

§ 29-265d

PUBLIC SAFETY AND STATE POLICE Title 29

¹ C.G.S.A. § 20-299 et seq.

Historical and Statutory Notes

Codification

Gen.St., Rev. to 2017 codified 2016, P.A. 16-45, § 2, as C.G.S.A. § 29-265d.

the section is "applicable to assessment years commencing on or after October 1, 2016".

Effective Dates

2016 Act. 2016, P.A. 16-45, § 2, eff. from passage [May 25, 2016], further provided that

§ 29-265e. Confidentiality of documentation re claims of faulty or failing concrete foundations in residential buildings

Any documentation provided to or obtained by an executive branch agency, including documentation provided or obtained prior to May 25, 2016, relating to claims of faulty or failing concrete foundations in residential buildings by the owners of such residential buildings, and documents prepared by an executive branch agency relating to such documentation, shall be maintained as confidential by such agency for not less than seven years after the date of receipt of the documentation or seven years after May 25, 2016, whichever is later. (2016, P.A. 16-45, § 4, eff. May 25, 2016.)

Historical and Statutory Notes

Codification

Gen.St., Rev. to 2017 codified 2016, P.A. 16-45, § 4, as C.G.S.A. § 29-265e.

§ 29-266. Municipal board of appeals. Filing of appeals in absence of board of appeals

(a) A board of appeals shall be appointed by each municipality. Such board shall consist of five members, all of whom shall meet the qualifications set forth in the State Building Code.¹ A member of a board of appeals of one municipality may also be a member of the board of appeals of another municipality.

(b) When the building official rejects or refuses to approve the mode or manner of construction proposed to be followed or the materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of the code do not apply or that an equally good or more desirable form of construction can be employed in a specific case, or when it is claimed that the true intent and meaning of the code and regulations have been misconstrued or wrongly interpreted, or when the building official issues a written order under subsection (c) of section 29-261, the owner of such building or structure, whether already erected or to be erected, or his authorized agent may appeal in writing from the decision of the building official to the board of appeals. When a person other than such owner claims to be aggrieved by any decision of the building official, such person or his authorized agent may appeal, in writing, from the decision of the building official to the board of appeals, and before determining the merits of such appeal the board of appeals shall first determine whether such person has a right to appeal. Upon

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receipt of an appeal from an owner or his representative or approval of an appeal by a person other than the owner, the chairman of the board of appeals shall appoint a panel of not less than three members of such board to hear such appeal. Such appeal shall be heard in the municipality for which the building official serves within five days, exclusive of Saturdays, Sundays and legal holidays, after the date of receipt of such appeal. Such panel shall render a decision upon the appeal and file the same with the building official from whom such appeal has been taken not later than five days, exclusive of Saturdays, Sundays and legal holidays, following the day of the hearing thereon. A copy of such decision shall be mailed, prior to such filing, to the party taking such appeal. Any person aggrieved by the decision of a panel may appeal to the Codes and Standards Committee within fourteen days after the filing of the decision with the building official. Any determination made by the local panel shall be subject to review de novo by said committee.

(c) If, at the time that a building official makes a decision under subsection (b) of this section, there is no board of appeals for the municipality in which the building official serves, a person who claims to be aggrieved by such decision may submit an appeal, in writing, to the chief executive officer of such municipality. If, within five days, exclusive of Saturdays, Sundays and legal holidays, after the date of receipt of such appeal by such officer, the municipality fails to appoint a board of appeals from among either its own residents or residents of other municipalities, such officer shall file a notice of such failure with the building official from whom the appeal has been taken and, prior to such filing, mail a copy of the notice to the person taking the appeal. Such person may appeal the decision of the building official to the Codes and Standards Committee within fourteen days after the filing of such notice with the building official. If the municipality succeeds in appointing a board of appeals, the chief executive officer of the municipality shall immediately transmit the written appeal to such board, which shall review the appeal in accordance with the provisions of subsection (b) of this section.

(d) Any person aggrieved by any ruling of the Codes and Standards Committee may appeal to the superior court for the judicial district where such building or structure has been or is being erected.

(1949 Rev., § 4113; 1958 Rev., § 19-402; 1969, P.A. 443, § 12, eff. Oct. 1, 1970; 1971, P.A. 802, § 9; 1976, P.A. 76-436, § 391, eff. July 1, 1978; 1978, P.A. 78-280, § 1, eff. July 1, 1978; P.A. 82-432, § 14, eff. July 1, 1982; 1985, P.A. 85-321, § 2, eff. June 28, 1985; 1992, P.A. 92-164, § 2; 1993, P.A. 93-78; 2004, P.A. 04-150, § 5.)

¹ Regs. Conn. State Agencies, § 29-252-1d.

