

Planning and Development Committee

JOINT FAVORABLE REPORT

Bill No.: HB-5428

AN ACT CONCERNING BUILDING OFFICIALS, RESOURCES RELATING TO THE ADMINISTRATION OF THE STATE BUILDING CODE AND THE

Title: PROMOTION OF CAREERS IN RELATED FIELDS.

Vote Date: 3/25/2022

Vote Action: Joint Favorable Substitute

PH Date: 3/14/2022

File No.:

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

SPONSORS OF BILL:

Planning and Development Committee

REASONS FOR BILL:

Building codes are becoming larger and more complex. Experienced, incumbent building officials are retiring or getting out of the profession while applicants are in short supply.

Joint Favorable Substitute to Finance LCO:3961: This draft (1) specifies that the pilot program may be conducted by three COGs or combination of COGs rather than two and that each anticipating COG/combination may retain the services of one or more building officials, (2) removes Sec 2 of the raised bill regarding a working group to assist in the oversight/administration of the pilot, (3) replaces requirement that DAS develop such a system, (4) adds language in Sec 5 regarding internship and apprenticeship programs, (5) removes provisions limiting terms of building officials and eliminating opportunity for hearings regarding and appeal of terminations.

RESPONSE FROM ADMINISTRATION/AGENCY:

Deborah Schander, State Librarian, Connecticut State Library: The State Library has concerns, suggestions and reminders that the committee should be aware of. First, the language is vague concerning the records in question. What is meant by the phrase "records relating to the administration of the State Building Code?" Does this apply to both state agency and local records? Are these municipal building department records or records related to the State Building Code from the Office of the State Building Inspector? Would this include every record located in these offices or only specific records? In addition, there may be security issues making all building information available publicly accessible. Currently the

bill directs DAS to consult with the State Library and Town Clerks Association. We recommend including building officials, local fire marshals and other officials involved with enforcing the State Building Code be part of the development of this database. Two reminders: 1) Any digitization project must follow the current Public Records Policy 02 Digital Imaging and Digital/Imaging Standards 2) Along with any digitization project, it is important to be aware of the state's records retention schedules.

Michelle Gilman, Acting – Commissioner, Department of Administrative Services and Martin Heft, Undersecretary, Office of Policy and Management: in lieu of the current proposal we suggest (1) a minor statutory modification to facilitate regions sharing multiple building officials, (2) new language creating a working group to address the important issues proposed in Sections five and seven of this bill. **Sections 1-3:** A pilot program is not necessary because under existing law, **Section 29-260(a)**, two or more communities are already permitted to combine in the appointment of a building official for the propose of enforcing the provisions of the code in the same manner. Section 7-148cc provides that two or more municipalities may jointly perform any function that each municipality may perform separately under any provisions of the general any function that each municipality may perform separately under any provisions of the general statutes. Thus, only minor modifications are necessary to clarify that regions may jointly appoint multiple building officials. An amendment to subsection (a) of section 29-260 will clarify the ability of communities to appoint multiple building officials, as described. **Section 29-260** (a): The chief executive officer of any town, city or borough shall appoint an officer to administer the code for a term of four years and until his successor qualifies and quadrennially thereafter shall appoint a successor. Two or more communities may combine in the appointment of one or more building officials for the purpose of enforcing the provisions of the code in the same manner. The chief executive officer may appoint a licensed building official for a period not to exceed one hundred eighty days upon the death, retirement of a building official. **Section 4:** This section eliminates the four-year term of appointment for building officials and eliminates notice requirements 's opportunity for a public hearing prior to a dismissal. The language implicates due process concerns. **Section 5:** This section directs DAS to develop and implement a process for scanning and digitizing records relating to the State Building Code. The proposed consulting parties do not include any land use agencies such as the Connecticut Building Officials Association. **Section 6:** This section directs DAS to study the creation of a pathway for building officials currently licensed in other jurisdictions to receive reciprocal licensure in the State of Connecticut. DAS has a study underway concerning reciprocal licensure; therefore this section is unnecessary. The study is anticipated to be released April 15, 2022.

The outcome of the study will not require legislative changes because current law permits DAS to issue Connecticut licenses. **Section 7:** DAS has concerns about adding Higher Education students to DAS's customer base for building official training. This will require significant development efforts initially and throughout the process. In essence, DAS would require additional staff and the necessary funding for the additions. Instead, DAS proposes a working group to properly explore this issue in detail before addressing it through legislation. DAS and OPM urge the committee to modify this bill as written and create a working group to study (1) the establishment of minimum standards for the digitization of building code records and (2) options for the expansion of training programs for students pursuing careers as building officials. Were such a working group to be created, we would recommend that it include representatives from

relevant state agencies, including DAS and OPM, representatives from Higher Education, representatives from the Connecticut Building Officials Association, including local building officials and any other relevant stakeholders. DAS looks forward to working with the committee on this.

NATURE AND SOURCES OF SUPPORT:

Joseph J. Summers, CBO, MCP, Building and Zoning Official, City of Groton: Supports the following sections with modifications: Section 4 subsections (b) and (c) needs to stay in statues as it provides some protection for the local building official from the local politics as our position can be confrontational and become very political. Section 6: The provisions of reciprocity will bring our profession in line with other professionals such as architects and engineers. This will allow Connecticut to attract qualified candidates. Section 7: There are several building officials (active and retired) who can assist with this program and many other departments are willing to provide mentoring to individuals interested in this profession.

