
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)