Historical and Statutory Notes

Transfer of Section

This section, formerly set out as C.G.S.A. § 19-402, was transferred to C.G.S.A. § 29-266 in Gen.St., Rev. to 1983.

Codification

1978 Amendment. 1978, P.A. 78-280, § 1, provided for change of terms from "county" or

"county or judicial district" to "judicial district".

Derivation:

1945, Supp. § 109h.

Law Review and Journal Commentaries

Administration of Connecticut State Fire
Safety Code. 10 Conn.L.Rev. 1016 (1978).

Library References

Municipal Corporations Ⓒ601.
Westlaw Topic No. 268.

Research References

Treatises and Practice Aids

- 9 Connecticut Practice Series § 8:6, Reviewing Decisions of the Zoning Enforcement Authority.
- 9 Connecticut Practice Series § 12:6, The Building Inspector.
- 9A Connecticut Practice Series § 44:8, Building Appeals.
- 9B Connecticut Practice Series § 48:7, No Agency Jurisdiction.
- 9B Connecticut Practice Series § 48:9, Interpretation of Statutes.

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Neither municipal building inspector, given authority to pass only upon plans, specifications, building materials and related matters, nor board of appeal established to review decisions of building inspector had power to pass upon validity of certificate of approval of location as site for retail gasoline station issued by commissioner of motor vehicles. State ex rel. Gold v. Usher (1951) 84 A.2d 276, 138 Conn. 323. Automobiles Ⓒ 395; Zoning And Planning Ⓒ 1438

1. Codes and standards committee review

Failure of a municipality to appoint municipal board of appeal under this section is not ground for permitting direct appeal to the Code Standards Committee from a decision of a municipal building official. Op.Atty.Gen. No. 85-014 (Feb. 15, 1985), 1985 WL 258200.

In conducting "review de novo" of decisions of a municipal building code board of appeals, pursuant to this section, the Codes and Standards Committee is empowered to admit and consider evidence which was not considered by the municipal board. Op.Atty.Gen. No. 84-22 (Feb. 24, 1984), 1984 WL 249177.

2. Jurisdiction

Town zoning board of appeals lacked jurisdiction over issuance of building permits by building official; board's statutory authority was limited to zoning matters. Munroe v. Zoning Bd. of Appeals of Town of Branford (2001) 778 A.2d 1007, 63 Conn.App. 748, certification granted in part 782 A.2d 137, 258 Conn. 903, reversed 802 A.2d 55, 261 Conn. 263, on remand 818 A.2d 72, 75 Conn.App. 796. Zoning And Planning Ⓒ 1433

3. Remedies available

Where municipal building inspector denied application for building permit on sole ground that unreasonable time had elapsed since issuance of certificate of approval of location as site for retail gasoline station, and no evidence indicated any changes relating to property that affect public safety or welfare, appeal provisions of building code failed to give applicant an adequate, specific remedy, adapted to secure desired result effectively, conveniently, completely, and directly upon the very subject matter involved, and relief by mandamus was not barred. State ex rel. Gold v. Usher (1951) 84 A.2d 276, 138 Conn. 323. Mandamus Ⓒ 3(8)

4. Judicial review of committee ruling—In
general

Pleading and proof of aggrievement was prerequisite to trial court's jurisdiction over subject matter of applicant's appeal from state building code standards committee's decision sustaining town building official's order rejecting applicant's application for a building permit for reerection of her sign blown down in windstorm. Beckish v. Manafort (1978) 399 A.2d 1274, 175 Conn. 415. Towns Ⓒ 15

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§ 29-268
Repealed

Provisions of building code permitting party aggrieved by decision of municipal building inspector to make administrative appeal, has no application to decisions made upon subjects over which building inspector has no control. State ex rel. Gold v. Usher (1951) 84 A.2d 276, 138 Conn. 323. Municipal Corporations ⇐ 621

5. — Persons entitled to review, judicial review of committee ruling

Unless applicant could establish that she was aggrieved by state building code standards committee's decision sustaining town building official's order rejecting her application for a building permit for reerection of her sign blown down in windstorm, applicant had no standing to appeal, for question of aggrievement was essentially one of standing. Beckish v. Manafort (1978) 399 A.2d 1274, 175 Conn. 415. Towns ⇐ 15

In determining whether applicant established that she was aggrieved by and thus had standing to appeal from decision of state building code standards committee sustaining town building official's order rejecting her application for a building permit to reerect her sign blown down in windstorm, applicant's proving

her legal or equitable interest in land where her sign had been was essential, even though applicant contended that "subject matter" of state standards committee's decision was not ownership of that land but rather rights which she had acquired to reerect that sign on very spot where it had been located for 11 years without necessity of obtaining a building permit. Beckish v. Manafort (1978) 399 A.2d 1274, 175 Conn. 415. Towns ⇐ 15

