

“Illegal” Dwelling Unit Seminar  
for  
Code Enforcement Officials

Presented by  
Judith Rothschild – City of Hartford  
Joe Kingston, Joe Duval; OSFM  
Darren Hobbs, DAS Regulatory Compliance (for OSBI)

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Welcome

**Judith Rothschild**  
Director of Blight Remediation and  
Housing Code Enforcement  
City of Hartford

Formerly:  
Supervisory Assistant State’s Attorney  
State of Connecticut

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## Objectives

- What is an “illegal” unit?
  - Different disciplines, requirements.
- What to do when you find one.
- How to “correct”
- Difference between an “Illegal” and a “Bad” Unit

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## What is “Illegal”?

- Definition (Webster)
  - 1) Forbidden by law
  - 2) Forbidden by official rules
    - Synonyms
      - Illegal
      - Illicit
      - Unlawful
      - Wrongful
      - Unpermitted

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## Right of Entry

- The fact that a fire marshal and building official have the **authority**
  - **Fire Marshal:** CGS 29-305, 29-306 as amended by PA 21-165
  - **Building Official:** CGS 29-393
- to inspect, does not necessarily mean that they have the **legal right** to enter the property at any time.
- While statute refers to the legal authority to inspect, the authority to physically enter the premises must be obtained by **warrant** unless an imminent **emergency** is present, or there is voluntary **consent** granted to the code official by the person(s) in lawful control of the property.

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## Access – contact your State’s Attorney for assistance!

- *State v. Saturno* ( 2016, CT Supreme Court), *State v. Burke* ( 1990, CT Appellate Court) **Administrative Search Warrant** upheld for code inspection. Cites *Camara v. Municipal Court*, (1967, U.S. Supreme Court):

“Probable cause to issue a warrant to inspect for safety code violation ‘exist[s] if reasonable legislative or administrative standards for conducting an area inspection are satisfied.’”

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AFFIDAVIT AND APPLICATION PAGE 1 OF 4  
 ADMINISTRATIVE SEARCH WARRANT  
 C.G.S. § 54-33a.

STATE OF CONNECTICUT  
 SUPERIOR COURT

**TO: A Judge of the Superior Court**

The undersigned, being duly sworn, complains on oath that the undersigned has probable cause

1. to inspect based on reasonable legislative and/or administrative standards for conducting an area inspection...

2. to believe that statutes, regulations, codes and/or ordinances pertaining to fire safety, housing and/or buildings have been violated, based on complaint...

**And that the certain place to be searched is a:**

**And is situated at and described as:**

**And that the facts establishing the grounds for issuing an Administrative Search Warrant are the following:**

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## Authority Having Jurisdiction (AHJ)

- Many officials may need to be involved:
  - Fire marshal, building, housing, zoning, health, animal control, police, relocation, municipal attorney, State's Attorney
- Each has different requirements
- Just because entry is permitted by one official, doesn't mean it is permitted by other officials.
- Notify other departments; share information
- Work together as a coordinated team

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## Fire Safety / Prevention Codes

**Joe Kingston**

**Joe Duval**

Office of the State Fire Marshal

State of Connecticut

<https://youtu.be/NLhpMRK9fcM>

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## Application of the CSFSC

- CGS 29-292 (PA 21-165 & PA 22-75)
  - Adopt a nationally recognized model fire code...
  - ...provide for reasonable safety from fire, smoke and panic there-from....
  - ...except in private dwellings occupied by one or two families....
  - ...and shall include provisions for CO detectors in new residential buildings not exempt by the CSFSC occupied by 1 or 2 fam. with a BP after 10/1/2005...
  - ...smoke detection & warning equip. (smoke alarms) in buildings designed to be occupied by 1 or more families.... (Note power sources vary by BP date.)

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## Frequency of Inspections

- CSFSC 2018 Part I (Administrative) Section 107
  - The **minimum** requirements for the frequency of inspections as prescribed in section 29-305 of the Connecticut General Statutes shall be as follows:
    - Annual inspections for the occupancy classifications, all R Residential, A-1, A-2, E, H-1, I-1, M selling consumer fireworks (1.4G) and H-3 containing consumer fireworks (1.4G).
    - Inspections every two years for the occupancy classifications, A-3, H-2, I-2, I-3, I-4, B-Medical, B-College.
    - Inspections every three years for occupancy classifications B, H-3, M, S-1, A-4, A-5.
    - Inspections every four years for the occupancy classifications, F-1, F-2, H-4, H-5, S-2, U.

