



House of Representatives

General Assembly

File No. 546

February Session, 2022

House Bill No. 5236

House of Representatives, April 20, 2022

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING ARCHITECTS WHO VOLUNTARILY AND WITHOUT COMPENSATION ASSIST PUBLIC OFFICIALS IN EVALUATING THE SAFETY ELEMENTS OF BUILT ENVIRONMENTS IN THE AFTERMATH OF A MAJOR DISASTER OR EMERGENCY.

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

- 1 Section 1. (NEW) (*Effective October 1, 2022*) (a) As used in this section:
- 2 (1) "Built environment" means a human-made environment,
3 including: (A) Homes, (B) buildings, (C) streets, (D) sidewalks, (E)
4 parks, and (F) transportation, energy and other infrastructure; and
- 5 (2) "Public safety official" means:
- 6 (A) A state or municipal police officer or firefighter;
- 7 (B) A building official or assistant building official appointed under
8 sections 29-260 and 29-261 of the general statutes, or the State Building
9 Inspector appointed under section 29-252 of the general statutes, or such
10 inspector's designee;
- 11 (C) A member of a community emergency response team that is

12 activated by the Department of Emergency Services and Public
13 Protection, a local emergency preparedness official or a municipal police
14 agency;

15 (D) An official from the Department of Emergency Services and
16 Public Protection; or

17 (E) An official from the Federal Emergency Management Agency.

18 (b) Any architect licensed pursuant to chapter 390 of the general
19 statutes who, at the request of, under the direction of or in connection
20 with a public safety official, voluntarily and without compensation, acts
21 in good faith to assist such official evaluating the safety of elements of a
22 built environment in the aftermath of a major disaster or emergency, as
23 those terms are defined in section 28-1 of the general statutes, shall:

24 (1) Be held to the same standard of care applicable to a public safety
25 official who would have performed an evaluation of the safety elements
26 of a built environment, if not for the major disaster or emergency, and

27 (2) Be subject to civil liability only upon a finding that the architect
28 failed to act as a reasonably prudent public safety official, as applicable
29 to the circumstances, would have acted under the same or similar
30 circumstances.

31 (c) The provisions of subsection (b) of this section shall exclusively
32 apply to acts or omissions by an architect that occur during the time
33 period that a declaration of a civil preparedness emergency pursuant to
34 section 28-9 of the general statutes is effective or for sixty days after the
35 issuance of such declaration, whichever is longer.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	New section

JUD Joint Favorable

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill grants civil immunity to licensed architects who volunteer to assist public safety officials in assessing damage resulting from a major disaster or emergency. This has no fiscal impact, as it relates to private citizens who are not employees or paid contractors of the state or any municipality.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5236*****AN ACT CONCERNING ARCHITECTS WHO VOLUNTARILY AND WITHOUT COMPENSATION ASSIST PUBLIC OFFICIALS IN EVALUATING THE SAFETY ELEMENTS OF BUILT ENVIRONMENTS IN THE AFTERMATH OF A MAJOR DISASTER OR EMERGENCY.*****SUMMARY**

This bill specifically grants civil immunity to licensed architects who volunteer to assist certain public safety officials in evaluating the safety of built environment elements following a declared civil preparedness emergency due to a major disaster or emergency.

Existing law, unless there is willful misconduct, generally protects agents and representatives of the state or a municipality and those authorized by a civil preparedness force from liability for death, injury, or property damage if they assist with or respond to major disasters and emergencies (CGS § 28-13).

EFFECTIVE DATE: October 1, 2022

ARCHITECTS' IMMUNITY

Under the bill, to receive civil immunity, the architect's assistance must be:

1. at the request of, under the direction of, or in connection with a public safety official;
2. voluntary and without compensation; and
3. done in good faith.

An architect whose assistance meets these requirements is not liable for civil damages unless he or she failed to act as a reasonably prudent

public safety official would have acted under the same or similar circumstances. Additionally, the bill applies to these architects the same standard of care that applies to public safety officials evaluating built environment (see below) elements, if a major disaster or emergency did not prevent them from doing the inspection themselves (it is not clear what that standard of care is under existing law).

These provisions apply to an architect's acts or omissions that occur during the time period a civil preparedness emergency declaration is effective or for 60 days after the declaration is issued, whichever is longer.

DEFINITIONS

Built Environment

Under the bill, a "built environment" is a human-made environment, including homes, buildings, streets, sidewalks, and parks as well as transportation, energy, and other infrastructure.

Public Safety Official

Additionally, under the bill, a "public safety official" is (1) a state or municipal police officer or firefighter; (2) a building or assistant building official; (3) the state building inspector or his designee; (4) a community emergency response team member activated by the Department of Emergency Services and Public Protection (DESPP), a local emergency preparedness official, or a municipal police agency; (5) a DESPP official; or (6) a Federal Emergency Management Agency official.

Major Disaster

By law, and under the bill, a "major disaster" is any catastrophe, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, any fire, flood, explosion, or man-made disaster in Connecticut that (1) the president determines causes damage that warrants major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act to supplement the efforts and available resources of the

state, municipal governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering the catastrophe caused or (2) the governor determines requires a civil preparedness emergency declaration (CGS § 28-1(2)).

Emergency

Additionally, an “emergency” is any instance in which the governor or president determines state or federal assistance is needed to supplement state or local efforts and capabilities to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster or catastrophe in Connecticut (CGS § 28-1(3)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 39 Nay 0 (04/04/2022)