

Connecticut Code Chronicle

An occasional publication by Harwood Wallace Loomis, Consulting Architect,
for the use and information of the design and code enforcement communities

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MORE ABOUT STATUTORY CHANGES

In the October edition I mentioned Public Act 25-111 and the changes that introduced regarding unlicensed architects. In that article I touched on some of the provisions from that 99-page public act that directly pertain to municipal building departments. After spending a bit more time reading the bill, there more in there that what I reported in October. The provisions of this public act became effective on October 1, so that means we should be checking these things *now*.

Connecticut has had a long-standing problem with people unlawfully practicing architecture without a license. The Department of Consumer Protection doesn't have enough manpower to police this effectively. As Omarys Vasquez reminded us in her letter to building officials two years ago, we are supposed to be checking for this — but few building departments want to bother reporting violators, so we mostly don't do it. In my opinion, this potentially opens our municipalities up to lawsuits. If we accept — and approve and issue permits based on — construction documents prepared by unlicensed people in violation of the law, we're not properly protecting the public. And that's our job. The *only* reason we have building codes and building inspections is to protect the public from unsafe buildings.

Section 4 of Public Act 25-111 provides some much-needed clarity to the murky field of who can design buildings without being a licensed architect, and when. Section 4 of the Act revises section 20-298 of Connecticut General Statutes, which is the statute that governs the practice of architecture. Let's take a more detailed look at a few of the more important aspects of the Act:

- One of the most misunderstood exemptions in the statute regarding the practice of architecture is the 5,000 square foot exemption. This is exemption number (8) in section 20-298(a). This has always allowed unlicensed individuals to design buildings of less than 5,000 square feet in *total* floor area. Decades ago, the DCP issued a document through the Architectural Licensing Board that clarified this to mean the entire floor area within the exterior walls. Thus, if a single structure is subdivided by one or more firewalls into separate “buildings” under the building code (for reasons such as maximum area for the type of construction), for the purposes of the architecture licensing statute it's still one building, so if the aggregate area adds up to more than 5,000 square feet ... it has to be designed by a licensed architect.
- PA 25-111 adds some teeth to this — but they won't have any effect unless our permit techs and plan reviewers pay attention. The Act adds the following provision to the statute:

“(c) A person claiming an exemption under subdivisions (1) to (6), inclusive, of subsection (a) of this section or subdivision (8) of said subsection (a) of this

section who has not obtained a license as provided in this chapter shall clearly and conspicuously include the words "NOT A LICENSED ARCHITECT" on all contracts, advertisements, promotional materials, plans and specifications.”

The statute has eight exemptions, and this new Public Act involves seven out of the eight. We should probably pay attention. What are the seven that are affected?

- (1) The practice of engineering by a professional engineer licensed under the provisions of chapter 391, and the performance by such professional engineer of architectural work for which such professional engineer is qualified by education and experience and which is incidental to such professional engineer's engineering work;
- (2) the construction or alteration of a residential building to provide dwelling space for not more than two families, or of a private garage or other accessory building intended for use with such residential building, or of any farm building or structure for agricultural use;
- (3) the preparation of details and shop drawings by persons other than architects, for use in execution of the work of such persons, when buildings are designed in accordance with the requirements of this chapter;
- (4) the activities of employees of architects licensed in this state acting under the instructions, control or supervision of their employers;
- (5) the superintendence by builders, or properly qualified superintendents employed by such builders, of the construction or structural alteration of buildings or structures;
- (6) the activities of officers and employees of any public utility corporation whose operations are under the jurisdiction of the Public Utilities Regulatory Authority;
- (7) the activities of officers and employees of the government of the United States while engaged in this state in the practice of architecture for said government; and
- (8) the making of plans and specifications for or supervising the erection of any building, any building addition or any alteration to an existing building, where the building, including any addition, contains less than five thousand square feet total area, provided (A) this subdivision shall not be construed to exempt from the provisions of this chapter buildings of less than five thousand square feet total area of the use groups as defined in the State Building Code as follows:

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Assembly, educational, institutional, high hazard, transient residential, which includes hotels, motels, rooming or boarding houses, dormitories and similar buildings, and (B) the area specified in this subdivision is to be calculated from the exterior dimensions of the outside walls of the building and shall include all occupiable floors or levels.

Since we don't review construction documents or issue permits for State or federal government projects, exception #7 doesn't affect us. The other seven *do* affect us. And what the new Act adds to the law is that anyone designing a building — or work within a building — under any of exemptions 1–6 or 8 now must “clearly and conspicuously” include the words “NOT A LICENSED ARCHITECT” on all plans and specifications.