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## Complaints

- Other municipal services
  - EMS
  - PD
  - FD
  - Health Dept.
  - Housing
  - Zoning/Blight
- Landlord/Tenant

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## Application of the CSFSC (2018)

- Part I (Administrative) Section 110- Application
- Parts I & II apply to all occupancies.
- Part III applies for BP / change of occupancy after 12/31/2005
  - Except: For existing occupancies subject to an abatement order for violation of Part IV of this code, only new fire protection, electrical and mechanical system work shall be subject to the requirements of Part III.
- Part IV occupancies / uses in buildings that existed prior to 12/31/2005.

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## Proposed 2022 CSFSC

- Date changed to 1/1/2006.

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## FM Application

- If it:
  - Looks like a duck
  - Swims like a duck
  - Walks like a duck
  - Quacks like a duck
- It must be a \_\_\_\_\_?
- Depends on whose definition of a duck you are using!



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## CSFSC Part IV Definitions

- 3.3.190.12\* Residential Occupancy. An occupancy that provides sleeping accommodations for purposes other than health care or detention and correctional.
- 3.3.66\* Dwelling Unit. One or more rooms arranged for complete independent housekeeping purposes with space for eating, living, and sleeping; facilities for cooking; and provisions for sanitation. (changed in 2006 ed)

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## CSFSC Part IV Definitions

- 3.3.36.3\* Apartment Building. A building or portion thereof containing three or more dwelling units with independent cooking and bathroom facilities.
- 3.3.36.5\* Existing Building. A building erected or officially authorized prior to the effective date of the adoption of this edition of the Code by the agency or jurisdiction.  
(12/31/2005)

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## CSFSC Part IV Definitions

- 3.3.66.1\* One- and Two-Family Dwelling Unit. A building that contains not more than two dwelling units with independent cooking and bathroom facilities.
- 3.3.66.2 One-Family Dwelling Unit. A building that consists solely of one dwelling unit with independent cooking and bathroom facilities.

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## CSFSC Part IV Definitions

- 3.3.66.3 Two-Family Dwelling Unit. A building that consists solely of two dwelling units with independent cooking and bathroom facilities.
- 3.3.66.4 One and Two family Dwelling Unit. One and Two-family dwellings include buildings containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than six (6) outsiders, if any, accommodated rooms. (CT)

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## CSFSC Part IV Definitions

- 3.3.21.5 Living Area. Any normally occupiable space in a residential occupancy, other than sleeping rooms or rooms that are intended for combination sleeping/living, bathrooms, toilet compartments, kitchens, closets, halls, storage or utility spaces, and similar areas.
- 3.3.145\* Hotel. A building or groups of buildings under the same management in which there are sleeping accommodations for more than 16 persons and primarily used by transients for lodging with or without meals.

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## CSFSC Part IV Definitions

- 3.3.167 Lodging or Rooming House. A building or portion thereof that does not qualify as a one- or two-family dwelling, that provides sleeping accommodations for a total of 16 or fewer people on a transient or permanent basis, without personal care services, with or without meals, but without separate cooking facilities for individual occupants.

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## CSFSC Part IV Definitions

- 3.3.173 Means of Escape. A way out of a building or structure that does not conform to the strict definition of *means of egress* but does provide an alternate way out.

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## CSFSC Part IV Definitions

- 3.4.1 *Bed and Breakfast or Bed and Breakfast Establishment. A building:*
  - (1) That provides sleeping accommodations to the public for a fee for no more than 16 persons with guest rooms limited to the first or second floor of the structure,
  - (2) Where the owner occupies the facility or an adjacent property as his or her primary place of residence,
  - (3) Where cooking or food warming of any type is not allowed in guest rooms,
  - (4) That has a maximum of three stories in height and does not contain a mixed occupancy.
    - CT Specific Dfn.)