In applicant's appeal from state building code standards committee's decision sustaining town building official's order rejecting applicant's application for a building permit to reerect her sign blown down in windstorm, no error occurred in concluding that applicant failed to prove that she was aggrieved by state standards committee's decision and thus that she had no standing to appeal, in that trial court properly found that there was insufficient evidence that applicant was owner of land upon which sign was to be reerected, since record contained no evidence that applicant sustained her burden of proving either legal or equitable title to such land. Beckish v. Manafort (1978) 399 A.2d 1274, 175 Conn. 415. Towns ⇐ 15

§ 29-267. Tenement House Act provision re room size inapplicable to construction pursuant to Building Code

Section 19a-358 shall not apply to any building or structure erected or altered pursuant to the State Building Code.¹

(1958 Rev., § 19-398b; 1969, P.A. 443, § 17, eff. Oct. 1, 1970; 1971, P.A. 802, § 7.)

¹ Regs. Conn. State Agencies, § 29-252-1d.

Historical and Statutory Notes

Transfer of Section

This section, formerly set out as C.G.S.A. § 19-398b, was transferred to C.G.S.A. § 29-267 in Gen.St., Rev. to 1983.

Codification

Section heading was changed to conform to Gen.St., Rev. to 1995.

Library References

Municipal Corporations ⇐ 601.

Westlaw Topic No. 268.

§ 29-268. Repealed. (1988, P.A. 88-356, § 5.)

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The repealed section, formerly set out as C.G.S.A. § 19-398c, and transferred to C.G.S.A. § 29-268 in Gen.St., Rev. to 1983, which required two exits for each room used for sleeping

purposes in one or two story dwellings, was derived from:

1958 Rev., § 19-398c.
1973, P.A. 73-663.

(b) A violation of subsection (a) of this section shall be an unfair or deceptive act or practice pursuant to subsection (a) of section 42-110b.

(2017, June Sp.Sess., P.A. 17-2, § 338, eff. Oct. 31, 2017.)

Historical and Statutory Notes

Codification

The 2018 Supplement to the Connecticut General Statutes codified 2017, June Sp.

Sess., P.A. 17-2, § 338, as C.G.S.A. § 29-265g.

es App A, * § 29-266. **Municipal board of appeals. Filing of appeals in absence of board of appeals**

Research References

Treatises and Practice Aids

9A Connecticut Practice Series § 44:8, Building Appeals.

9B Connecticut Practice Series § 48:7, No Agency Jurisdiction.

9B Connecticut Practice Series § 48:9, Interpretation of Statutes.

9 Connecticut Practice Series § 8:6, Reviewing Decisions of the Zoning Enforcement Authority.

9 Connecticut Practice Series § 12:6, The Building Inspector.

§ 29-269. **Standards for construction of buildings to accommodate persons with physical disabilities**

(a) The State Building Inspector and the Codes and Standards Committee shall revise the State Building Code¹ to be in substantial compliance with the provisions of the Americans with Disabilities Act of 1990, as amended, 42 USC 12101 and the Fair Housing Amendments Act of 1988, as amended, 42 USC 3600. The provisions of this subsection and the State Building Code as from time to time revised pursuant to this section shall control the design, construction and arrangement of all buildings and building elements, constructed under permits issued on or after October 1, 1975, and all buildings or building elements constructed or substantially renovated by the state, any municipality or any other political subdivision of the state, the architectural design of which was commenced on or after October 1, 1977, except buildings which have been approved by the Department of Housing and Urban Development as being in conformance with federal standards for housing for the elderly and physically handicapped and for which a permit was issued prior to June 9, 1976, to ensure accessibility thereto and use by the physically handicapped.

(b) Any variation of or exemption from any provision of (1) the State Building Code relating to accessibility to, and use of, buildings and structures by persons with disabilities, (2) subsection (i) of section 14-253a, (3) section 29-273, or (4) section 29-274, shall be permitted only when approved by the State Building Inspector. Any person, agent of the state, municipality or any other political subdivision of the state may apply to the State Building Inspector to vary or set aside standards incorporated in the State Building Code pursuant to the provisions of subsection (a) of this section. The State Building Inspector shall, within thirty days of receipt, review the application, and render a decision to accept or reject the application in whole or in part. The State Building Inspector may approve a variation of or exemption from any such standard or specification when the State Building Inspector determines that the standard or specification would not be feasible or would unreasonably complicate the construction, alteration or repair in question. Such determination shall be in writing, shall state the reasons therefor and if it sets aside any such standard or specification, a copy of such determination shall be published electronically by the State Building Inspector on the Internet web