

HB8672

<PA 802>

1971

State + Urban Dev

547 - 549

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Gen'l Law 715

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House 3884, 4117-4119

4p.

Senate 3242

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**STATE
AND
URBAN
DEVELOPMENT**

**PART 2
276-585**

1971

WEDNESDAY

STATE AND URBAN DEVELOPMENT

MARCH 31, 1971

park development in the Open Space Plan. Case Mountain is a key part of the highly scenic Eastern Highlands Range which forms a topographic wall to the Central Lowlands of the Connecticut Valley. This range has provided a natural division between the urban development of the lowlands and the rural character of the higher elevations. CRPA plans have recommended that the ridge line and steep slopes of this range be preserved as a greenbelt extending from Glastonbury to Somers. The Capitol Region has a population of nearly 700,000 persons. To date, the Region is underserved in regional or state park and open space reservations. Of course, the needs and demands for open spaces grow with population and urbanization. Case Mountain is one of the few naturally scenic areas remaining close to urban centers. Case Mountain offers very special recreational, natural and visual potentials that should not be lost to public enjoyment. Early acquisition is needed. Thus, the Capitol Region Planning Agency wishes to go on record as favoring the acquisition of Case or Birch Mountain for public open space because of its intrinsic scenic values as well as its importance for preserving the Eastern Highlands Greenbelt and for recreational use for citizens of the Region.

Rep. Edwards: Is there any other activity on 8671? We'll call the hearing closed on that. 8672?

Mr. Robert Cohn, Homebuilders Association of Connecticut: Mr. Cabelus unfortunately had to leave. He asked me to state that the State Building Code Commission is in favor of Rep. Yedziniak's bill and I would like to state on behalf of the Homebuilders Association of Connecticut that we are also in favor of it. It's a technical amendment, but the state building code being mandatory should supersede the other local fire codes and other provisions covered by the affected statute. Thank you.

Mr. Charles McSheffrey, Director of Licenses, City of Hartford: Mr. Chairman and members of the Committee; I am appearing this afternoon in favor of H.B. 8672. The sections of the General Statutes scheduled for deletion under this bill relate generally to matter presently covered by the Basic Building Code of the State of Connecticut. In most cases, these sections have provisions and requirements which make the implementation and use of the Basic Code extremely difficult. Section 19-378 allows each city to make certain rules respecting buildings in general. To continue to permit the various cities to legislate requirements with respect to building construction, would destroy the intent and purpose of having a uniform State Building

WEDNESDAY

STATE AND URBAN DEVELOPMENT

MARCH 31, 1971

Code. Sections 19-380(a) and 19-384(a) relate to items of construction with respect to school houses. This area is adequately covered today by the Basic Building Code. As a matter of information, 19-385(a) should be added to the list of sections to be deleted since it contains a reference to section 19-384(a). Once again Sections 19-386 and 19-387(a) have specific requirements for certain types of buildings. Generally speaking, the present day Code requirements relating to these occupancies are more restrictive and at the same time more practical from a performance point of view. Section 19-394(g) is a relatively new section that was added on residential properties by the last session. As I've indicated before, this subject is more than adequately covered under the requirements of the Basic Building Code. May I respectfully urge your favorable report on this bill, and if you have any questions on my position, I'll try to answer them.

Rep. Edwards: Yes, in 19-394(g), what does that pertain to?

Mr. McSheffery: That pertains to the requirement for exit facilities from residential buildings. I'm talking off the top of my head now. I think this requires two exits from residential buildings. Now this is in conflict with certain specific provisions of the Basic Building Code that does allow one exit in many cases. This could be construed to apply and require two exits on a dwelling unit in apartment houses, which would be inconsistent with the usual approach.

Rep. Edwards: This was put through in the last session?

Mr. McSheffery: This went through - I believe 19-394(g) went through in the last session, I believe.

Rep. Edwards: And at that time, it was inconsistent with the State Building Code.

Mr. McSheffery: It would appear so, yes, sir.

Rep. Edwards: Thank you very much. Any further speakers on 8672?

Mr. Arthur Wood, Building Code Standards Review Committee: I'm representing the Commissioner of State Police who acts as the State Fire Marshal. I'm here to ask you to hold in abeyance a decision on 8672, as it is a housekeeping measure which the Committee has introduced - hold this in abeyance until we get it written the way it should be. This was put in as a housekeeping measure.

Rep. Edwards: You would like a substitute bill.

Mr. Wood: We will, sir. We will submit a substitute bill. We

WEDNESDAY

STATE AND URBAN DEVELOPMENT

MARCH 31, 1971

are doing it now. You see, we couldn't find this by number. We went through the computer and we couldn't pull it out, and we know we have much writing to do on it. So we request that you do withhold decision.

Rep. Edwards: Anyone further on 8672? 8747 - anyone here to speak on that?