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## CSFSC Part IV Definitions

- 3.3.190.12\* Residential Board and Care Occupancy. An occupancy used for lodging and boarding of four or more residents, not related by blood or marriage to the owners or operators, for the purpose of providing personal care services.
- 3.3.208\* Personal Care. The care of residents who do not require chronic or convalescent medical or nursing care. (Personal care involves responsibility for the safety of the residents while inside the building.)

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## CSFSC Part IV Chap 31

### Existing Apartments

- (Add) **31.1.1.4.1** All buildings containing three or more individual living units shall be classified as apartment buildings, except where the building and living unit arrangement is in accordance with items numbered (1) through (4) of this section, then the entire building shall be exempt from the requirements of this chapter and the individual living units need only comply with the requirements for smoke alarms in Section 31.3.4.5 and each living unit shall be treated as a single family home for the purposes of section 29-305 of the Connecticut General Statutes:
  - Residential buildings containing three or more individual living units, in which the living units are arranged so that no living unit is located either above or below another living unit.
  - Each living unit has at least one independent exit, serving that unit only which leads directly to the exterior of the building in one of the following manners:
    - An exit door opening directly to the street or yard at ground level.
    - An outside stair leads directly to the street or yard at ground level.
    - An interior stair that is part of the living unit served that leads directly to the street or yard at ground level.
  - Each living unit is separated from the adjoining unit by vertical fire barriers having at least a 1-hour fire resistance rating. Such walls shall extend from the lowest floor slab to the underside of the highest roof deck and shall be continuous through all spaces below the living unit such as basements and crawl spaces and all areas above the living unit, such as attics or other concealed spaces.
  - There are no spaces within the confines of the building's exterior perimeter walls that are subject to common occupant usage including, but not limited to, corridors, hallways, laundry rooms, furnace or utility rooms, storage areas or recreation areas.

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## CSFSC Chap 24 (1 & 2 Family)

- (Amd) **24.1.1.1\*** The requirements of this chapter shall apply to dwelling units located in any building or structure; existing one- and two-family dwelling units, which shall include those buildings containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than six (6) outsiders, if any, accommodated in rented rooms, except those occupancies classified as health care, residential board and care or detention and correctional.
- Buildings which contain a maximum of two dwelling units **and no other occupancies** are specifically exempted by section 29-292 of the Connecticut General Statutes from the jurisdiction of this code, except for the specific smoke detection provisions set forth in 24.3.4.

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## CSFSC Part I Section 111

- **Changes of Occupancy or Use**
- In any building, structure, or portion thereof, whether or not a physical alteration is needed, a change made in the use or occupancy that would place the building or structure in a different division of the same group or occupancy or in a different group of occupancies shall not be permitted unless the structure, building or portion thereof conforms with the requirements of this code that apply to new construction for the proposed new use. A change of tenants or ownership shall not be construed to be a change of occupancy classification unless the nature of use and assigned occupancy classification remain the same.

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## Remember CSFSC Part III

- Part III Section 101.1.3 - Alternative compliance. Any building, structure, or portion thereof, evaluated and determined to be in compliance with the **2015 International Existing Building Code portion of the State Building Code**, shall be deemed in compliance with Part III of the Connecticut State Fire Safety Code. Those portions of an existing building or structure not affected by alteration, addition or change of occupancy shall comply with Part IV of this code.

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## CSFSC Part IV Time for Compliance

- 4.6.6 Time Allowed for Compliance. A limited but reasonable time, commensurate with the magnitude of expenditure, disruption of services, and degree of hazard, shall be allowed for compliance with any part of this Code for existing buildings.

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## CSFSC Conditions for Occupancy

- 4.6.9.1 No new construction or existing building shall be occupied in whole or in part in violation of the provisions of this Code, unless the following conditions exist:
  - (1) A plan of correction has been approved.
  - (2) The occupancy classification remains the same.
  - (3) No serious life safety hazard exists as judged by the authority having jurisdiction.

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## CSFSC Part III Definitions (202)

- **[A] DWELLING.** A building that contains one or two *dwelling units* used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.
- **[A] DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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## CSFSC Part III Definitions (202)

- **[BG] SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities **but not both**.
- Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

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## CSFSC Part III Definitions (202)

- **[BG] BOARDING HOUSE.** A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.
- **[BG] CONGREGATE LIVING FACILITIES.** A building or part thereof that contains *sleeping units* where residents share bathroom and/or kitchen facilities.

