

The Connecticut General Assembly

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Memorandum

To: Senator James Maroney
Representative Nicole Klarides-Ditria
Senator John Kissel
Representative Tom Arnone

From: Sarah O'Connor, Heather Bannister and Kumi Sato

Date: September 27, 2022

Subject: Proposed 2022 Connecticut State Fire Safety Code
Second Resubmittal

This is the resubmittal of the proposed **2022 Connecticut State Fire Safety Code** that was rejected without prejudice at the committee's meetings on June 28, 2022 and August 30, 2022. On September 14, 2022, the Department of Administrative Services submitted substitute pages 1 to 173. This report is based in whole on the substitute pages. The resubmittal addresses the substantive concerns and technical corrections noted in the August 30, 2022 memorandum, except as noted below.

In addition to the resubmitted Connecticut State Fire Safety Code, the agency has provided for the committee's consideration a written explanation of the changes not made by the agency in response to the August 30, 2022 memorandum, including any item listed in the "Additional Comments" section of said memorandum, and a description of an additional change made in this resubmittal.

Attached is the page noted in the table below from the substitute pages submitted for the proposed **2022 Connecticut State Fire Safety Code**. There is a handwritten comment on the page of the proposed code referenced that makes a recommendation for a technical correction.

Substantive Concerns:

Additional Comments:

LCO Comments/Correction	Page Number of the Code
Technical correction	24

Recommendation:

X	Approval in whole
X	with technical corrections with deletions
X	with substitute pages
	Disapproval in whole or in part
	Rejection without prejudice

Authorizing Statute

Sec. 29-292a. Procedure for adoption and amendment of Fire Safety Code. (a) For the purposes of this section, "proposed code" means a proposal by the State Fire Marshal and the Codes and Standards Committee for a new Fire Safety Code or for a change in, addition to or repeal of any provision of the Fire Safety Code.

(b) Notwithstanding the provisions of chapter 54, the adoption of the Fire Safety Code and any amendments thereto shall not be required to comply with the provisions of chapter 54, except as provided in this section.

(c) Prior to the adoption of the Fire Safety Code and any amendments thereto, the State Fire Marshal shall (1) post any proposed code, a statement of purpose for which the proposed code is proposed, a fiscal note associated with compliance with the proposed code prepared pursuant to section 4-168, and a regulatory flexibility analysis prepared pursuant to section 4-168a on the Internet web site of the Department of Administrative Services, (2) give notice electronically to the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security, (3) give notice to any person who has requested the State Fire Marshal for advance notice of the proposed code adoption proceedings, (4) provide for a public comment period of forty-five days following the posting of such proposed code, fiscal note and regulatory flexibility analysis, and (5) hold a public hearing on the proposed code not less than twenty nor more than thirty-five days after such posting.

(d) After the close of the public comment period, the State Fire Marshal and the Codes and Standards Committee shall respond to each written and oral comment respecting the proposed code received during the public comment period and at the public hearing. Such response shall include any change made to the proposed code if applicable, and the rationale for such change. The State Fire Marshal shall post such response on the Internet web site of the Department of Administrative Services not later than thirty days after the close of the public comment period.

(e) The State Fire Marshal and the Codes and Standards Committee shall create and maintain a code-making record for each proposed code, submit such code-making record electronically to the standing legislative regulation review committee and the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security, and post such code-making record on the Internet web site of the Department of Administrative Services. Such code-making record shall

include, but need not be limited to: (1) The final wording of the proposed code in a format consistent with a nationally recognized model building code, (2) the fiscal note prepared pursuant to subsection (c) of this section, (3) the regulatory flexibility analysis prepared pursuant to subsection (c) of this section, (4) all written and oral comments received during the public comment period, and (5) the response to such comments prepared pursuant to subsection (d) of this section.

(f) The standing legislative regulation review committee shall have not more than forty-five days from the date the code-making record is submitted to the committee pursuant to subsection (e) of this section to convene a meeting to approve, disapprove or reject without prejudice the proposed code, in whole or in part. If the proposed code is withdrawn, the State Fire Marshal shall resubmit the proposed code and the committee shall have not more than forty-five days from the date of such resubmittal to convene a meeting to approve, disapprove or reject without prejudice the resubmitted proposed code. If the committee notifies the State Fire Marshal in writing that it is waiving its right to convene a meeting or does not act on a proposed code or a resubmitted proposed code, as the case may be, within such forty-five-day period, the proposed code or resubmitted proposed code shall be deemed to be approved by the committee.

