



General Assembly

February Session, 2020

Raised Bill No. 5123

LCO No. 891



Referred to Committee on HOUSING

Introduced by:
(HSG)

AN ACT CONCERNING THE PERMITTING AND SAFETY OF RENTAL UNITS.

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

1 Section 1. Section 29-261 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2020*):

3 (a) The building official, to be eligible for appointment, shall have had
4 at least five years' experience in construction, design or supervision and
5 any assistant building [officials] official shall have had at least three
6 years' experience in construction, design or supervision, or equivalent
7 experience as determined by the Commissioner of Administrative
8 Services. They shall be generally informed on the quality and strength
9 of building materials, on the accepted requirements of building
10 construction, on the accepted requirements of design and construction
11 relating to accessibility to and use of buildings by the physically
12 disabled, on good practice in fire prevention, on the accepted
13 requirements regarding light and ventilation, on the accepted
14 requirements for safe exit facilities and on other items of equipment
15 essential for the safety, comfort and convenience of occupants and shall

16 be certified under the provisions of section 29-262.

17 (b) The building official or assistant building official shall pass upon
 18 any question relative to the mode, manner of construction or materials
 19 to be used in the erection or alteration of buildings or structures,
 20 pursuant to applicable provisions of the State Building Code and in
 21 accordance with rules and regulations adopted by the Department of
 22 Administrative Services. They shall require compliance with the
 23 provisions of the State Building Code, of all rules lawfully adopted and
 24 promulgated thereunder and of laws relating to the construction,
 25 alteration, repair, removal, demolition and integral equipment and
 26 location, use, accessibility, occupancy and maintenance of buildings and
 27 structures, except as may be otherwise provided for.

28 (c) [A] The building official may request proof of licensure from any
 29 person at a construction site for which a building permit was issued. If
 30 such official finds any person engaging in or practicing work in an
 31 occupation for which a license is required under chapters 393 and 393a,
 32 without first having obtained an apprentice permit or a license for such
 33 work or occupation, the building official may notify the Commissioner
 34 of Consumer Protection of such violation and may issue a written order
 35 and personally deliver such order or send such order by certified mail
 36 to the person holding such building permit. Such order may require that
 37 any person working at such site without the required permit or license
 38 shall cease work at the site immediately. The unlicensed person may
 39 perform such work or occupation at the construction site upon
 40 submission of documentation satisfactory to the building official of
 41 compliance under said chapters 393 and 393a.

42 (d) The building official may request proof of a building permit from
 43 any person at a construction site of a rental unit. If such official finds any
 44 person engaging in the construction or alteration of a rental unit without
 45 first having obtained a building permit as required under this chapter,
 46 the building official may issue a written order and personally deliver
 47 such order or send such order by certified mail to the person conducting
 48 such alteration or construction. Such order may (1) require that all work

49 at such site without the required permit cease immediately, and (2)
50 impose a penalty in accordance with section 29-254a.

51 [(d)] (e) The building official or [his assistant] an assistant building
52 official shall have the right of entry to such buildings or structures,
53 except single-family residences, for the proper performance of [his] such
54 official's duties between the hours of nine a.m. and five p.m., except that
55 in the case of an emergency [he] the building official or assistant
56 building official shall have the right of entry at any time, if such entry is
57 necessary in the interest of public safety.

58 [(e)] (f) Notwithstanding any provision of the Freedom of
59 Information Act, as defined in section 1-200, or the State Building Code,
60 upon receipt of a written request signed by the owner of plans and
61 specifications on file for a single-family dwelling or out-building, the
62 building official shall immediately return the original plans and
63 specifications to the owner after a certificate of occupancy is issued with
64 respect to the plans and specifications.

65 Sec. 2. Subsection (b) of section 29-266 of the general statutes is
66 repealed and the following is substituted in lieu thereof (*Effective October*
67 *1, 2020*):

68 (b) When the building official rejects or refuses to approve the mode
69 or manner of construction proposed to be followed or the materials to
70 be used in the erection or alteration of a building or structure, or when
71 it is claimed that the provisions of the code do not apply or that an
72 equally good or more desirable form of construction can be employed
73 in a specific case, or when it is claimed that the true intent and meaning
74 of the code and regulations have been misconstrued or wrongly
75 interpreted, or when the building official issues a written order under
76 subsection (c) or (d) of section 29-261, as amended by this act, the owner
77 of such building or structure, whether already erected or to be erected,
78 or [his] an authorized agent of such owner may appeal in writing from
79 the decision of the building official to the board of appeals. When a
80 person other than such owner claims to be aggrieved by any decision of