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## CSFSC Part III Definitions (202)

- **[BG] CUSTODIAL CARE.** Assistance with day-to-day living tasks; such as assistance with cooking, taking medication, bathing, using toilet facilities and other tasks of daily living. Custodial care includes persons receiving care who have the ability to respond to emergency situations and evacuate at a slower rate and/or who have mental and psychiatric complications.

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## CSFSC Part III Definitions (202)

- **[BG] GUESTROOM.** A room used or intended to be used by one or more guests for living or sleeping purposes.
- **Hotel.** A building containing six or more guest rooms, intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. (CT dfn.)

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## CSFSC Part III Definitions (202)

- **[BG] Residential Group R** - Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code* in accordance with Section 101.2 of the *International Building Code*.

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## CSFSC Part III Definitions (202)

- **[BG] Transient.** Occupancy of a dwelling unit or a sleeping unit for not more than 30 days.

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## CSFSC Part III Definitions (202)

- **Residential Group R-1.** Residential Group R-1 occupancies containing *sleeping units* where the occupants are primarily **transient** in nature, including:
  - *Bed & Breakfast Establishments*
  - *Boarding houses* with more than 6 occupants
  - Congregate living facilities with more than 6 occupants
  - Hotels
  - Motels

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## CSFSC Part III Definitions (202)

- **Residential Group R-2.** Residential Group R-2 occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily **permanent** in nature, including:
  - Apartment houses
  - *Congregate living facilities* with more than 6 occupants
  - Boarding houses with more than 6 occupants
  - Convents
  - *Dormitories*
  - Fraternities and sororities
  - Monasteries
  - Hotels & Motels
  - *Live/work units*
  - Vacation timeshare properties

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## CSFSC Part III Definitions (202)

- **Residential Group R-3.** Residential Group R-3 occupancies where the occupants are **primarily permanent** in nature and not classified as Group R-1, R-2, R-4 or I, including:
  - Buildings that do not contain more than two *dwelling units*, with not more than six (6) *lodgers or boarders per dwelling unit*.
  - Boarding houses with six or fewer occupants where personal care services are not provided.
  - Care facilities in accordance with Section 308.3.4, 308.4.2, or 308.6.4 of the IBC
  - *Congregate living facilities* with 6 or fewer occupants where personal care services are not provided

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## CSFSC Part III Definitions (202)

- **Residential Group R-4.** Residential Group R-4 shall include buildings, structures or portions thereof for more than three but not more than 16 occupants, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in section 310.6.1 or 310.6.2 of the IRC portion of the SBC. This group shall include, but not be limited to, the following:

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## R-4 Continued

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Group homes
- Halfway houses
- Residential board and care custodial care facilities
- Social rehabilitation facilities
- Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in the *International Building Code*.

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## Proposed 2022

### CSFSC Part III 903.2.8

- (Amd) **903.2.8 Group R.** An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all newly constructed buildings with a Group R *fire area* or in existing buildings that have a Group R *fire area* newly introduced by change of occupancy, occupancy group designation or by an addition.
- **Exceptions:**
  - 1. Group R-1 bed and breakfast establishments.
  - 2. In existing buildings four stories or less in height containing not more than four dwelling units where dwelling units are added to an existing Group R use that does not involve a physical increase in the height or area of the building and where each dwelling unit has either:
    - 2.1 An *exit door* directly to the exterior at a *level of exit discharge*,
    - 2.2 Direct access to an exterior *stair* serving a maximum of two *dwelling units* on the same story, or
    - 2.3 Direct access to an interior *stair* serving only that *dwelling unit* and separated from all other portions of the *building* with 1-hour fire-resistance-rated *fire barriers*.
  - 3. Existing buildings converted prior to June 15, 1994, from a one- or two-family building or Group R-3 to Group R-2 containing not more than four *dwelling units*.
  - 4. Horizontal additions containing a newly introduced Group R occupancy that are added to existing buildings shall have an *automatic sprinkler system* installed in the addition only if the addition is completely separated from the existing building by fire barriers with a minimum one-hour fire-resistance rating.
  - 5. In a building with a maximum of two *dwelling units* where:
    - 5.1 Each *dwelling unit* has a direct independent exit to grade.
    - 5.2 The exit(s) and *dwelling unit(s)* are separated from any non-residential occupancy by a minimum 1-hour fire-resistive-rated separation.
    - 5.3 The non-residential occupancy is protected by an automatic fire detection and alarm system with notification in the *dwelling unit(s)*.
- The use of any exceptions in this section shall not negate the requirements of Chapter 10.

