



# **Permitting and Code Administrative Processes**

**By Office of the State Building Inspector**

# Objectives

1. Duties and Overview of Building Officials
2. Permit Procedures and Coordination
3. Time Limits and Expirations
4. Inspection Process
5. Stop Work Orders
6. Certificates
7. Q&A

# 1. Building Officials – Duties & Overview

## Building Official Responsibilities related to Permits

- Sets policies, procedures, and can delegate authority of duties
- Reviews construction documents for code compliance
- Issues permits for buildings or structures
- Inspects projects under which a permit was pulled
- Enforces compliance with the building code
- Issues notices and orders
- Issues the final certificate of occupancy
- Can delegate duties to qualified inspectors and individuals in performance of his/her duties
- Assistant Building Official can assist in enforcing building code (CGS 29-261)

# 2. Permit Procedures

## Work exempt from permit

- Not all work requires a permit, but work is still intended to be constructed to code
- **Building:** 1-story detached accessory structures  $\leq 200$  SF; fences  $\leq 7$  feet (except swimming pool barriers; finish work; sidewalks/patios, etc.
- **Electrical:** minor repairs and maintenance; equipment for radio and tv transmissions; or temporary testing systems
- **Gas:** portable appliances with self-contained fuel supply
- **Mechanical:** portable appliances, piping within equipment, self-contained refrigeration systems with  $< 10$  lbs of refrigerant;
- **Plumbing:** stopping of leaks or clearing of stoppages, toilet replacements, etc. (except if any concealed pipe or trap requires replacement)
- Other repairs
- Public utility ownership and control
- State and federal agencies (demolition permit still required for state agencies)

# 2. Permit Procedures and Coordination

## Application for permit

Application shall contain the following information:

1. Description of work and land (address, legal description, or similar)
2. Indicate use and occupancy for projects
3. Construction documents, i.e. drawings and specs (exceptions apply)
4. Cost of construction work (BO can ask for detailed estimates if undervalued)
5. Signed by applicant or authorized agent
6. Statement of special inspection, when required
7. Identify if building exceeds threshold limits of Section 107.7
8. Identify design professional, when required
9. Identify deferred submittals, if applicable
10. Other data as required by BO

# 2. Authorized Agents

## Authorized Agents

- Application for permit – must be made by owner, or contractor's authorized agent (CGS 29-263).
- Agent – If the authorized agent is a licensed contractor, then the following applies:
  - 1. Licensed contractor personally signs
  - 2. Contractor can delegate to their employee, subcontractor or other agent of the licensed contractor. If delegated, the designee must submit an official **original** dated letter that include:
    - (1) the name of the municipality where work is being performed;
    - (2) job name or description of the job;
    - (3) the starting date of the job;
    - (4) the name of the licensed contractor on licensed contractor's letterhead;
    - (5) the name and authorization to sign of the licensed contractor's agent; and
    - (6) the license numbers of all contractors to be involved in the work (by trade)
    - (7) Be signed by the licensed contractor

# 2. Permit Application – Additional Insights

## Home Improvement Contractors & Workers' Compensation

- Information required on permit application for home improvement contractor before a permit is issued:
  - (1) Contractor name and business address
  - (2) DCP registration number
  - (3) Contractor certificate of registration as a home improvement contractor is presented
- **Workers Compensation requirements**
  - Not required for sole proprietor or property owner (unless they are acting as GC)
  - BO shall require proof of workers' compensation coverage for all employees of the contractor engaged in the work for permit application
  - Proof can be either: (1) a written certificate of insurance provided by GC, (2) a certificate from judge indicating GC has properly chosen not to obtain workers' compensation coverage as allowed by law, or (3) if property owner intends to act as GC, a written certificate of insurance or a sworn notarized affidavit stating owner will require proof of insurance for all those employed on the project
  - Proof only required at the time of initial application
  - State forms available here:
    - <https://portal.ct.gov/wcc/workers-compensation-forms/building-permit-forms>

# 2. Permit Procedures

## Registered Design Professionals

- Registered design professionals can include either *architects, engineers, or both*.
- Where the code requires documentation from a *registered design professional*, the term is used to cover a wide range of professionals
- Requirements for drawings and/or seals are regulated by the Department of Consumer Protection
- DCP provide a list of exemptions for the requirement of drawings or seals from architects and engineers
  - CGS Section 20-309 list exceptions for *engineering* provisions
  - CGS Section 20-298 provide a list of exempted activities for *architects*
- Building Officials have the authority to waive construction documents, or stamps/seals, for work that is minor or not necessary (IBC 107.1)
  - **Note:** State statutes override this exception where a stamp is required for projects that do not meet any one of these exceptions indicated in the CGS sections above.



