

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 22-86—HB 5236**

*Judiciary Committee*

**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:** Under certain conditions, this act specifically grants civil immunity to licensed architects who voluntarily help certain public safety officials evaluate the safety of “built environment” elements after a governor-declared civil preparedness emergency due to a major disaster or emergency.

Unless there is willful misconduct, existing law 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**

To receive civil immunity under the act, 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 act applies to these architects the same standard of care that applies to public safety officials evaluating built environment elements (see below), if a major disaster or emergency did not prevent them from doing the inspection themselves.

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

**DEFINITIONS**

*Built Environment*

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

## OLR PUBLIC ACT SUMMARY

### *Public Safety Official*

Additionally, under the act, 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 act, 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)).