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## Abatement of Fire Hazards and Penalty.

- CGS 29-306 / PA 21-165
    - (a) requires the LFM to order the remedy / removal of enumerated fire hazards found in *any* building or premises. Further allows a penalty of one hundred dollars, three months incarceration or both against any person who violates the order. Also allows a fifty dollar a day civil penalty.
- Also requires removal or remedy to be in conformance with all building codes and ordinances, rules and regulations of the municipality involved.

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## Notification

- CGS 29-306, - PA 21-165 cont.
  - (b) requires the LFM notify the prosecuting attorney if the owner or occupant fail to abate a hazard as reasonably ordered by the LFM.
  - (b) further requires the SFM be notified of the referral to the prosecutor.
  - (c) allows civil injunction to close or restrict use

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## Order to vacate

- CGS 29-306 – PA 21-165, cont.
  - (c) allows local fire marshal or police officer to order any building vacated, where one or more of the *enumerated violations* exist, *and* the LFM or PO determine that there exists in the building a *risk of death or injury*.  
They are known as the “five deadly sins”, and include:

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## Order to vacate, cont.

- CGS 29-306(c), - PA 21-165 cont.
  - Blocked, insufficient or impeded egress
  - Required fire protection or warning system shut off not maintained
  - Un-permitted flammable or explosive material or in excess of permitted quantities
  - Un-permitted fireworks or pyrotechnics
  - Exceeding occupancy limit established by FM

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## CGS 29-306(c) - PA 21-165

- Added provisions if the problem can not be abated in 4 hours or less, the SFM must be notified, and review such order, and determine to uphold, modify, or reverse such order.
- Must use OSFM Directive #10 –

<https://portal.ct.gov/-/media/DAS/Office-of-State-Fire-Marshall/Policy-Directives/Directive-10.docx#:~:text=Failure%20to%20maintain%20or%20shutting,limits%20pursuant%20to%20a%20permit>

### **Restricting the Use of a Building – Immediate Hazard.**

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## CO Approval CSFSC

- **Part I Section 109**
- The local fire marshal shall provide to the local building official certification in writing that prior to the occupancy of any building, structure or use subject to the requirements of this code, such building, structure or use is in substantial compliance with the requirements of this code.

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## Building Code Enforcement

### **Darren Hobbs**

Director of Regulatory Compliance  
(OSBI, OSFM, OEDM)

Department of Administrative Services  
State of Connecticut

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## Building Code Enforcement Objectives

- Responding to reports of illegal dwellings
- Determining what constitutes an illegal dwelling
- How to abate

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## Understand What You See

- **Is it an IRC or IBC scenario?**
  - IRC: International Residential Code
    - One- and two- family or townhouse
  - IBC: International Building Code
    - All other dwellings and uses
  - Change of occupancy from one to the other?
- **Is it a dwelling, dwelling unit or sleeping unit?**

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## Definitions

- **One Family Dwelling**
  - A building containing one dwelling unit with not more than six lodgers or boarders where care is not provided. Also known as a single family dwelling.
- **Two Family Dwelling**
  - A building containing two dwelling units with not more than six lodgers or boarders per dwelling unit.

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## Definitions

- **Dwelling**
  - A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.
- **Dwelling Unit**
  - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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## Definitions

- **Sleeping Unit**

- A room or space in which people sleep, which can also include permanent provisions for living, eating, and **either sanitation or kitchen facilities but not both**. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

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## In Practice – Building Officials

1. Report of illegal dwelling unit
  - Authentic source? Does it matter?
  - An illegal occupancy is 'unsafe' by definition
  - Do not delay inspection or ignore report
2. Establish access for inspections
  - Tenant
  - Owner / landlord
  - Management company
  - Building superintendent?

