



House of Representatives

General Assembly

File No. 50

February Session, 2024

Substitute House Bill No. 5169

House of Representatives, March 19, 2024

The Committee on Planning and Development reported through REP. KAVROS DEGRAW of the 17th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE REQUIREMENT TO INSTALL SWIMMING POOL BARRIERS.

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

1 Section 1. (NEW) (*Effective from passage*) (a) On and after July 1, 2024,
2 no building permit shall be issued for the construction or substantial
3 alteration of an in-ground swimming pool unless a barrier that complies
4 with the requirements of Section 305 of the International Swimming
5 Pool and Spa Code portion of the State Building Code revised to October
6 1, 2022, is installed, or is included in the plan for such construction or
7 substantial alteration to be installed, around such pool. No powered
8 safety cover, as defined in Section 305 of the International Swimming
9 Pool and Spa Code, may be installed in lieu of any barrier around such
10 pool. For the purposes of this section, "in-ground swimming pool"
11 means any structure intended for swimming or recreational bathing
12 constructed below grade and containing water more than twenty-four
13 inches deep.

14 (b) (1) Any owner of an in-ground swimming pool that is not subject
15 to the provisions of subsection (a) of this section and that, as of July 1,
16 2024, is surrounded by a barrier that complies with the requirements of
17 Section 305 of the International Swimming Pool and Spa Code portion
18 of the State Building Code revised to October 1, 2022, shall maintain
19 such barrier in compliance with said section and shall not remove such
20 barrier except for the purposes of replacing or repairing such barrier.

21 (2) Any owner of an in-ground swimming pool that is not subject to
22 the provisions of subsection (a) of this section and, as of July 1, 2024, is
23 not surrounded by a barrier that complies with the requirements of
24 Section 305 of the International Swimming Pool and Spa Code portion
25 of the State Building Code revised to October 1, 2022, shall install a
26 barrier that complies with the requirements of said section installed not
27 later than July 1, 2025.

28 (c) The provision of Section 305 of the International Swimming Pool
29 and Spa Code portion of the State Building Code revised to October 1,
30 2022, concerning the installation of a powered safety cover or retractable
31 cover that complies with ASTM F1346 as an exception to the
32 requirements of said section shall have no effect and shall not be
33 construed as an exception to the requirements in subsection (a) or (b) of
34 this section for the installation and maintenance of a barrier around an
35 in-ground swimming pool that complies with the requirements of said
36 Section 305.

37 (d) The provisions of this section shall be enforced as if such
38 provisions were included within the State Building Code, except the
39 State Building Inspector may not grant variances or exemptions from,
40 or approve equivalent or alternate compliance with, the requirements of
41 this section that would (1) permit the installation of any pool cover or
42 alarm to satisfy any requirement concerning the installation and
43 maintenance of a barrier around an in-ground swimming pool, or (2)
44 have a negative impact on safety in the determination of the State
45 Building Inspector.

46 (e) On and after July 1, 2024, no certificate of compliance or other

47 approval for use shall be issued for the construction or substantial
 48 alteration of an in-ground swimming pool unless a barrier that complies
 49 with the requirements of Section 305 of the International Swimming
 50 Pool and Spa Code portion of the State Building Code revised to October
 51 1, 2022, is installed around such pool, and no powered safety cover, as
 52 defined in said Section 305, or any retractable cover may be installed in
 53 lieu of any barrier fence around such pool.

54 (f) As soon as practicable after the effective date of this section, the
 55 Department of Administrative Services shall (1) inform all local building
 56 officials of the requirements of this section, and (2) conspicuously post
 57 on the department's Internet web site a notice of the provisions of this
 58 section and the provisions of the State Building Code preempted by the
 59 provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

PD *Joint Favorable Subst.*

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:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 25 \$	FY 26 \$
Various Municipalities	Revenue Gain	Potential Minimal	Potential Minimal
Various Municipalities	Potential Cost	None	See Below

Explanation

The bill (1) prevents municipalities from issuing permits or certificates of compliance for building or altering in-ground swimming pools unless there is a physical barrier around the pool, (2) requires all current pool owners to install a physical barrier by July 1, 2025, (3) requires these changes to be enforced as building code violations, and (4) requires the Department of Administrative Services (DAS) to post the changes on their website. This results in a revenue gain to municipalities beginning in FY 25, a potential revenue gain to the General Fund (GF) beginning in FY 25, and a potential cost to municipalities beginning in FY 26.

