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Land Use Legal Update

NOVEMBER 2008

**Follow-up to: Proposed Green Building
Amendments to the Connecticut State
Building Code**

We provide this Legal Update to report on recent developments in the adoption of the proposed green building amendments to the Connecticut State Building Code (the "Code") that we described in our October 17, 2008 [Land Use Legal Update](#). In the October 17th Update, we referenced a public act signed into law that would require certain commercial and residential projects to comply with green building standards ("Public Act 07-242"). We now have new information to share with you about the potential effective date for compliance with Public Act 07-242.

During a recent building industry seminar concerning the proposed green building amendments to the Code, State Building Inspector Lisa Humble described a letter she received from the Office of the Attorney General (the "Letter"). The Letter, made available to all seminar attendees, is a reply to a request made by the Department of Public Safety regarding the effective date of the green building provisions of Public Act 07-242. The Letter -- not an opinion - states that the green building provisions of Public Act 07-242 are not self-implementing and, therefore, will not go into effect absent the formal adoption of the green building amendments to the Code. Because the proposed green building amendments to the Code are not expected to take effect until early 2009, the green building provisions of Public Act 07-242 will not go into effect on January 1, 2009.

Importantly, the Letter goes on to note several key issues that require resolution prior to implementation of the green building amendments to the Code. Among other things, the Letter seeks guidance from the Department of Public Safety as to what is to be included in the projected cost of a building when determining whether the building will be subject to the green building amendments.

State Building Inspector Humble said that the Letter and potential next steps in implementing the green building requirements of Public Act 07-242 may be addressed at the upcoming meeting of the State Codes and Standards Committee on Wednesday, November 12, 2008. This meeting is scheduled to begin at 1:30 p.m. at the Department of Public Safety, 1111 Country Club Road, Middletown.

The [website](#) of the Office of the State Building Inspector reports that the green building amendments to the Code may be in place by March of 2009; thus, the provisions have been re-titled "The 2009 State Building Code Amendment." Please note that if substantive changes are made to the proposed green building amendments as a result of the anticipated State Codes and Standards Committee discussion, a public hearing may be required for the revised version of the green building amendments.

For further explanation of the ongoing process for adoption of the green building amendments or for questions on the issues concerning implementation of the green building amendments, please contact Pamela K. Elkow (pelkow@rc.com), Robert J. Sitkowski (rsitkowski@rc.com), or Michele L. Maresca (mmaresca@rc.com).



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