

STATE BUILDING CODE INTERPRETATION NO. I-46-00

August 7, 2000

The following is offered in response to your letter in which you request formal interpretations of the provisions of Chapter One of the BOCA National Building Code/1996 portion of the 1999 State Building Code as it pertains to the issuance of building permits (sections 107.0 and 108.0).

Question #1: Is it possible to issue a single permit covering all phases of a given construction project, or is it necessary to issue separate permits for building, plumbing, heating, electrical, etc.?

Answer #1: The administrative sections of all of the codes that make up the 1999 State Building Code require that permits be issued prior to beginning work on any portion of a construction project. The code, however, does not set forth a requirement for a single permit or multiple permits. The decision is one to be made by the municipality issuing the permits. If complete construction documents for all portions of the project are available at the time of application, it may be appropriate to issue a single permit to the owner or owner's agent for the entire project. If not, section 108.7 allows for approval of the project in parts, through the issuance (to the owner or owner's agent) of separate permits for each portion of the project.

Question #2: Can a permit be issued to a licensed contractor who mails in a permit application?

Answer #2: Yes, if the licensed contractor personally signs the permit application. If the permit application is not personally signed by the licensed contractor, but rather by an agent of the contractor, the provisions of Section 20-338b of the Connecticut General Statutes (C.G.S.) must be followed. Keep in mind that if the permit applicant is other than the owner of the building, an affidavit of the owner or the qualified applicant or a signed statement of the qualified applicant witnessed by the code official or his designee to the effect that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application must accompany the application.

Question #3: Is the building official responsible for checking for required contractor's licensing at the time of permit application?

Answer #3: The 1999 State Building Code does not contain information regarding requirements for licensing of contractors or any requirement that the building official check for such license, however, there are various statutes that deal with this issue. Although I am not authorized to interpret statute, I can point out those statutes that may be applicable to this question. The umbrella statute requiring compliance with all applicable laws is found in subsection (b) of Section 29-261, which states that the building official or assistant building official shall require compliance with "laws relating to the construction, alteration, repair, removal, demolition and integral equipment and location, use, accessibility, occupancy and maintenance of buildings and structures, except as may be otherwise provided for."

Requirements regarding licensing of electrical, plumbing, solar, heating, piping and cooling, elevator, fire protection and irrigation contractors are found at Chapter 393 of the Connecticut General Statutes. Section 20-338a requires that any such contractor

who applies for a building permit must cause the work to be performed by a licensed person. Section 20-338b, as mentioned above, sets forth the procedure to be followed when a contractor is acting as the owner's agent in applying for a building permit. Subsection (b) of Section 20-334 requires a licensed contractor (or journeyman) to show his/her license upon request to any properly interested person.

In addition to the requirements for licensing outlined above, there are several categories of Department of Consumer Protection registration that building officials should be aware of. Requirements for Major Contractors (those working on buildings that exceed the threshold limits) are found in Chapter 393c, C.G.S. Section 20-341gg states that anyone registered as a major contractor shall show such registration to any properly interested person upon request.

Requirements for Home Improvement Contractors (who are registered, not licensed) are found in Chapter 400, C.G.S. In addition to those requirements, Section 29-263, C.G.S., as amended by Public Act 00-60 contains information applicable to Home Improvement Contractors where it states "No permit shall be issued to a contractor who is required to be registered pursuant to Chapter 400, as amended, for work to be performed by such contractor, unless the name, business address and Department of Consumer Protection registration number of such contractor is clearly marked on the application for a permit, and the contractor has presented such contractor's certificate of registration as a home improvement contractor."

Requirements for New Home Construction Contractors (who are also registered, not licensed) are found in Public Acts 99-246 and 00-132. Section 8 of P.A. 99-246 states "No building official shall issue a [new home construction] contractor a building or construction permit unless the contractor has presented to such building official the certificate of registration and registration number of the new home construction contractor."

Also keep in mind that Subsection (c) of Section 29-261, C.G.S., states, "A building official may request proof of licensure from any person at a construction site for which a building permit was issued." This section gives the ability for a building official to check for the proper licenses at a job site, but does not require it.