



**HOME BUILDERS & REMODELERS ASSOCIATION
OF CONNECTICUT, INC.**

3 Regency Drive, Suite 204, Bloomfield, CT 06002
Tel: 860-216-5858 Fax: 860-206-8954 Web: www.hbact.org

*Your Home
Is Our
Business*

February 9, 2017

To: Senators Guglielmo and Larson and Representative Verrengia, Co-Chairs
Representative Sredzinski, Ranking Member
Members of the Public Safety and Security Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **Concerns HB 7092, AAC Smoke Detection and Warning Equipment in Residential Buildings**

The HBRA of Connecticut is a professional trade association with about eight hundred (800) member firms statewide employing tens of thousands of CT's citizens. Our members, all small businesses, are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry and to consumers. We build between 70% to 80% of all new homes and apartments in the state each year and engage in countless home remodeling projects.

The HBRA supports the intent but strongly opposes the language of HB 7092. The bill goes far beyond the bill's stated intent and would have far reaching unintended consequences for both new home construction and all owners of 1&2 family homes.

As was proposed last year with SB 124, **HB 7092 would remove the current exemption for 1&2 family homes from the statutes adopting the Fire Safety Code. This will subject all 1&2 family homes to additional requirements and duplicative if not conflicting construction requirements with the International Residential Code**, as amended by CT, by which all 1&2 family homes are built.

The 2016 CT amendments to the State Fire Safety Code are by themselves 120 pages in length. Just a few provisions, noted below, in the 2016 CT amendments to the Fire Safety Code should give pause to removing the long-standing statutory exemption for 1&2 family homes:

“

Sec. 105 Building Permit Approval

The local fire marshal shall provide to the local building official certification in writing prior to the issuance of a building permit that the construction documents for any building, structure or use subject to the requirements of this code are in substantial compliance with the requirements of this code. Because of the 30-day time limit imposed by section 29-263 of the Connecticut General Statutes, the fire marshal shall notify the building official of the degree of compliance within that time period.

.....

Sec. 107 Inspections

(a) Each local fire marshal, the State Fire Marshal and their respective designees shall conduct inspections as prescribed in section 29-305 of the Connecticut General Statutes of buildings and facilities regulated by the Connecticut State Fire Safety Code within their jurisdictions.

**Vision: “Building CT’s Economy, Communities and Better Lives One Home at a Time”
Mission: “Using Effective Advocacy and New Knowledge to Solve Our Member’s Problems.”**

(b) Each local fire marshal, the State Fire Marshal and their respective designees may conduct inspections as often as may be necessary during the construction of new buildings, structures or additions, and during the course of renovations, alterations or modernizations for the purpose of satisfying themselves that all work is in accordance with the approved plans, specifications and this code.

....

Sec. 108 Acceptance of Building Official Reports

The State Fire Marshal or local fire marshal may accept the reports of the building official concerning a code compliance review or inspection in lieu of conducting the review or inspection himself or herself.

Sec. 109 Certificate of Occupancy Approval

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.

....”

These provisions alone could add substantial delays to the construction process for both newly built homes and most home improvement work that any homeowner pursues. We point out that the 30-day time limit in which to issue a building permit referenced in the code and statutes is breached in practice. Further, obtaining timely inspections by building officials during construction is in many communities a difficult goal. Adding the layer of compliance with the Fire Safety Code and additional inspections and sign offs by local fire marshals will cause further delays and disruptions, and these are all wholly unnecessary because the International Residential Code (which is part of the State Building Code) already includes fire safe construction features (i.e., all new homes since October 1, 1985, have hard-wired, interconnected smoke alarms with battery backup). You need to ask also, what other provisions of the multi-hundred page Fire Safety Code would 1&2 family homes be subjected to? **Therefore, we strongly urge you to not adopt the language of the underlying bill.**

However, we do agree with the intent of the bill that all residential structures, including all existing 1&2 family homes, should have smoke detectors. Detectors do save lives.

The substitute for HB 7092 that we offer below makes sure that the bill requires only that all residential dwellings are required to have smoke detection equipment, but avoids the confusion and duplicative and possibly conflicting requirements created with the underlying bill’s requirements that all 1&2 family homes comply with both the Fire Safety Code and the State Building Code.

If the intent is to only require smoke detection in all residential buildings, our substitute does just that but only that. **Additional policy decisions you must make, however, involve how such a requirement would be enforced on existing home owners.** This is a dilemma for both the

underlying bill and our substitute. One possible solution that deserves more discussion might be Rhode Island's approach to this issue. Rhode Island requires smoke detection in all homes and they require an inspection and sign off by a local official upon the transfer of any home to a new buyer. This ensures that at least upon transfer there are working smoke detectors in the correct locations.

We urge you to consider our substitute language below and oppose the language of the underlying bill. Thank you for the opportunity to express our views on this important topic.

