

# Connecticut Code Chronicle

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for the use and information of the design and code enforcement communities

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## The Importance of Keeping a Code Library

A recent discussion on [The Building Code Forum](#), along with a fairly recent project in my real life as an ABO and plan reviewer (a.k.a. plans examiner) has reminded me of how important it is for building departments to maintain a complete library of old codes. In my opinion, this is a crucial part of the job, but ... why is that so?

The capsule summary is that it's because once a certificate of occupancy has been issued, a building is legally conforming and can remain as it is in perpetuity. Even for repairs under the IEBC, in many cases it is the requirements of the code in effect at the time of initial construction that apply:

**401.2 Compliance.** The work shall not make the building less complying than it was before the repair was undertaken.

**[BS] 405.2.1 Repairs for less than substantial structural damage.** Unless otherwise required by this section, for damage less than substantial structural damage, the damaged elements shall be permitted to be restored to their predamage condition.

For alterations under the Prescriptive Method of the IEBC, the altered (new) work has to comply with the IBC in effect as of the date of the proposed alterations but existing, unaltered work can remain:

**503.1 General.** Alterations to any building or structure shall comply with the requirements of the International Building Code for new construction. Alterations shall be such that the existing building or structure is not less complying with the provisions of the International Building Code than the existing building or structure was prior to the alteration.

In general, the same approach applies to Level 2 Alterations under the Work Area Method:

**801.4 Compliance.** New construction elements, components, systems and spaces shall comply with the requirements of the International Building Code.

But most jurisdictions have had building codes for longer than most building officials have been in office, possibly for longer than many building officials have been alive. Those preceding codes have almost certainly gone through multiple cycles of re-

visions. In Connecticut, our first mandatory state building code was adopted in 1971. Since then we have seen nine major revisions, and we are looking at adopting a tenth new code (the eleventh overall) in 2026. This includes the switch from a code based on BOCA to the ICC family of codes in 2005.

It's not possible to remember everything that every edition of the codes required. But questions arise that requires this knowledge. A couple of years ago the department where I worked received an application for a permit to alter a portion of the second floor of a small-ish multi-tenant office building. The plans submitted didn't include most of the basic information required by the IEBC (as adopted by Connecticut, which heavily edited Chapter 1 of the IEBC). While waiting to receive revised plans, I took it upon myself to visit the building to see first-hand what the egress arrangements were.

What I found didn't comply with the current code. But the building was permitted in 1988, with the original certificate of occupancy having been issued in 1989. In order to determine if there was a violation affecting egress on the first floor, I couldn't look at today's code. I would have had to look at the 1987 State Building Code, which was in effect from 1987 through 1989.

Fortunately, our office had a code library and I was able to quickly verify that under the 1987 State Building Code the egress was non-compliant. In fact, it wasn't compliant when the building was originally constructed, and it's arguable that the original building permit should not have been issued. But that's old history. Unfortunately for the current owners (the building is an office condominium, so the condo association becomes responsible for issues affecting multiple units), this meant we had to inform them that their building was in violation and had been in violation since the day it opened, and that they needed to come up with a remediation plan ASAP.

Without a code library, we could not have properly researched and documented the violation. If we had simply cited it under the current code, we would have been laughed out of court.

Don't throw away your old code books. You may only need to look at them once in five years but, when you need to research what was originally required in an existing building, there is no substitute for having access to the codes that were in effect at the time of original construction.

## IRC Clarifies Fire Separation Requirements

The IBC has always included the concept of an “imaginary property line” as the reference datum for determining the required fire resistance of exterior walls and the amount of unprotected exterior openings for multiple buildings on the same site. The same concept has existed in the IRC, but prior to the 2024 edition it wasn’t nearly as clear in the IRC as it has been in the IBC. That changes with the 2024 IRC. In the 2024 edition of the IRC, section R302.1 has been heavily revised to better address the fire resistance of exterior walls of buildings facing one another on the same parcel. The new language reads as follows:

### **R302.1 Exterior walls.**

Construction, projections, openings and penetrations of exterior walls of dwellings, townhouses and accessory buildings shall comply with Table R302.1(1) based on fire separation distance; or dwellings and townhouses equipped throughout with an automatic sprinkler system installed in accordance with Section P2904 shall comply with Table R302.1(2) based on fire separation distance.