81 the building official, such person or his or her authorized agent may
 82 appeal, in writing, from the decision of the building official to the board
 83 of appeals, and before determining the merits of such appeal the board
 84 of appeals shall first determine whether such person has a right to
 85 appeal. Upon receipt of an appeal from an owner or his or her
 86 representative or approval of an appeal by a person other than the
 87 owner, the chairman of the board of appeals shall appoint a panel of not
 88 less than three members of such board to hear such appeal. Such appeal
 89 shall be heard in the municipality for which the building official serves
 90 within five days, exclusive of Saturdays, Sundays and legal holidays,
 91 after the date of receipt of such appeal. Such panel shall render a
 92 decision upon the appeal and file the same with the building official
 93 from whom such appeal has been taken not later than five days,
 94 exclusive of Saturdays, Sundays and legal holidays, following the day
 95 of the hearing thereon. A copy of such decision shall be mailed, prior to
 96 such filing, to the party taking such appeal. Any person aggrieved by
 97 the decision of a panel may appeal to the Codes and Standards
 98 Committee within fourteen days after the filing of the decision with the
 99 building official. Any determination made by the local panel shall be
 100 subject to review de novo by said committee.

101 Sec. 3. Section 8-12a of the general statutes is repealed and the
 102 following is substituted in lieu thereof (*Effective October 1, 2020*):

103 (a) Any municipality may, by ordinance adopted by its legislative
 104 body, establish penalties for (1) violations of zoning regulations adopted
 105 under section 8-2 or by special act, or (2) noncompliance with any
 106 program for licensing residential rental properties established by such
 107 municipality. The ordinance shall establish the types of violations for
 108 which a citation may be issued and the amount of any fine to be imposed
 109 thereby and shall specify the time period for uncontested payment of
 110 fines for any alleged violation under any such regulation. No fine
 111 imposed under the authority of this section may exceed one hundred
 112 fifty dollars for each day a violation continues. Any fine shall be payable
 113 to the treasurer of the municipality.

114 (b) The hearing procedure for any citation issued pursuant to this
115 section shall be in accordance with section 7-152c except that no zoning
116 enforcement officer, building inspector or employee of the municipal
117 body exercising zoning authority may be appointed to be a hearing
118 officer.

119 Sec. 4. Section 19a-111c of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective October 1, 2020*):

121 (a) The owner of any dwelling in which the paint, plaster or other
122 material is found to contain toxic levels of lead and in which children
123 under the age of six reside, shall abate, remediate or manage such
124 dangerous materials consistent with regulations adopted pursuant to
125 this section. The Commissioner of Public Health shall adopt regulations,
126 in accordance with chapter 54, to establish requirements and procedures
127 for testing, remediation, abatement and management of materials
128 containing toxic levels of lead. For the purposes of this section,
129 "remediation" means the use of interim controls, including, but not
130 limited to, paint stabilization, spot point repair, dust control, specialized
131 cleaning and covering of soil with mulch.

132 (b) The commissioner shall authorize the use of any liquid,
133 cementitious or flexible lead encapsulant product which complies with
134 an appropriate standard for such products developed by the American
135 Society for Testing and Materials or similar testing organization
136 acceptable to the commissioner for the abatement and remediation of
137 lead hazards. The commissioner shall maintain a list of all such
138 approved lead encapsulant products that may be used in this state for
139 the abatement and remediation of lead hazards.

140 (c) (1) The Commissioner of Public Health may adopt regulations, in
141 accordance with chapter 54, to regulate paint removal from the exterior
142 of any building or structure where the paint removal project may
143 present a health hazard to neighboring premises. The regulations may
144 establish: (A) Definitions, (B) applicability and exemption criteria, (C)
145 procedures for submission of notifications, (D) appropriate work

146 practices, and (E) penalties for noncompliance.

147 (2) The Commissioner of Public Health may adopt regulations, in
148 accordance with chapter 54, to regulate the standards and procedures
149 for testing, remediation, as defined in this section, abatement and
150 management of materials containing toxic levels of lead in any premises.

151 (d) Any person whose act or omission constitutes a violation of this
152 section shall be strictly liable for damages for the injury or death of
153 another person resulting from such act or omission.

154 Sec. 5. Subsection (b) of section 47a-54f of the general statutes is
155 repealed and the following is substituted in lieu thereof (*Effective October*
156 *1, 2020*):

157 (b) Paint on the exposed surfaces of the interior of a tenement house
158 shall not be cracked, chipped, blistered, flaking, loose, or peeling so as
159 to constitute a health hazard. Testing, remediation, abatement and
160 management of lead-based paint at a tenement house or its premises
161 shall be as defined in, and in accordance with, the regulations, if any,
162 adopted pursuant to section 19a-111c, as amended by this act. Any
163 person who violates the provisions of this subsection shall be liable in
164 accordance with subsection (d) of section 19a-111c, as amended by this
165 act.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2020</i>	29-261
Sec. 2	<i>October 1, 2020</i>	29-266(b)
Sec. 3	<i>October 1, 2020</i>	8-12a
Sec. 4	<i>October 1, 2020</i>	19a-111c
Sec. 5	<i>October 1, 2020</i>	47a-54f(b)

Statement of Purpose:

To authorize building officials to request proof of a building permit for rental unit construction and impose a penalty for construction without

a permit and to impose strict liability against rental property owners for dwellings containing toxic levels of lead.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]