



**I HAVE A PERMIT THAT WAS NEVER CLOSED OUT.
WHAT ARE MY OPTIONS?**

**PLEASE REFER TO THE FOLLOWING STATE OF CT STATUTES, ACTS AND
MEMORANDUM TO DETERMINE WHAT YOUR OPTIONS ARE TO ADDRESS YOUR
OPEN PERMITS ON YOUR PROPERTY.**



Memorandum

Date:	July 25, 2017
To:	Municipal Building Officials
From:	Joseph V. Cassidy, P.E., State Building Inspector <i>Joseph V. Cassidy</i>
Subject:	PA 17-176 AAC Closure of Certain Building Permits

The purpose of this memorandum is to provide guidance to building officials in complying with the requirements of PA 17-176, attached. This law does not require you to approve work that was not inspected. This law also does not apply to work for which a permit was never issued. The following is a breakdown of the Act.

The first sentence says that any permit over nine years old is closed. 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.

The second sentence says that no enforcement action can be taken for the work covered by the old permit. 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.

The third sentence relieves you and your municipality from any liability for closing this permit. 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.



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Public Act No. 17-176

AN ACT CONCERNING THE CLOSURE OF CERTAIN BUILDING PERMITS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 29-265 of the general statutes is amended by adding subsection (c) as follows (*Effective October 1, 2017*):

(NEW) (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

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limited to, a shed, garage, sign, fence, wall, pool, patio, tennis court or deck.

or delivered to the *permit* holder. It shall be the duty of the *permit* holder to ascertain the results of required inspections.

SECTION R110 CERTIFICATE OF OCCUPANCY

R110.1 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*, 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.

Exceptions:

1. Work for which a certificate of approval is issued in accordance with Section R110.9.
2. A certificate of occupancy is not required for work exempt from *permit* requirements under Section R105.2.

R110.1.1 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.

R110.1.2 Statement of professional opinion. Pursuant to section 29-276c of the Connecticut General Statutes, no certificate of occupancy shall be issued for a proposed structure or *addition* to *buildings* classified as nontransient residential *dwellings* having more than 16 units or 24,000 square feet (2230 m²) total gross area per *building*, until the *building official* has been provided with a statement signed by the architect or professional engineer and the general contractor stating that the completed structure or *addition* is in substantial compliance with the *approved* plans on file.

R110.2 Change in use. Changes in the character or use of an existing structure shall not be made except as specified in Sections 407 and 408 of the *International Existing Building Code*.

R110.3 Certificate issued. After the *building official* inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy containing the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code.
6. The name of the *building official*.
7. The edition of the code under which the *permit* was issued.
8. If an automatic sprinkler system is provided and whether the sprinkler system is required.
9. Any special stipulations and conditions of the building *permit*.

R110.4 Temporary occupancy. The *building official* may issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided such portion or portions shall be occupied safely prior to full completion of the *building* or structure without endangering life or public welfare. Any occupancy permitted to continue during completion of the work shall be discontinued within 30 days after completion of the work unless the *building official* issues a certificate of occupancy.

R110.5 Revocation. The *building official* shall, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

R110.6 Partial occupancy. The *building official* may issue a partial certificate of occupancy for a portion of the *building* or structure when, in the *building official's* opinion, the portion of the *building* to be occupied is in substantial compliance with the requirements of this code and no unsafe conditions exist in portions of the *building* not covered by the partial certificate of occupancy that are accessible from the occupied portion.

R110.7 Prefabricated assemblies. A certificate of approval by an *approved agency* shall be furnished with every prefabricated assembly, including modular housing, except where all elements of the assembly are readily accessible for inspection at the *site*. The *building official* shall inspect placement of prefabricated assemblies and the connections to public utilities and private water and septic systems at the building *site*, as well as any site-built or installed components or equipment to determine compliance with this code. A final inspection shall be provided in accordance with Section R109.1.6.

R110.8 Manufactured housing used as dwellings. Provisions for foundation systems and *building* service equipment connections necessary to provide for the installation of new *manufactured homes* and for existing *manufactured homes* to