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## In Practice – Building Officials

3. Assess situation:
  - What records do “you” have?
    - Municipality
  - What records does the owner have?
  - Are you in contact with the owner?
  - How severe are the violations?
  - How urgent is the case?
  - Who else needs to be involved?

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## In Practice – Building Officials

4. If illegal occupancy is established, cite it:
  - Procedural
    - Lack of permits, inspections, CO etc.
  - Technical
    - Specific technical violations: fire safety, light, ventilation etc.
5. Use correct template for citations
6. Cite correct person / entity
7. Cite correct code and don't do it on the fly

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## In Practice – Building Officials

8. Follow through
  - Citation is just the beginning
  - If time given to comply, use that to prepare file for municipal counsel and state's attorney
  - Review progress with other municipal teams and share information
  - Don't rest until action complete

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## To Vacate or Not Vacate

- An illegal occupancy is an unsafe structure
- To abate (make safe):
  - Legalize, or
  - Vacate
- Determining urgency of vacate:
  - Follow fire marshal's lead on fire safety issues, but also issue your own citation
    - If one- or two- family, BO will be primary AHJ

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## Team Effort

- Many entities involved:
  - Fire, building, zoning, housing, health, ...
- Each has different requirements and should stay in their lane, but work as a team.
- Might not be a violation under one or more of the entities' codes
- Once one municipal entity is aware, all municipal entities are assumed to be aware.

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## Perception & Perspective

- Don't forget, the dwelling is somebody's home – imagine it from their perspective
- When one municipal inspector visits, the "town" or "city" has visited.
- Owners and tenants don't always make the distinction.



*A person's home  
is their castle*

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## Questions?

- Questions before we get into the legal details...?

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## The State Building Code

- Connecticut was the first state in the U.S. to adopt a **single** statewide enforced building code. (9/1/1971)
- The State Building Code is *the* building code for all towns and jurisdictions.
- Connecticut General Statutes: Volume 9, Title 29  
[https://www.cga.ct.gov/current/pub/title\\_29.htm](https://www.cga.ct.gov/current/pub/title_29.htm)

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## The State Building Code

- Sec. 29-252. State Building Code: Adoption, revision and amendments. State Building Inspector: Appointment; interpretations of code. Appeal.
- Adoption: State Building Inspector and Codes and Standards Committee jointly, with approval of DAS Commissioner
- Nationally recognized model code
- CT amendments permitted

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## Connecticut State Building Code

### Current: 2018 State Building Code

- 2018 Connecticut State Building Code
  - 2015 International Building Code (IBC)
  - 2015 International Residential Code (IRC)
  - 2015 International Existing Building Code (IEBC)
  - 2015 International Energy Conservation Code (IECC)
  - 2015 International Plumbing Code (IPC)
  - 2015 International Mechanical Code (IMC)
  - 2020 National Electrical Code (NEC)/ NFPA 70
  - 2009 ICC A117.1 Accessibility Standard

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## Connecticut State Building Code

### Proposed: 2022 State Building Code

- 2022 Connecticut State Building Code
  - 2021 International Building Code (IBC)
  - 2021 International Residential Code (IRC)
  - 2021 International Existing Building Code (IEBC)
  - 2021 International Energy Conservation Code (IECC)
  - 2021 International Plumbing Code (IPC)
  - 2021 International Mechanical Code (IMC)
  - 2020 National Electrical Code (NEC)/ NFPA 70
  - 2017 ICC A117.1 Accessibility Standard
- Proposed effective on 10/1/22

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## Intent of Building Code

- Minimum requirements
  - to provide a reasonable level of safety, public health and general welfare through
    - structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation,
  - and safety to life and property from fire and other hazards attributed to the built environment;
- and to provide a reasonable level of safety to firefighters and emergency responders during emergency operations.