Mr. Charles McSheffery, Director of Licenses, City of Hartford: Mr. Chairman, members of the Committee, a reading of Section 2 of this proposed legislation indicates to me that someone has not done his homework. This proposed bill will allow the Commissioner of Community Affairs to institute a program for the development of experimental housing, not only on state land, but on other land where local building regulations permit the construction of experimental housing or where state or local law permits variances from building regulations. The two assumptions made in Section 2, completely ignore the theory of a uniform Basic Building Code implemented by the General Assembly during the last session. Local building regulations cannot permit the construction of experimental housing nor can local law permit variances from building regulations. This proposed legislation sounds remarkably like Secretary Romney's "Operation Breakthrough". The latest information that I have on Operation Breakthrough is simply this: after over two years of study and an expenditure of upwards of \$20,000,000, no houses have been constructed under Operation Breakthrough. I believe that one contractor is now in the developmental stage of a prototype unit. The sole result is a collection of unrealistic academic standards and impractical theoretical proposals to meet the housing shortage. Basically, nothing has really happened. At the present time, operating under the Basic Building Code of the State of Connecticut, the Building official has sufficient latitude and technical standards necessary for him to evaluate proposals of experimental housing. If economically feasible technology is available to meet the problem of housing, its proponents have merely to get in touch with me insofar as the City of Hartford is concerned. If the generally accepted performance requirements of the Code can be met by the experimental material, its use will be approved and endorsed. May I encourage your unfavorable report on this bill, and thank you for your patience. If you have any questions, I'll try to answer them.

Rep. Edwards: Yes, I have a question. How do we prove out the feasibility of experimental materials, without putting it into practice.

S-82
CONNECTICUT
GENERAL ASSEMBLY

SENATE

PROCEEDINGS
1971

VOL. 14
PART 7
2874-3413

June 8, 1971

6.

the Majority and Minority leaders I move that we accept the joint committee Favorable reports. Acceptance and passage of the following bills:

On page two of the Calendar, Cal. 1105, File 1225, Substitute for H.B. 8672 An Act Repealing Provisions made Unnecessary by State Building Code.

On Page 3 of the Calendar, Cal. 1158, File 1651 Substitute for S.B. 463 An Act Concerning Participation by Savings Banks in the Provision of Housing for Connecticut Residents.

On page 4, Cal. 1188, File 1337 Substitute for H.B. 6333 An Act Concerning Payroll Deductions of Insurance Premiums by Public Service Companies.

Same page Cal. 1194, File 1403 H.B. 9253 An Act Validating As Timely the Notice Given by Helen Romanewicz and to That extent Granting Her Permission to Prosecute to Final Effect a Suit Against the Town of Colchester and the Borough of Colchester.

On Page 5, Cal. 1205, File 1715, Substitute for S.B. 41 An Act Concerning Conviction and Sentencing of Girls in Manifest Danger of Falling Into Habits of Vice.

Cal. 1215, File 739, H.B. 7302 An Act Concerning Fire Protection Service at the Southeastern Branch of the University of Connecticut.

Cal. 1216, File 1434 H.B. 7755 An Act Concerning Limitation of Reserve Fund for Fire Districts.

Cal. 1220, File 1424 H.B. 8269 An Concerning the Minimum Corporation Business Tax.

Page 6, Cal. 1227, File 1426 H.B. 8947 An Act Concerning Deferred Terms Regarding Zoning Officials.

Cal. 1243, File 1493 Substitute for H.B. 5408 An Act Concerning the Adoption of a Uniform Model State Administration Procedure Act.

Page 7, Cal. 1244, File 1486 Substitute for H.B. 5609 An Act Concerning the Assessment of Benefits by Sewer Authorities.

H-116

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 9
3878-4343**

REPRESENTATIVE SARASIN:

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I move adoption of the Joint Committee's favorable report and passage of the two starred items on the consent calendar, which are as follows:

Calendar 1098, Substitute for House Bill 9075 - An Act Concerning the Publication of Superior, Common Pleas, Circuit and Juvenile Court Decisions, file 1228.

Calendar 1100, Substitute for House Bill 6575 - An Act Concerning the Discharge of Mortgages, File 1231.

Calendar 1101, Substitute for House Bill 5658 - An Act Concerning Adoption of Children by Blood Relatives, File 1233.

Page 2, Calendar 1102, House Bill 7261 - An Act Concerning the Prohibition of Alcoholic Liquor Sales on Independence Day and Labor Day, File 1234.

Calendar 1116, Substitute for House Bill 8459 - An Act Concerning and Regulating Real Property Securities Dealers, file 1226.

Calendar 1117, Substitute for House Bill 8672 - An Act Repealing Provisions Made Unnecessary by State Building Code, File 1225.

Calendar 1120, Substitute for House Bill 9196 - An Act Concerning the Definition of Pet Shop and Animals, File 1232.

Page 3, Calendar 1138, Senate Bill 0309 - An Act Concerning The Paying of Traffic Violation Fines by Mail, file 810.

