
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)