Substitute for HB 7092 offered by the Home Builders & Remodelers Association of Connecticut. Replace HB 7092 in its entirety with the following (i.e., insert a new paragraph (2) in subsection (a) and renumber the remaining paragraphs accordingly):

“Section 1. Section 29-292 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*)

(a)(1) The State Fire Marshal and the Codes and Standards Committee shall adopt and administer a Fire Safety Code and at any time may amend the same. The code shall be based on a nationally recognized model fire code and shall be revised not later than January 1, 2005, and thereafter as deemed necessary to incorporate advances in technologies and improvements in construction materials and any subsequent revisions to the code not later than eighteen months following the date of first publication of such revisions to the code, unless the State Fire Marshal and the committee certify that a revision is not necessary for such purpose. The regulations in said code shall provide for reasonable safety from fire, smoke and panic therefrom, in all buildings and areas adjacent thereto except in private dwellings occupied by one or two families and upon all premises, and shall include provision for (A) carbon monoxide detection and warning equipment in (i) new residential buildings not exempt under regulations adopted pursuant to this subsection and designed to be occupied by one or two families for which a building permit for new occupancy is issued on or after October 1, 2005, and (ii) all public or nonpublic school buildings, and (B) smoke detection and warning equipment in (i) residential buildings designed to be occupied by two or more families, (ii) new residential buildings designed to be occupied by one family for which a building permit for new occupancy is issued on or after October 1, 1978, requiring equipment complying with the Fire Safety Code, and (iii) new residential buildings designed to be occupied by one or more families for which a building permit for new occupancy is issued on or after October 1, 1985, requiring equipment capable of operation using alternating current and batteries.

(2) Notwithstanding any other provision of the general statutes to the contrary, said regulations shall provide that on or after October 1, 2017, smoke detection and warning equipment shall be installed in all residential buildings. Any residential

building designed to be occupied by one or more families for which a permit for occupancy was issued prior to October 1, 1985, (I) shall be of a type or technology that is readily available for retail sale, (II) shall be tested and certified pursuant to standards issued by the American National Standards Institute or Underwriters Laboratories, (III) may be powered solely by battery, and (IV) shall be installed by the owner of the residential building on each level of the building used for human occupancy and the basement level, if any, as follows: Such equipment shall be installed outside each separate sleeping area in the immediate vicinity of such area and on the ceiling of each stairway between levels.

[(2)](3) Said regulations shall provide the requirements for markings and literature which shall accompany such equipment sufficient to inform the occupants and owners of such buildings of the purpose, protective limitations and correct installation, operating, testing, maintenance and replacement procedures and servicing instructions for such equipment and shall require that smoke detection and warning equipment which is installed in such residential buildings shall be capable of sensing visible or invisible smoke particles, that the manner and location of installing smoke detectors shall be approved by the local fire marshal or building official, that such installation shall not exceed the standards under which such equipment was tested and approved and that such equipment, when activated, shall provide an alarm suitable to warn the occupants, provided each hotel, motel or inn shall install or furnish such equipment which, when activated, shall provide a visible alarm suitable to warn occupants, in at least one per cent of the units or rooms in such establishment having one hundred or more units or rooms and in establishments having less than one hundred units or rooms, it shall install or furnish at least one such alarm.

[(3)](4) Said regulations shall (A) provide the requirements and specifications for the installation and use of carbon monoxide detection and warning equipment and shall include, but not be limited to, the location, power requirements and standards for such equipment and exemptions for buildings that do not pose a risk of carbon monoxide poisoning due to sole dependence on systems that do not emit carbon monoxide; (B) provide the requirements for testing and inspecting carbon monoxide detection and warning equipment installed in public or nonpublic school buildings and shall include, but not be limited to, the frequency with which such equipment shall be tested and inspected; (C) require that, for a public or nonpublic school building, (i) any carbon monoxide detection equipment installed in any such building meet or exceed Underwriters Laboratories Standard Number 2075, or (ii) any carbon monoxide warning equipment installed in any such building meet or exceed Underwriters Laboratories Standard Number 2034; (D) require the installation and maintenance of such detection or warning equipment to comply with the manufacturer's instructions and with the standards set forth by the National Fire Protection Association; and (E) prohibit, for public and nonpublic school buildings for which a building permit for new occupancy is issued on or after January 1, 2012, the installation of any battery-operated carbon monoxide warning equipment or any plug-in carbon monoxide warning equipment that has a battery as its back-up power source.

(b) (1) No certificate of occupancy shall be issued for any residential building designed to be occupied by two or more families, or any new residential building designed to be occupied by one or more families for which a building permit for new occupancy is issued on or after October 1, 1978, unless the local fire marshal or building official has certified that such building is equipped with smoke detection and warning equipment complying with the Fire Safety Code.

(2) No certificate of occupancy shall be issued for any (A) new residential building not exempt under regulations adopted pursuant to subsection (a) of this section and designed to be occupied by one or two families for which a building permit for new occupancy is issued on or after October 1, 2005, or (B) public or nonpublic school building for which a building permit for new occupancy is issued on or after January 1, 2012, unless the local fire marshal or building official has certified that such residential or school building is equipped with carbon monoxide detection and warning equipment complying with the Fire Safety Code.

(c) (1) No municipality, local or regional board of education, or supervisory agent of a nonpublic school, and (2) no employee, officer or agent of such municipality, board of education or supervisory agent acting without malice, in good faith and within the scope of his or her employment or official duties shall be liable for any damage to any person or property resulting from the failure to detect carbon monoxide within a public school building, provided carbon monoxide detection equipment is installed and maintained in accordance with the manufacturer's published instructions and with the regulations established pursuant to this section."