Calendar 1139, Senate Bill 0931- An Act Exempting Personal PProperty Incorporated into Motor Vehicles for the Purpose of

Friday, May 28, 1971 118.

their place on the Calendar.

EFH

THE SPEAKER:

In the absence of a report on the Committees on Conference, so ordered.

THE CLERK:

Is there any action to be taken on Page 13 on Calendar No. 1186, which has one star?

JOHN D. PRETE:

Not that I am aware of.

THE CLERK:

There's no further business, then, on the Clerk's desk.

MR. SPEAKER:

Are there announcements or introductions? Would the gentleman from the 114th indicate the schedule for Monday as to the technical Session and then for the time released for Tuesday.

JOHN D. PRETE:

Yes, but before doing that, Mr. Speaker, I'd like to take up and reconsider a matter which passed on the Consent Calendar yesterday.

MR. SPEAKER:

Would the gentleman call it by Calendar No., Title, and File No. for the benefit of the Members?

JOHN D. PRETE:

This is on Page 2 of yesterday's Calendar, Calendar No. 1117. It's the second item from the bottom. Substitute for H.B. No. 8672, File No. 1225, an Act repealing provisions made unnecessary by the State Building Code.

Friday, May 28, 1971 119.

MR. SPEAKER:

Were you in the prevailing vote?

JOHN D. PRETE:

I was in the prevailing vote.

MR. SPEAKER:

Motion is to reconsider. Will you remark.

JOHN D. PRETE:

Mr. Speaker, this is a Bill that concerned the State Building Code and certain technical changes in it. There, inadvertently, there is a matter which was left undone, and this matter was brought to our attention, and we would like, at this time, like to correct the problem in the Bill by Amendment.

MR. SPEAKER:

Will you remark further on reconsideration.

GERALD F. STEVENS:

Mr. Speaker, I would support the motion to reconsideration of this item.

MR. SPEAKER:

Further remarks on reconsideration. All those in favor indicate by saying "aye". Opposed. The item will be reconsidered.

JOHN D. PRETE:

Mr. Speaker, I move acceptance of the Joint Committee's favorable report and the passage of the Bill.

MR. SPEAKER:

Question's on acceptance and passage. Will you remark.

JOHN D. PRETE:

The Clerk has an Amendment.

EFH

Friday, May 28, 1971

120

MR. SPEAKER:

The Clerk please call House Amendment Schedule "A", if you've got it.

THE CLERK:

House Amendment Schedule "A" offered by Mr. Stevens, of the 122nd.

JOHN D. PRETE:

I could summarize the Amendment.

MR. SPEAKER:

I'm sure there's no objection.

JOHN D. PRETE:

There's a very technical change in the original language of the Bill...changes the word "establish" to "adopt, promulgate and administer" in Section...in Line 11...Section 11...Line 377. I move the adoption of the Amendment.

MR. SPEAKER:

Question's on adoption of House Amendment Schedule "A". Will you remark further. If not, all those in favor indicate by saying "aye". Opposed. House "A" is adopted and ruled technical.

JOHN D. PRETE:

Mr. Speaker, I move acceptance of the Joint Committee's favorable report and the passage of the Bill as amended by House Amendment Schedule "A".

MR. SPEAKER:

Will you remark. Further remarks. If not, all those in favor indicate by saying "aye". Opposed. Bill is amended as passed. I understand that there is a Resolution to be brought for

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW**

**PART 3
630-932**

1971

TUESDAY

MARCH 30, 1971

MR. KABELLIS Cont'd: that the problems that have arisen since the code came into force, well actually, a new building code is not in force at this time, we have an interim code but we do fully expect that by July 1, we will have the new building code.

What this bill actually means in the intent if I am not sadly mistaken, is that we have found that we have many conflicts between the code and existing statutes and we are trying to clarify them and correlate our codes. This would provide to make these technical amendments to the code and so on so that we can get a clarification between the statutes in the building code. There is a similar house bill by Representative Yedziniak, 8672 in which he is trying to clarify the same thing and do practically the same thing and of course, this isn't the committee or I'd be speaking in favor of that.

REP. WEBBER: It seems to me that when you fellows were given the authority of the State Building Code, you were given all the authority you need to develop a bill and correlate that bill or said code with the existing statutes.

MR. KABELLIS: This is true and this is why I say the statement of purpose could perhaps have been written more clearly.

REP. WEBBER: In other words, what you're telling this committee is that you cannot proceed with your state building code unless you have this legislative authorization?

MR. KABELLIS: ,,What we are saying in effect is that what we would like to do is to make some of these amendments into our building code because what we would like to do is eliminate as many building regulations as we can from the General Statutes and get them into the code. In other words, we would like to compile all building regulations in one place.

COMMITTEE: Is the building code statutory?

MR. KABELLIS: Well, it's provided for under statute. Its a regulatory --. What we are trying to do is do a real housecleaning job so that it would not be so confusing. We have many regulations and until we get a clarification, we don't want to have regulations which are in conflict with agencies or with other existing statutes.