For the purposes of determining fire separation distance, dwellings and townhouses on the same lot shall be assumed to have an imaginary line between them. Where a new dwelling or townhouse is to be erected on the same lot as an existing dwelling or townhouse, the location of the assumed imaginary line with relation to the existing dwelling or townhouse shall be such that the existing dwelling or townhouse meets requirements of this section.

Where a lot line exists between adjacent townhouse units, fire separation distance of exterior walls shall be

measured to the lot line. Where a lot line does not exist between adjacent townhouse units, an imaginary line shall be assumed between the adjacent townhouse units and fire separation distance of exterior walls shall be measured to the imaginary line. Fire separation distance and requirements of Section R302.1 shall not apply to walls separating townhouse units that are required by Section R302.2.

The 2021 IRC only included the first of the three paragraphs above, and the 2024 language has been revised to add “based on fire separation distance” following both references to tables.

The second and third paragraphs above are new to the IRC with the 2024 edition. They bring to the IRC more explicitly the same imaginary property line concept that has been in the IBC since the original 2000 IBC (which Connecticut did not adopt).

A couple of years ago I got into a bit of a disagreement with an instructor over whether or not the IRC addressed fire separation distance for buildings on the same parcel. I said it didn’t; he said it did. I still think it didn’t. The references in the IRC and Tables R302.1(1) and R302.1(2) discuss fire separation distance, but only in reference to actual property lines. Bringing the concept of imaginary property lines between buildings on the same lot is a new concept in the IRC as of the 2024 edition.

The same five exceptions to IRC R302.1 are carried over from 2021 to 2024, with minor editorial changes. “Dwelling” has been revised to “dwelling unit,” which I suspect is in order to better address the concept of accessory dwelling units (ADUs).

## Understanding The Need For Re-Inspection Fees – Failure Costs Everyone

By Jeff Remas

Contractors want a clear timeline for inspections. That is a fair expectation, and it is something every building department struggles with, even the well-run ones. The problem is that inspection scheduling is not an exact science, and it never will be. Inspectors do not control how long an inspection takes once they arrive, because they do not control what condition the work will be in when they get there. A job that should take 15 minutes can turn into an hour if the violations are extensive. Another job might be a large project where a contractor wants several floors inspected at one time, which can push every other inspection back. That reality is not an excuse; it is just the truth. If municipalities want tighter windows, more accurate scheduling, and better service, they need staffing levels that match the workload.

And staffing costs money.

There are only two ways to fund a properly staffed building department. One option is to generate enough revenue through permit fees and inspection-related fees to pay for the staff required to do the work. The other option is for elected officials to inject money into the department from the general fund and cover the cost using *ad valorem* tax dollars. Either way, the department has to be funded. This is not about building departments creating reasons to exist. This is about providing the service that protects the residents and visitors of the municipality, and ensuring the minimum codes are met for life, health, and safety.

That is where reinspection fees come in.

A lot of contractors see reinspection fees as a penalty. Some see them as a deterrent. Contractors who are getting hit with them almost always see them as a municipality trying to gouge them. But the reality is this: reinspection fees are not about punishment,

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and they are not about gouging. They are about staffing, workload control, and fairness.

Inspectors are not looking to fail anyone's inspection. In the best-case scenario, nobody fails an inspection. That is easier for everyone. It is easier for the inspector, easier for the administrative staff, easier for the Building Official, easier for the property owner, and of course easier for the contractor. Passing inspections is a win-win across the board. The problem is that many inspections fail for the same reasons over and over, and when there is no consequence for calling too early, some contractors will take advantage of it.