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## What is Reasonable

- The model codes with the Connecticut amendments are prescriptive and are the baseline.
- Code officials cannot require more
- Owners, designers and buildings can do more
- No local discretion about whether to apply a requirement unless expressly permitted (“approved”)
- As a building official, be very careful if using “approved” to accept something.
- Use OSBI and the modification process if in any doubt

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## The Building Official

- **C.G.S. Sec. 29-260. (Formerly Sec. 19-396).  
Municipal building official to administer code.  
Appointment. Dismissal.**
- Town shall appoint a building official
- Four-year term
- Municipalities may combine
- May appoint acting building official for two 180-day periods (SB 166, 7/1/22)

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## Building Permit Requirements

- No building or structure shall be constructed or altered until an application has been filed with the building official and a permit issued  
C.G.S. 29-263
- Any owner or authorized agent shall apply and obtain the required permit before doing the work  
State Building Code 105.1
- Review period of 30-days for building official and fire marshal – issue or deny permit  
C.G.S. 29-263

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## Building Permit Requirements

- Education fee payable on all permits – funds building official and fire marshal training programs  
C.G.S. 29-263
- Pre-licensure and pre-certification programs
- Continuing education classes
- Learning management system (LMS) for registering, taking classes, and tracking learning history

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## Building Permit Requirements

- **Zoning Official** release for projects to which to zoning code applies (not others)  
C.G.S. 8-3
- **Fire Marshal** release for projects to which the fire safety code applies  
C.G.S. 29-263
  - No requirement for one- and two-family dwellings, except:
  - May choose to consult on smoke / CO alarm issues

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## Inspection Requirements

- (Add) **105.1.3 Connecticut State Fire Safety Code abatement.**
  - Where conflicts exist between the requirements of this code and the requirements of Connecticut State Fire Safety Code abatement orders issued in writing by the local fire marshal with respect to existing buildings,
  - the requirements of that portion of the Connecticut State Fire Safety Code that regulates existing buildings shall take precedence.

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## Inspection Requirements

- (Add) **105.1.3 Connecticut State Fire Safety Code abatement.**
- **Exceptions:**
  - New fire protection systems shall meet the requirements of Chapter 9 of this code.
  - Electrical work shall meet the requirements of the 2020 NFPA 70 National Electrical Code.
  - Structural, plumbing and mechanical work shall conform to the requirements of this code.

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## Certificate of Occupancy Requirements

- **Sec. 29-265. Certificate of occupancy.**
- Structure erected or altered after October 1, 1970
  - CO required (or certificate of approval)
- Single family-dwellings
  - No abatement after 6 years from occupancy following completion of work, except as may be necessary for the safety of life or property.
- Any building lawfully existing on October 1, 1945
  - No abatement except as may be necessary for the safety of life or property.
- The use of a building or premises shall not be deemed to have changed because of a temporary vacancy or change of ownership or tenancy.

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## Certificate of Occupancy Requirements

- **Certificate of Occupancy (S.111.1 / R110.1)**
- ...no building or structure erected or altered in any municipality after October 1, 1970, shall be occupied or used, in whole or in part, until a certificate of occupancy has been issued by the building official...
  - **Exceptions:**
    1. Work for which a certificate of approval is issued in accordance with Section 111.6. (R110.9)
- **Certificate of Approval (S.111.6 / R110.9)**
  - Such work shall include, but not be limited to: fences greater than 7 feet (2134 mm) in height; retaining walls greater than 3 feet (914 mm) in height; decks; garages; swimming pools; basements and attics converted to habitable space; electrical, plumbing, and mechanical repairs or alterations

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## Certificate of Occupancy Requirements

- **Fire Marshal Approval**
- **111.1.3 Fire marshal approval.** No **certificate of occupancy** or **certificate of approval** for a building, structure or use subject to the requirements of the Connecticut State Fire Safety Code shall be issued without certification in writing from the local fire marshal that the building, structure or use is in substantial compliance with the requirements of the Connecticut State Fire Safety Code.
- No requirement for one- and two-family dwellings.

