



**HOME BUILDERS & REMODELERS ASSOCIATION
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*Your Home
Is Our
Business*

March 8, 2016

To: Senator Timothy D. Larson, Co-Chairman
Representative Stephen D. Dargan, Co-Chairman
Members of the Public Safety & Security Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **Opposition to SB 388, AAC the Department of Administrative Services' Recommendations Regarding the Adoption of the State Building and Fire Codes**

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 of CT opposes SB 388 as it creates the fantasy that a regulation is not a regulation. In our view, the Division of Construction Services within DAS, and the Codes and Standards Committee (CSC) that works with the agency in writing our State Building Code, are the best, most professional regulators in state government. They are, and have been for a long time, not only professional and know the issues under their jurisdiction but also are approachable and reasonable. They know their job and keep within their statutory mandates without the "mission creep" we see in some other state agencies. **Nonetheless, this proposal is an unwelcome and dangerous precedent that should not go forward.**

Our State Building Code, Fire Prevention Code and Fire Safety Code are state agency regulations with broad, statewide applicability. As such, they are developed – as are other state agency regulations – with the notice and comment rulemaking requirements of chapter 54 of the state statutes, including the final step of approval at the legislature's Regulations Review Committee. The Department's effort to shorten the timeframe to get to final code approval is admirable. But it is also dangerous as it removes not only possible checks and balances during the development process but also the final backstop for affected stakeholders that is the Regulations Review Committee.

Why does it take so long to approve our state building code? The State Building Code is adopted under CGS sec. 29-252 and Fire Safety Code under CGS sec. 29-292. The Codes and Standards Committee (CSC) is a broad-based group of code and construction experts who are all volunteers that writes and adopts the State Building Code and State Fire Safety Code with, respectively, the State Building Inspector or the State Fire Marshal. See also the nine-member State Fire Marshal's advisory committee regarding adoption of the Fire Prevention Code under CGS sec. 29-291a.

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."

The CSC is a well balanced group that is very deliberate and thorough in its work, and generally reliant on facts and evidence put before it when it votes on specific code matters. Our state codes are based on “model” codes drafted by out-of-state book publishing companies (the ICC and NFPA). **These so-called “model” codes are extensive and detailed and far from perfect.** The current balanced CSC sorts out the controversial provisions placed into the model codes by the book publishers or are otherwise proposed as amendments in CT by various stakeholders. **The CSC must closely scrutinize the provisions of the “model” codes and write amendments to them so the codes work for CT. Every state does this.** These amendments can amend, add or delete provisions of the “model” codes. The “model” codes’ length, technical nature and imperfections – as well as the need to ensure they are cross-referenced appropriately so as to not cause confusion in the design and construction industry and among code officials who enforce them – is why it takes a long time for CSC to do its work. **The final process steps of review by, for example, the AG, OPM and Regs Review, are not necessarily the issue causing a long final approval timeline.**

While our building codes are necessarily highly detailed and technical, they have the same affect on the state’s citizens as any other state agency regulation with broad applicability. Indeed, they impact the entire design and construction industry and built environment. Since a new edition of the “model” codes are published every three years, the CSC is constantly working on the next versions. **If the issue is that DAS and the CSC cannot meet its statutory mandate to revise the code as deemed necessary “not later than eighteen months following” the publication of the model codes (i.e., see lines 19-20, and 165-166 of the bill), perhaps it is because the statute (i.e., the legislature) fails to recognize the thorough and detailed review necessary that must be exercised by the CSC. This suggests the 18 month deadline in the statute should be repealed rather than repealing important due process protections for the regulated community.**

In addition to the suggestion in the prior paragraph, it is rare that code knowledge and new ideas about construction rise to such an importance that a three-year cycle of change is truly necessary. Consequently and appropriately, CSC has in the past skipped a version of the “model” codes, and more states are moving to a six-year code cycle. Also, our codes allow for new technologies to be utilized without code changes and specific, limited amendments to our code can be adopted at any time if necessary. **Thus, to help the CSC process a more reasonable work load, CT should move to a default of a 6-year code cycle,** with the ability to adopt a 3-yr model code update only if some new provision is truly necessary.

Despite DAS’ and CSC’s thorough and professional work, the process steps of Chapter 54, including the final step of approval before the Regulations Review Committee, are important components for protecting the public’s involvement in the regulation adoption process. The current process ensures the ability for any stakeholder to have their concerns fully addressed, just as with any other proposed state agency regulation.

We urge the Public Safety Committee to not pursue this unnecessary and potentially dangerous change in the process for adopting our State Building Code, Fire Prevention Code and Fire Safety Code.

Thank you for the opportunity to submit this testimony on this legislation.