Betsy Gara, Executive Director, Connecticut Council of Small Towns: COST supports Sections 1-3 of the bill. It establishes a pilot program for the provision of building inspection on a regional basis and provides funding from the Regional Performance Incentive Program. It will reduce costs and improve efficiency. COST supports the intent of Section 4: COST recommends narrowing this section to provide flexibility where municipalities are participating in the regional pilot program established under the bill such as "Notwithstanding the provisions of this section, a building official may be dismissed to facilitate the provision of building inspection services on a regional basis." COST supports Section 5 regarding the digitization of records relating to the administration of state building code records, Section 6 which calls for licensing reciprocity with other states to expand the pool of qualified building officials and Section 7 to study options to offer programs through the community colleges and technical high schools to encourage students to pursue training as building officials.

John Filchak, Executive Director, Northeastern Connecticut Council of Governments: The working group stablished by this bill is essential to ensure that the pilots and the career development re on the correct path. Section 4, 29-260 contains language that sets forth a four-year appointment for building officials and establishes a unique remedy for the dismissal of a building official. In our view a building official should be treated the same as other municipal employees.

Samuel S. Gold, ACIP, Executive Director, Lower Connecticut River Valley Council of Governments: This bill will assist interested member municipalities in the creation of a regional building official service. This statue would allow a shared service to be created with a team of building officials who can work interchangeably in a larger number of municipalities. To facilitate a shared team of building officials, this bill envisions digital records and workflows. I believe a creation of a common digital framework that towns and cities would follow and populate is needed. Funding is essential for setting up such programs and his may be eligible for a Regional Performance Incentive Program grant, that funding is not guaranteed and there is a question of a match. Most importantly, this bill creates an official pilot program and working group to establish state policy for the future.

James Rupert, President Connecticut Building Officials Association: supports the bill with modifications: Section 1 Building officials are currently permitted to serve in more than

one jurisdiction, so it is unlikely necessary to enact legislation that effectually does the same thing. Section 2: The CBOA recommends moving this bill into a working group and bring it before the committee again during the next legislative session. An appropriate working group would involve the stakeholders that raised the bill along with representatives from the Office of the State Building Inspector, Office of Education and Data Management, Ct Dept of Labor Apprenticeship Program and the CBOA.

Jim Perras, CEO, Home Builders and Remodelers Association of Connecticut, INC of Connecticut supports with an amendment: Suggests that Sec 2 of LCO 2860 be amended to expand the working group created to assist the OPM Secretary in oversight and administration of the regional building inspection services pilot program to include one registered new home contractor as defined in Sec 20-419 of the Connecticut General Statutes. As the predominant users of services provided by municipal building officials, residential construction contractors registered to do business in Connecticut are uniquely qualified to provide important incite from a customer's perspective as to the effectiveness of the pilot program, what works and what can be improved upon.

NATURE AND SOURCES OF OPPOSITION:

Harold W. Loomis, Woodbridge, Ct: The proposed bill does not belong under the purview of the Planning and Development Committee. Building code administration and enforcement have nothing to do with planning or development. statutory provisions relating to the building code and building officials are found in C.G.S. Title 29: Public Safety and State Police. A uniform code applicable to 169 individual, municipal jurisdictions and to state buildings is uniform only to the extent that enforcement is uniform. Uniform enforcement requires building officials to be fully informed regarding the myriad requirements of the building code and the hundreds of technical standards adopted as reference standards under the several books that comprise the State Building Code. These are technical issues that address construction. Nothing contained in the State Building Code in any way pertains to or affects planning and development activities.

Section1 © (4) of the bill suggests utilizing members of apprenticeship programs in the administration of the State Building Code. There is nothing in the Connecticut General Statutes that allows the use of apprentices to enforce the State Building Code Connecticut has a need for regionalized building code administration and enforcement precisely because so many Connecticut municipalities regard building permit fees as a "cash cow" rather than as a fee that is charged to commensurate with the services performed. If a pilot program of regionalized building code enforcement is to be undertaken, I respectfully submit that the State must require that any regional building inspection office include at a minimum at least: 1- full time building official, 1- full time assistant building official, 1- full time mechanical supervisor, 1- full time plumbing inspector, 1- full time electrical inspector, 1- full time plan review technician and 2 – full-time clerical assistants. The proposed bill calls for establishing a pilot program for regionalizing building inspection but does not provide any framework for accomplishing that purpose and does not include any end date for the pilot program. The creation of an open-ended, non-structured pilot program with no structure and no clearly defined result will not solve the problem. Section 2 establishes a working group. I respectfully submit that a representative of the Planning and Development Committee has no place on a working group overseeing a pilot program concerning building code enforcement. Section 3 establishes an annual budget for each pilot regional department of building inspection of two

hundred fifty thousand dollars and that amount is inadequate. Section 4 should revise the statute to require that a public hearing be conducted before the Codes and Standards Committee, with the State Building Inspector as the presiding official.

Daniel McInerney, on Behalf of the Brotherhood of Electrical Workers: The Office of Education and Data Management within the Department of Administrative Services already does what this bill is trying to do. Ten cents on every \$1,000 dollars spent on permits in each city and town goes to funding this office for training existing code officials through continuing education, to maintain their accreditation classes as well as instructional code related classes for allied trade and design individuals who wish to pursue a career in these areas. Section 6 calls for developing a pathway to reciprocal licensure for building officials licensed in other jurisdictions, however each jurisdiction has their own set of rules and regulations that are different. Section 7 calls for community colleges to provide training for students pursuing careers as building officials. It is very difficult to inspect building construction if you have not worked in the field of construction and to be state certified in building construction, imagine trying to inspect electrical or plumbing installations if you have not had experience in those trades. The Office of Education Management does exactly that type of training and you must qualify to enter their programs

Reported by: Maureen O'Reilly

Date: March 31, 2022