Water Heaters regulates boiler and hot water heater design, construction, installation, repair, use, and operation. Among other things, it requires that boilers and hot water heaters subject to the code be registered with DAS and inspected by a boiler inspector (CGS §§ 29-231 to -244). By law, a person who violates the code must be fined up to \$100 for a first offense, and subsequent offenses are class C misdemeanors (see [Table on Penalties](#)) (CGS § 29-243).

EFFECTIVE DATE: Upon passage