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## Certificate of Occupancy Requirements

- **Zoning Approval**
- **111.1.2 Zoning approval.** Pursuant to subsection (f) of section 8-3 of the Connecticut General Statutes, no **certificate of occupancy** shall be issued for a building, structure or use subject to the zoning regulations of a municipality without certification in writing by the official charged with the enforcement of such regulations that such building, structure or use is in conformity with such regulations or is a valid nonconforming use under such regulations.
- R110.1.1 for one- and two-family dwellings

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## Certificate of Occupancy Requirements

- **Zoning Approval**
- **111.6 Certificate of approval.** The building official shall issue a certificate of approval indicating substantial compliance with the requirements of this code for all completed work that requires a building permit but does not require a certificate of occupancy.
- No **certificate of approval** shall be issued for work subject to the zoning regulations of a municipality without certification in writing by the official charged with the enforcement of such regulations that the work is in conformity with such regulations or is a valid nonconforming use under such regulations.
- R110.9 for one- and two-family dwellings

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## Unlawful Acts

- **IBC 114.1 / IRC R113.1**
- **Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

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## Notice of Violation

- **IBC 114.2 / IRC 113.2**
- **Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

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## Written Notice

- **IBC 114.2.1 / IRC 113.2.1**
- **Written notice.** The notice of violation shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work.
- YOU CITE IT, YOU WRITE IT!

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## Prosecution of Violation

- **IBC 114.3 / IRC 113.3**
- If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

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## Violation Penalties

- **IBC 114.1 / IRC 113.4**
- **Violation penalties.** Pursuant to section 29-254a of the Connecticut General Statutes, any person who violates any provision of this code shall be fined not less than two hundred nor more than one thousand dollars or imprisoned not more than six months, or both.
- Penalties levied by court – no exception.
- Applies to all procedural and technical violations, including work without a permit and illegal occupancies.

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## Unsafe Structures and Equipment

- **116.1 Conditions.**
- Structures or existing equipment that
  - are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation,
  - or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare,
  - or that involve **illegal or improper occupancy** or inadequate maintenance,
- shall be deemed an unsafe condition.

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## Unsafe Structures and Equipment

- **116.1 Conditions.**
- Unsafe structures shall be:
  - taken down and removed
  - or made safe,
- as the building official deems necessary
- A vacant structure that is not secured against entry shall be deemed unsafe.

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## Wrap Up

- Treat all reports of illegal dwellings seriously
- You cite it, you write it!
  - Document and photograph
  - Build file
- Don't take your foot off the gas
- Consider SOPs for your municipality
- Make doing business with your department as easy as possible – customer service

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## Questions?

### CT Department of Administrative Services

- Office of the State Fire Marshal
  - 860-713-5750
  - [osfm.engineer@ct.gov](mailto:osfm.engineer@ct.gov)
- Office of the State Building Inspector
  - 860-713-5900
  - [das.osbi@ct.gov](mailto:das.osbi@ct.gov)

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### OFFICE OF THE CHIEF STATE'S ATTORNEY – HOUSING BUREAU

CT statewide assignments by Judicial District as of June 2022

**John F. Kerwin III, Supervisory Assistant State's Attorney, Housing Bureau** [john.kerwin@ct.gov](mailto:john.kerwin@ct.gov)

➤ Statewide Housing Matters, Litchfield, New Britain and Waterbury Judicial Districts  
400 Grand Street, Room 202, Waterbury, CT 06702

PH: 203-236-8141 FAX: 203-236-8194

**Maura K. Coyne, Senior Assistant State's Attorney, Housing Bureau** [maura.coyne@ct.gov](mailto:maura.coyne@ct.gov)

➤ Fairfield, Stamford/Norwalk and Danbury Judicial Districts, GAR5

1061 Main Street, Bridgeport, CT 06604

PH: 203-579-7237 FAX: 203-382-8401

**Donna M. Parker, Senior Assistant State's Attorney, Housing Bureau** [donna.parker@ct.gov](mailto:donna.parker@ct.gov)

➤ Middlesex, New Haven and New London Judicial Districts, GA #22

234 Church Street, Suite 402, New Haven, CT 06510

PH: 203-789-7494 FAX: 203-789-7849

**Allison Kaas, Deputy Asst. State's Attorney, Housing Bureau** [allison.kaas@ct.gov](mailto:allison.kaas@ct.gov)

➤ Hartford, Tolland and Windham Judicial Districts

80 Washington Street, Hartford, CT 06106

PH: 860-756-7810 FAX: 860-756-7812

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