



**Senate Bill 343**

**AN ACT MAKING VARIOUS CHANGES RELATED TO THE STATE BUILDING CODE AND FIRE SAFETY CODE, FISCAL NOTES FOR PROPOSED REGULATIONS, BARRIERS FOR SWIMMING POOLS, BATTERY-CHARGED SECURITY FENCES AND PARKING OF ELECTRIC VEHICLES.**

**Testimony of the Department of Administrative Services**

**Public Safety and Security Committee**

**March 7, 2024**

Senator Gaston, Representative Boyd, Senator Cicarella, Representative Howard, and distinguished members of the Public Safety Committee. We thank you for the opportunity to submit testimony on **Senate Bill 343: *An Act Making Various Changes Related to the State Building Code and Fire Safety Code, Fiscal Notes for Proposed Regulations, Barriers for Swimming Pools, Battery-Charged Security Fences and Parking of Electric Vehicles.***

**Section 2(a)(2) and Section 4**

DAS offers the following testimony on **Section 2(a)(2) and Section 4** related to the State Building Code:

The department is in strong support of efforts to increase the development of housing in Connecticut so that more individuals and families have access to housing they can afford. The language in Section 2(a)(2) builds this consideration into the process by which the State Building Code is amended.

With the exception of subparagraph (2)(C) and subdivision (3) of Section 4, the language in section 4 mirrors language that will be introduced for consideration to the Connecticut Codes and Standards Committee this year, and DAS supports this portion of Section 4. Subdivision (1) asks Codes and Standards to allow additional occupancies to be served safely by a single means of egress, and thereby diversify the floor plans available to developers and encourage the development of more multifamily housing. This building code provision has been law in Seattle, New York City, and Honolulu for many years.

Subparagraphs (2)(A)-(B) mirror a change enacted in North Carolina last year, and would allow 3- and 4-family buildings to fall under the International Residential Code portion of the

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building code or to be allowed under similar conditions in the main building code. Critically, and unlike under the provision in subparagraph (2)(C), Codes and Standards would still be able to consider sprinkler requirements or any other measures necessary to allow building safety.

Given the housing crisis impacting our state, Connecticut must consider ways to encourage the development of more housing to help control the cost of housing stock available to residents of our state. Housing production is a key priority of the administration. These provisions are written at a level of flexibility to express the legislature's policy intent and allow DAS and the Codes and Standards Committee to implement the measures safely. DAS looks forward to hearing further testimony from all stakeholders on these and other measures introduced this session to encourage the development of housing in our state.

### **Section 5**

DAS requests that **Section 5 be amended** to exclude reference to the International Swimming Pool and Spa Code.

The new language proposed in Section 5 of the bill makes specific reference to sections of the International Swimming Pool and Spa Code that are adopted in the State Building Code. DAS requests that specific references to sections of the international code be deleted and that the bill only reference the State Building Code so that future changes to sections numbers in the international code will not make the statute outdated. The State Building Code is amended to adopt the most recent section numbers in international codes.

In addition, DAS requests that the reference to a “barrier **fence**” in subsection 5(a) be amended to only reference a “barrier” as is used throughout the remainder of the section. A wall would also be consistent with the State Building Code and this reference to a fence creates inconsistency and ambiguity within the section.

The changes below capture the amendment to the Raised Bill requested by DAS:

Sec. 5. (Effective from passage) (a) On or after July 1, 2024, no local building official shall issue a building permit for the construction or substantial alteration of a swimming pool unless a barrier that complies with the requirements of **[Section 305 of the International Swimming Pool and Spa Code portion of]** the State Building Code is installed, or is included in the plan for such construction or substantial alteration to be installed, around such pool, except that no powered safety cover, as defined in **[Section 305 of the International Swimming Pool and Spa Code] the State Building Code**, may be installed in lieu of any barrier **[fence]** around such pool.