# 3. Time Limits and Expirations

## Permit – Action on an Application

- **Permit application is required** for any *intent* to construct, alter, repair, move, demolish or change the occupancy of the building or structure (*exceptions apply*)
- **Applicant** - Any owner (or owner's authorized agent) submits a permit application (*CGS 29-263*)
- **30-day period** to review application and construction documents
  - *Note: Construction drawings must be submitted to both the BO and FM*
- **Rejection** shall be in writing, including reasons for rejection
- **Issuance** - If acceptable, permit is issued as soon as practicable
- **Permit** must be signed by the Chief Building Official

# 3. Time Limits and Expirations

- **Action on Application** – 30-day limit to reject or issue a permit (CGS 29-263)
  - Zoning Permit vs Building Permit public education; one comes before the other and should not be confused
  - Challenges with cross-departmental permit platform
  - Deemed to be abandoned after 180 days, unless pursued in good faith
  - Extensions allowed by BO not exceeding 90 days each, unlimited extensions for justifiable cause
- **Prior to issuance approval** by Zoning (CGS 8-3), Fire Marshal (CGS 29-263), certificate of appropriateness for registered historical buildings (CGS 7-147s(b)), notice and approval by public water authority (CGS 19a-37d), Office of State Traffic Administration approval for large scale developments (CGS 14-311 & 14-311c)
- **Issuance of a permit** after application acceptance does not give authority to applicant to violate the code or local ordinances; BO can request corrections or other data, and can prevent the occupancy or use of a structure is in violation of the code
- **Expiration of permit** – 180-day limit if work has not commenced or abandoned for 180 days; extensions of 180 days each allowed by BO, unlimited extensions for justifiable cause

# 3. Time Limits and Expirations

## Nine-Year Rule Factors

- Building permit for a one- or two-family dwelling or accessory structure was issued 9+ years ago
  - Note: Date of permit, not application
  - Note: Does not apply to unpermitted work
- No certificate of occupancy has been issued
- Permit shall be closed
  - Note: This does not mean all required inspections have been passed
  - Note: Does not require you to perform any additional inspections after it has been closed
  - Note: This does not mean a certificate of occupancy has been issued
- No enforcement action by the local municipality is permitted (legal, abatements, violations, or fees)
  - Exception: Unsafe conditions can still be abated
- Removes any liability from the municipality in the event there is a claim for such closure
  - Note: Recommended to include statute reference in closure commentary
- New permit would be required if work is desired to be closed out, depending on building official's comfort level and record keeping

# 4. Inspections

Construction or work for which a *permit* is required shall be subject to inspection by the *building official* and such construction or work shall remain visible and able to be accessed for inspection purposes until *approved*.

## Examples of required inspections:

- Footings and foundations
- Concrete Slab and under-floor slab
- Lowest floor prior to vertical construction in flood hazard area
- Framing
- Fire-resistance rated connection protection
- Lath, gypsum wall board and gypsum panel product inspections associated with the Fire-resistance ratings
- Rated partition penetrations
- Energy Efficiency
- Electrical
- Plumbing
- HVAC
- Other inspections required by the Building Official
- Special Inspections
- Final Inspections

# 5. Stop Work Order

## Authority.

Where the *building official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a *dangerous* or unsafe manner, the *building official* is authorized to issue a stop work order.

## Issuance.

The stop work order shall be in writing and shall be given to the *owner* of the property, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

## Failure to comply.

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable for penalties in accordance with Section 114.4.

# 6. Certificate of Occupancy

**Use and occupancy.** – Pursuant to subsection (a) of section 29-265 of the Connecticut General Statutes, no building or structure erected or altered in any municipality after October 1, 1970, shall be occupied or used, in whole or in part, until a certificate of occupancy has been issued by the building official, certifying that such building or structure or work performed pursuant to the building permit substantially complies with the provisions of this code. Nothing in the code shall require the removal, alteration or abandonment of, or prevent the continuance of the use and occupancy of, any single-family dwelling but within six years of the date of occupancy of such dwelling after substantial completion of construction of, alteration to or addition to such dwelling, or of a building lawfully existing on October 1, 1945, except as may be necessary for the safety of life or property. The use of a building or premises shall not be deemed to have changed because of a temporary vacancy or change of ownership or tenancy.

**Zoning approval.** – Pursuant to subsection (f) of section 8-3 of the Connecticut General Statutes, no certificate of occupancy shall be issued for a building, use or structure subject to the zoning regulations of a municipality without certification in writing by the official charged with the enforcement of such regulations that such building, use or structure is in conformity with such regulations or is a valid nonconforming use under such regulations.

**Fire marshal approval.** – No certificate of occupancy, temporary certificate of occupancy, partial certificate of occupancy or certificate of approval for a building, structure or use subject to the requirements of the Connecticut State Fire Safety Code shall be issued without certification in writing from the local fire marshal that the building, structure or use is in substantial compliance with the requirements of the Connecticut State Fire Safety Code.

# 6. Certificate of Approval

## Certificate of approval.

The *building official* shall issue a certificate of approval indicating substantial compliance with the requirements of this code for all completed work that requires a building *permit* but does not require a *certificate of occupancy*. Such work shall include, but not be limited to: fences greater than 7 feet (2134 mm) in height; retaining walls greater than 3 feet (914 mm) in height; decks; garages; *swimming pools*; basements and attics converted to *habitable space*; and electrical, plumbing, and mechanical *repairs* or *alterations*. No *certificate of approval* shall be issued for work subject to the zoning regulations of a municipality without certification in writing by the official charged with the enforcement of such regulations that the work is in conformity with such regulations or is a valid nonconforming use under such regulations.

# Q&A