(g) If the committee disapproves a proposed code, in whole or in part, the committee shall notify the State Fire Marshal of the disapproval and the reasons for the disapproval. The State Fire Marshal shall not take any action to implement such disapproved code, except that the State Fire Marshal may submit a substantively new proposed code in accordance with the provisions of this section, provided the General Assembly may reverse such disapproval in accordance with the provisions of section 4-171.

(h) If the committee rejects a proposed code without prejudice, in whole or in part, the committee shall notify the State Fire Marshal of the reasons for the rejection and the State Fire Marshal shall resubmit the proposed code in revised form to the committee not later than thirty days after the date of rejection without prejudice. Each resubmission of the proposed code under this subsection shall include a summary of any revisions to the proposed code. The committee shall have not more than forty-five days after the receipt of the resubmittal to review and take action on such resubmitted proposed code in the same manner as provided in subsection (f) of this section.

(i) The Fire Safety Code or any amendment thereto approved or deemed approved by the committee pursuant to subsection (f) of this section is effective and enforceable against any person or party upon its posting on the Internet web site of the Department of Administrative Services, except that: (1) If a later date is required by statute or specified in the code, the later date is the effective date, and (2) a code may not be effective before the effective date of the public act requiring or permitting the code. Such posting shall include a statement by the State Fire Marshal certifying that the electronic copy of the code is a true and accurate copy of the code approved or deemed approved in accordance with subsection (f) of this section. The electronic copy of the Fire Safety Code posted on the Internet web site of the Department of Administrative Services shall be the official version for all purposes, including all legal and administrative proceedings.

(j) No provision of the Fire Safety Code or any amendment thereto adopted after May 31, 2016, is valid unless adopted in substantial compliance with the requirements of this section. A proceeding to contest any provision of the code on the ground of noncompliance with the requirements of this section shall be commenced within two years from the effective date of the code.

(k) The State Fire Marshal shall advise the public concerning how to obtain a copy of the Fire Safety Code and any amendments thereto.

Facilities such as the above that do not provide general anesthesia or life support equipment simultaneously to four or more patients shall be classified as Group B Business occupancies.

(Add) **IN-HOME GROUP B OCCUPANCY. (Live-Work Unit)** Customary in-home business occupancies located within a single-family dwelling unit that provide professional services and employ a maximum of one employee within the dwelling in addition to the residents of the dwelling unit shall be classified as a single-family dwelling.

(Add) **IN-HOME INDUSTRIAL OCCUPANCIES, OTHER THAN HIGH HAZARD INDUSTRIAL OCCUPANCIES. (Live-Work Unit)** Customary in-home industrial occupancies located within a single-family dwelling unit, in which processing, assembling, mixing, packaging, finishing, decorating, or repair operations are conducted, that employ a maximum of one employee within the dwelling in addition to the residents of the dwelling unit, shall be classified as a single-family residential occupancies.

(Amd) **Group E, day care facilities, more than six children.** This group includes buildings, structures, or portions thereof occupied by more than six children 3 years of age or older who receive educational, supervision or personal care services for fewer than 24 hours per day.

(Del) **Five or fewer children.** Delete.

(Del) **Five or fewer children in a dwelling unit.** Delete.

(Add) **Group E, day care facilities, six or fewer children.** A building, structure, or portion thereof having six or fewer children who receive educational, supervision or personal care services shall be classified as part of the primary occupancy.

(Add) **Group E, day care facilities, six or fewer children in a dwelling unit.** As described in subdivision (3) of subsection (a) of section 19a-77 of the Connecticut General Statutes, a family child care home shall be classified as Group R-3 or shall comply with the 2015 *International Residential Code* portion of the Connecticut State Building Code in accordance with Section 101.2.

Note: Residential Group R-4, Four to sixteen persons receiving care; and Residential Group R-3, Three or fewer persons receiving care are located under the **Institutional Group I-1** heading.

(Add) **Group R-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 sixteen persons with guest rooms limited to the first and second floor of the structure, and