

# OFFICE OF FISCAL ANALYSIS

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sHB-5169

## AN ACT CONCERNING THE REQUIREMENT TO INSTALL SWIMMING POOL BARRIERS.

As Amended by House "A" (LCO 4007)

House Calendar No.: 65

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### **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

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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.<sup>1</sup> 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.

House "A" alters the original bill by removing references to the International Swimming Pool and Spa Code and making technical changes which has no fiscal impact.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to violations, building permits and

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<sup>1</sup> 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.

certificate of compliance fees, and the number of individuals installing pool barriers.