

Rosenson, Valerie

From: Lee, Dana
Sent: Monday, December 18, 2017 1:55 PM
To: Cooper, Vikki; Emmett, Kathryn; Isidro, Judith; Rosenson, Valerie
Subject: RE: Change to State Law re: Closure of Building Permits

Valerie,

You asked the Law Department whether PA17-176 required any change to Code §123-5. I have reviewed the Public Act and Section 123-5 and provide the following response:

- I. **Brief Answer:** Section 123-5 should be changed to reflect the provisions of the new Public Act.
- II. **Discussion:**

Public Act 17-176 is now codified as General Statute Section 29-265(c). It reads:

“(c) Nine years from the date of issuance of a building permit issued pursuant to section 29-263 for construction or alteration of a one-family dwelling, two-family dwelling or structure located on the same parcel as a one-family dwelling or two-family dwelling, for which construction or alteration a certificate of occupancy, as defined in the regulations adopted pursuant to section 29-252, has not been issued by the building official, such building permit shall be deemed closed. Following such nine-year period, no enforcement action based upon work commenced or completed pursuant to an open building permit shall be commenced. No municipality or officer or employee of any such municipality shall be liable concerning any claim relating to the closure of a building permit pursuant to this section. For the purposes of this section, “structure” has the same meaning as in the zoning regulations for the municipality in which the building permit was issued, or if undefined by such regulations, “structure” means any combination of materials that is affixed to the land, including, but not limited to, a shed, garage, sign, fence, wall, pool, patio, tennis court or deck.”

The new law does three (3) things. First, it automatically closes any permit over nine years old. (According to the State Building Inspector, “When such a permit is brought to your attention you should simply close the permit by noting that it is closed pursuant to PA 17-176, that no inspections were done (if applicable), and that no approvals were granted for this work.”)

Second, the new law prohibits any enforcement action on the old permit. (According to the State Building Inspector, “This means you cannot charge any fees for the permit – no closure fee, investigation fee, or other fee or penalty. It also means you cannot pursue correction of work covered by the permit. The exception would be issues presenting a hazardous condition, which can be abated pursuant to Connecticut General Statute 29-393.”)

Third, the new law relieves building officials and municipalities from any liability from closing the permit. (According to the State Building Inspector, “Providing notations on the closure that no inspections were performed and no approvals granted should help protect you from liability related to any work done that you did not inspect.”).

Section 123-5 potentially could run afoul of this new legislation during its application. The Code Section would allow enforcement action on permits older than nine years. Consequently, the provisions of the new Public Act should be added to Section 123-5.

Dana

From: Cooper, Vikki
Sent: Monday, December 18, 2017 1:15 PM
To: Lee, Dana; Emmett, Kathryn; Isidro, Judith
Subject: FW: Change to State Law re: Closure of Building Permits

Dana,

Can you please review this? Thanks.

VC

From: Emmett, Kathryn
Sent: Monday, December 18, 2017 1:14 PM
To: Cooper, Vikki
Cc: Isidro, Judith; Rosenson, Valerie
Subject: FW: Change to State Law re: Closure of Building Permits

Vikki,
Can you please assign someone to look at this?
Thanks,
Kathy

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From: Rosenson, Valerie
Sent: Friday, December 15, 2017 11:22 AM
To: Emmett, Kathryn; Isidro, Judith
Cc: Orgera, Ernie; DeMarco, Robert
Subject: Change to State Law re: Closure of Building Permits

Does PA17-176 require any change to Code §123-5?

Here is the link to the summary of the act:

<https://www.cga.ct.gov/2017/SUM/2017SUM00176-R02HB-07046-SUM.htm>

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