(b) (1) Any owner of a swimming pool that is not subject to the provisions of subsection (a) of this section and that, as of July 1, 2024, is surrounded by a barrier that complies with the requirements of **[Section 305 of the International Swimming Pool and Spa Code portion of]** the State Building Code, shall maintain such barrier in compliance

with said section and shall not be permitted to remove such barrier except for the purposes of replacing or repairing such barrier.

(2) Any owner of a swimming pool that is not subject to the provisions of subsection (a) of this section and that, as of July 1, 2024, is not surrounded by a barrier that complies with the requirements of **[Section 305 of the International Swimming Pool and Spa Code portion of]** the State Building Code, shall install a barrier that complies with the requirements of said section not later than July 1, 2025.

(c) The provision of **[Section 305 of the International Swimming Pool and Spa Code portion of]** the State Building Code that permits installation of a powered safety cover that complies with ASTM F1346 as an exception to the requirements of said section shall have no effect and shall not be construed as an exception to the requirement in subsection (a) or (b) of this section for the installation and maintenance of a barrier around a swimming pool that complies with the requirements of said **[Section 305] code**.

(d) The provisions of this section shall be enforced as if such provisions were included within the State Building Code, except the State Building Inspector may not grant variances or exemptions from, or approve equivalent or alternate compliance with, the requirements of this section that would (1) permit the installation of any pool cover or alarm to satisfy any requirement concerning the installation and maintenance of a barrier around a swimming pool, or (2) have a negative impact on safety in the determination of the State Building Inspector.

(e) On or after July 1, 2024, no local building official shall issue a certificate of compliance or other approval for use for the construction or substantial alteration of a swimming pool unless a barrier that complies with the requirements of **[Section 305 of the International Swimming Pool and Spa Code portion of]** the State Building Code is installed around such pool, except that no powered safety cover, as defined in **[Section 305 of the International Swimming Pool and Spa] the State Building Code**, may be installed in lieu of any barrier fence around such pool.

(f) As soon as practical after the effective date of this section, the Department of Administrative Services shall (1) inform all local building officials of the requirements of this section, and (2) conspicuously post on the Internet web site of the department a notice of the provisions of this section and the provisions of the State Building Code preempted by the provisions of this section.

## **Section 7**

**DAS is in strong opposition to Section 7 of the raised bill**, which prohibits anyone from parking an electric vehicle in a residential or commercial garage. This proposal runs contrary to the strong policy position the state has taken in supporting the electrification of vehicles in our state. As just one example, this prohibition would present significant implications for the

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mandate in CGS 4a-67d to electrify the state's fleet vehicles beginning in 2026 and requiring that all cars and light duty trucks purchased or leased by the state be battery electric vehicles by January 1, 2030. In the near term, it would severely limit the development of the charging infrastructure needed to charge a statewide fleet if all chargers had to be installed outside. And once the vehicles are purchased, prohibiting the parking of fleet vehicles in garages would severely limit the practical use of those vehicles in conducting state business.

The terms "residential garage" and "commercial garage" are not defined but, presumably, would encompass everything from a private home's garage up to multi-story parking garages used for state, private or public uses. This would prohibit any state employee and any member of the public that drives an electric vehicle from being able to park their vehicle in a garage when going to work or visiting a location, or in a state-owned garage when attending a public or administrative hearing, or meeting with a state official, state employee, or state entity. It would also undermine the public investment that has already been made in the installation of electric vehicle chargers in state garages (including those in the legislative office building garage), requiring that they no longer be utilized or that further investment be made to move them to outdoor locations.

The language also fails to clarify whether parking on the roof level of a garage falls within the prohibition of parking "in" a garage. Additionally, the proposed language lacks an enforcement mechanism. Without such language, the law will be ineffective at best and cause significant confusion about whose responsibility it is to enforce, likely resulting in varying levels of enforcement by entities that may or may not have authority. Any effective enforcement would require public investment at both the state and local levels.

Thank you for the opportunity to submit testimony and share our thoughts with the Committee.