

February 27, 2026

Esteemed Chairs Gaston and Boyd,  
Members of the Public Safety and Security Committee:

The Western Connecticut Council of Governments (WestCOG) appreciates the opportunity to provide comments in **opposition** to Raised Bill 5401, *An Act Concerning the Procedure for Adopting, Revising and Amending the State Building Code and Requiring Related Training*.

WestCOG supports efforts to increase housing production, improve regulatory predictability, and avoid unnecessary cost escalation. However, Raised Bill 5401, as drafted, creates significant structural risks that would:

1. Freeze innovation and prevent adoption of cost-reducing and flexibility-enhancing code provisions;
2. Expand the definition of “building standard” in a way that risks unintended preemption of municipal resilience authority;
3. Create regulatory lag relative to national model codes; and
4. Undermine long-term public safety and housing affordability objectives.

These concerns are practical and consequential.

## **I. THE BILL FREEZES INNOVATION, INCLUDING COST-REDUCING AND VOLUNTARY CODE PATHWAYS**

The bill prohibits adoption of any new “building standard” between October 1, 2026 and October 1, 2032, except in narrow circumstances. Although the apparent objective is cost control, the language is not limited to standards that increase cost. It prohibits adoption of any building standard, including those that:

- Reduce construction cost;
- Expand compliance flexibility;
- Clarify ambiguous provisions;
- Enable alternative construction methods;
- Facilitate innovative housing types.

Because “building standard” is defined broadly as any requirement that applies to construction, the freeze would likely prevent Connecticut from adopting voluntary or permissive appendices in nationally recognized codes. Such codes frequently include optional appendices addressing:

- 3D printed construction;
- Alternative material systems;
- Performance-based compliance pathways;
- Emerging structural systems;
- New housing typologies.

These appendices do not impose mandates. They create safe alternative pathways. They often lower cost and reduce regulatory uncertainty. Under Raised Bill 5401, even voluntary appendices that increase flexibility and affordability would likely be barred during the freeze period. The bill therefore freezes not only mandates but also innovation. If Connecticut's objective is to expand housing production and improve affordability, it should not disable its ability to adopt cost-saving, flexibility-enhancing provisions.

## **II. THE BILL CREATES STRUCTURAL REGULATORY LAG**

Separate from the freeze, the bill limits code revisions to no more than once every six years or two model code cycles. Model codes are updated on approximately three-year cycles to incorporate:

- Post-disaster forensic findings;
- Updated wind and flood data;
- Advances in structural engineering;
- Lessons learned from building failures;
- Improved safety practices.

A mandatory six-year cadence ensures that Connecticut will lag at least one national cycle behind evolving safety standards. Building codes are preventive tools. They are intended to incorporate lessons learned before the next disaster occurs. A structural delay in adopting updated model codes undermines that preventive function.

## **III. THE BILL RISKS CONSTRAINING MUNICIPAL FLOODPLAIN AND RESILIENCE AUTHORITY**

The bill defines "building standard" broadly as any requirement that applies to construction, alteration, addition, repair, change of use, or occupancy. This definition is not limited to structural life-safety provisions. It is expansive and functional. During the freeze period, municipalities are prohibited from adopting or enforcing any building standard more restrictive than the State Building Code. Municipalities across Connecticut routinely adopt floodplain and resilience measures that exceed minimum state requirements, including:

- Additional freeboard above FEMA base flood elevation;
- Elevation of mechanical systems;
- Enhanced flood-resistant construction standards;
- Localized adaptations reflecting topography and drainage patterns.

Freeboard is a particularly critical resilience tool. Requiring one or two additional feet of elevation above base flood elevation:

- Significantly reduces flood damage;
- Protects homeowners from catastrophic loss;
- Reduces repetitive loss properties;
- Lowers long-term insurance premiums.

A freeboard requirement unquestionably applies to construction. Under the bill's broad definition, such a requirement could be characterized as a "building standard." If the State Building Code sets a minimum freeboard and a municipality requires additional elevation to reflect local risk

conditions, a developer could argue that the municipal requirement is more restrictive than the State Building Code and therefore preempted. Even if courts ultimately uphold municipal authority, the statutory ambiguity invites litigation and uncertainty in precisely the area where clarity is most important.

#### **IV. LONG-TERM INSURANCE AND AFFORDABILITY IMPACTS**

Many municipalities adopt higher freeboard standards to improve their standing in FEMA's Community Rating System (CRS). CRS participation:

- Reduces flood insurance premiums for homeowners;
- Lowers long-term housing costs;
- Reduces disaster recovery expenditures;
- Protects municipal tax bases.

Constraining municipalities from adopting additional elevation requirements could:

- Reduce CRS eligibility;
- Increase insurance premiums;
- Raise lifetime housing costs for residents.

A two-foot freeboard requirement may marginally increase initial construction cost, but it can substantially reduce long-term insurance expense and disaster losses. A statute aimed at affordability should not inadvertently increase lifetime housing costs.

#### **V. PREVENTIVE SAFETY VS. "IMMINENT THREAT"**

The bill permits new standards only when necessary to address an "imminent threat" to public health or life safety. Flood risk, wind risk, and hydrologic change are often foreseeable but not "imminent" in a statutory sense. Building codes are designed to prevent loss before disaster strikes. A regulatory framework that restricts adaptive updates until threat is imminent undermines the preventive purpose of public safety regulation.

#### **VI. INCREASED LITIGATION AND REGULATORY INSTABILITY**

By broadly defining "building standard" and prohibiting more restrictive municipal standards, the bill creates potential interpretive conflict between state building code authority and municipal land use and floodplain authority. This invites:

- Developer challenges;
- Appeals;
- Uncertainty in permitting;
- Delay in housing production.

A measure intended to increase predictability may instead generate litigation and instability.

#### **VII. CONCLUSION**

WestCOG supports efforts to improve affordability and regulatory predictability. However, Raised Bill 5401:

- Freezes innovation, including voluntary and cost-reducing code pathways;

- Structurally delays adoption of national safety improvements;
- Broadens the definition of “building standard” in a way that risks constraining municipal resilience measures;
- May increase long-term insurance and disaster costs;
- Introduces litigation risk and regulatory uncertainty.

For these reasons, WestCOG respectfully urges the Committee not to advance Raised Bill 5401 in its current form. We would welcome the opportunity to work collaboratively on a more narrowly tailored approach that preserves affordability while protecting safety, innovation, and local resilience authority.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Francis R. Pickering". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Francis R. Pickering  
Executive Director