We generally know who the unlicensed designers are who practice in our municipalities, so when we see construction drawings come in from these individuals the first thing we should look for — before even receiving the plans and stamping them in — is that statement: “NOT A LICENSED ARCHITECT.”

- Exemption number 1 has always been a problem. This exemption allows licensed professional engineers to design buildings — to practice architecture — when the engineer is qualified to education and experience to do so (which most of them aren't) AND when the architectural work is “incidental to such professional engineer's engineering work;” Historically, many PEs in Connecticut take this as *carte blanche* to engage in the unrestricted practice of architecture, but the law is so nebulous that the DCP has never enforced it. The change introduced by PA 25-111 doesn't change that, but it adds a requirement that engineers designing buildings (practicing architecture) under exemption #1 now are required to include the “NOT A LICENSED ARCHITECT” advisory on their plans and specifications.
- The same applies to exemption number 2. Connecticut has always allowed single-family houses of any size to be designed by unlicensed individuals. That doesn't change. But PA 25-111 now requires that such unlicensed home designers now “clearly and conspicuously” note on their plans and specifications “NOT A LICENSED ARCHITECT.”
- Exemption #3 addresses shop drawings. Except in the case of fire sprinkler layouts and hydraulic calculations,

I don't know how often shop drawings are submitted to building departments for review, so looking for the notice on shop drawings will be on a hit-or-miss basis. And sprinkler drawings are supposed to be prepared by licensed sprinkler layout technicians, so that's a special case.

- Exemptions #4–6 are somewhat specialized and not worth discussing, which brings us to ...
- Exception #8: the infamous 5,000 square foot exemption. And that brings us to section (b) of the new language:

“(b) No person claiming an exemption under subsection (a) of this section shall use the title “architect”, or display or use any words, terms, letters, figures, title, sign, seal, advertisement or other device to indicate or imply that such person practices or offers to practice architecture, including, but not limited to, the terms “architectural design”, “architectural services” and “architectural drawings”, unless such person has obtained a license as provided in this chapter.”

Designers using company names or having title blocks that in any way imply that they are providing “architectural” services now cannot do that unless they are actually licensed architects. Our permit techs and plan reviewers should be on top of this from the time the plans come into the office. Use the DCP license lookup web site to verify whether or not the person is, in fact, licensed as an architect. If they aren't — in addition to having to include the “NOT A LICENSED ARCHITECT” notice, they also can't use any language that implies that they are architects.

Unlicensed designers are among the worst offenders for submitting inadequate and incomplete construction documents that rely on broad stroke notes such as “Provide handrails per code” rather than drawing details showing a code-compliant solution. And this is exactly what our Connecticut amendment to IBC section 107.2.1 and IRC section R106.1.1 is intended to prevent — but it doesn't work if we don't enforce it:

“When the quality or arrangement of materials is essential for conformity to this code, specific information shall be given to establish such quality or arrangement, and this code shall not be cited, or terms such as “legal,” “per code” or their equivalent used as a substitute for specific information.”

IRC ALTERATION OPTION

The IRC portion of the 2026 Connecticut State Building Code will include a provision specifically allowing applicants for residential alterations to use either the alteration provisions in the IRC, or the IEBC. This change requires that the choice of code path be shown on the permit application and on the construction documents. [If the IEBC is chosen, the applicant must also indicate on the construction documents which method of IEBC

compliance was used for the design: Prescriptive, Work Area and Level of Alteration, or Performance.]

I suspect that most departments' permit application forms don't include a place to enter the applicable code. The information can be written into the project description, which is probably the easiest way to deal with this requirement if you don't feel like revising your application form. Either way, this is an

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item that whoever handles the initial review in your department (clerical staff, permit technician, or plan reviewer) needs to check before even getting into a plan review. Obviously, if you don't know which code applies, it's not possible to review for conformity with code requirements. If you can't (or don't choose to) revise the application form to add a space for indicating the codes being used for the design, consider adding something informing applicants of this requirement in your instructions to applicants,

both on your department's web site and on any written instructions distributed by your office.

The new code won't become effective until late in 2026, but time has a way of slipping by. It's not too late to start considering how your department will implement this change, to decide whether or not you want to revise your permit application form to reflect the change, and to be sure your staff is up to speed on this change for when it goes into effect.

MERRY CHRISTMAS

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The editor is a licensed architect and a licensed building official, with more than 40 years of experience. I offer non-structural plan review services for projects of any size, with special rates for municipal building departments.

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What topics would you like to see discussed in future issues? It helps all of us if we can all be on the same page, to avoid those "But I never have to do that in [town]" complaints.

Send me an e-mail if you think of any issues that affect all building officials, everywhere.