The bill results in a potential minimal revenue gain to municipalities beginning in FY 25 associated with higher costs of building permits for the expanded construction, issuing additional permits, and issuing certificates of compliance to new and current pool owners who must install a physical barrier around an in-ground pool. The revenue gain is

dependent on the number of permits and certificates of compliance issued and the associated fees set by the municipality.¹ It is not expected that this requirement will prevent individuals from building or altering in-ground swimming pools.

There is also a potential cost to municipalities beginning in FY 26 associated with enforcing requirements under this bill. Any potential cost is dependent on the number of pool owners who are not in compliance and the necessary action taken by the municipality to enforce these requirements.

The bill results in a potential revenue gain from fines as it requires these changes to be enforced similar to a building code violation, which is punishable by a fine of \$200 to \$1,000 or up to 6 months in prison or both. There are no individuals currently incarcerated for a building violation.

The bill requires DAS to inform all local building officials and post on their website the change made in the bill to the State Building Code. This can be accomplished by DAS without the need for additional resources.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to violations, building permits and certificate of compliance fees, and the number of individuals installing pool barriers.

¹ Each municipality sets its own fee amounts for building permits and certificates of compliance. Building permit fees often range from \$10 to \$15 per \$1,000 of construction. Certificates of compliance are often around \$20.

OLR Bill Analysis

sHB 5169

AN ACT CONCERNING THE REQUIREMENT TO INSTALL SWIMMING POOL BARRIERS.

SUMMARY

This bill prohibits property owners with in-ground swimming pools from installing a powered safety cover instead of a barrier (e.g., wall or fence) around the pool. Under the bill, an “in-ground swimming pool” is a below-grade structure meant for swimming or recreational bathing that has a water depth of more than 24 inches.

Specifically, beginning July 1, 2024, the bill prohibits building officials from issuing:

1. permits for building or substantially altering an in-ground swimming pool unless a compliant barrier is installed or the plan for the pool includes this barrier or
2. certificates of compliance or other approvals for building or substantially altering an in-ground swimming pool unless a compliant barrier is installed around the pool.

The bill requires in-ground swimming pool owners that are not subject to this permitting prohibition and, as of July 1, 2024, do not have a compliant barrier, to install one by July 1, 2025. For those with a compliant barrier, it requires them to maintain it and only remove it to replace or repair it.

Under the bill, these barriers must comply with the 2021 International Swimming Pool and Spa Code (ISPSC) provisions on required pool and spa barriers that are incorporated into the 2022 State Building Code, but unlike the ISPSC, a powered safety cover or retractable cover that meets

the code’s specifications is not an exception to the barrier requirements for in-ground swimming pools (see BACKGROUND).

The bill requires these provisions to be enforced as if they were included in the State Building Code. (By law, building code violations are punishable by a fine of \$200 to \$1,000, up to 6 months in prison, or both.) It also prohibits the state building inspector from granting variances or exemptions from these requirements, or approving other ways of complying, that would (1) allow any pool cover or alarm to satisfy the barrier requirement for in-ground swimming pools or (2) in her determination, negatively impact safety.

Lastly, the bill requires the Department of Administrative Services to (1) inform local building officials about the bill’s requirements and (2) conspicuously post them on the department’s website, including which State Building Code provisions they preempt.

EFFECTIVE DATE: Upon passage

BACKGROUND

ISPSC’s Swimming Pool Barrier Requirements

The 2022 Connecticut State Building Code adopts the 2021 ISPSC with certain amendments. The ISPSC sets swimming pool barrier requirements, including height, clearances, and openings, but exempts pools from these requirements if they have a “powered safety cover” that complies with ASTM F1346 (i.e., the American Society for Testing and Materials’ standards for pool safety covers and barriers).

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/01/2024)