Not all contractors, but enough to matter.

When reinspection fees are not assessed, what tends to happen is predictable. Contractors start calling for inspections when the job is not ready. Sometimes they are close, but not ready. Sometimes, they have not even done basic quality control. Some take it even further and use the inspection process as their quality assurance program. Instead of checking their own work, they call for the inspection and wait to see what the inspector writes up, then they fix whatever was flagged. That is not the purpose of inspections. Inspections are there to verify compliance, not to act as a contractor's punch list.

And that behavior has a direct cost.

The cost is time.

Every inspection that gets called in prematurely or carelessly is not just one wasted trip. It is two. The first trip is the failed inspection, and the second trip is the reinspection. Now multiply that by the number of permits and the number of contractors operating in a town. That becomes a staffing problem very quickly.

This is not a theory for me; I have lived it.

When I owned my third-party inspection agency in Pennsylvania, staffing was getting tight, and inspections were increasing. I was right on the edge of having to hire another inspector just to keep up. That is a major cost increase, with no guaranteed revenue increase to justify it. So I asked my office manager to pull a report from the previous week and tell me how many inspections were brand new inspections, and how many were reinspections.

The answer shocked me.

About 50% were reinspections.

So I asked her to pull the same report for a month. Same answer. Then three months. Same answer. Then one full year, which took hours. Same answer, about 50%. Half of our inspection workload was reinspecting work that had already failed. Half of our resources were going toward repeat trips because somebody was either not ready, not checking their work, or not taking the process seriously.

At that point, I had a decision to make. Was I going to hire another inspector, take on more overhead, and absorb higher operating costs, just so we could reinspect mistakes and incomplete work, with no increase in revenue?

Absolutely no way.

That is exactly when the importance of reinspection fees becomes crystal clear. Reinspection fees exist because failure has a cost, and that cost cannot be carried entirely by the municipality or the inspection agency. It especially cannot be carried by the building department if the department is expected to maintain

service levels, answer phones, process permits, keep inspection schedules reasonable, and perform quality inspections.

Because the truth is this.

Reinspections do not just affect the contractor who failed.

They affect every contractor who is doing it right.

Every time an inspector has to re-drive a job that should have been ready the first time, that is time stolen from someone else's inspection that was ready. That is how inspection windows get wider. That is how inspections roll into the next day. That is how contractors get stuck waiting. That is how departments fall behind. And that is how inspectors get overloaded, which eventually impacts inspection quality.

When inspectors are forced to rush to keep up, the quality of inspections goes down. That can go one of two ways. Sometimes it means things get missed, and nobody wants that. Sometimes it means the inspector gets even stricter because the workload is out of control, and they cannot spend time "working with" incomplete jobs all day. Neither scenario benefits contractors long-term. Everyone loses.

Now here is the part that contractors need to understand.

Reinspection fees are not designed to generate profit. They are designed to stop abuse of the system and reduce waste. Even when a municipality charges a reinspection fee, the fee often does not cover the true cost of sending an inspector back out. In areas that use third-party inspection agencies, the cost to pay for an inspection visit is often more than the municipality's reinspection fee. That alone proves the point. This is not about making money. This is about recouping some losses, covering costs, and creating a deterrent that forces proper behavior before the inspection is scheduled.

In the mid-2000s, reinspection fees were commonly \$50 or \$75. There was pushback then, and there is still pushback now. Of course, contractors do not like paying reinspection fees. Nobody likes paying fees they did not plan for. But that is exactly why it works as a deterrent.

It changes behavior.

It forces a contractor to do what they should have been doing in the first place, checking their work before calling for an inspection. It forces proper scheduling discipline. It discourages the habit of calling inspections early "just to see what happens." It prevents contractors from using the inspector as their quality control department. And most importantly, it helps protect the inspection schedule and service levels for everyone else.

A fair building department will still work with contractors when it makes sense. If a contractor fails something minor and it is a small fix, sometimes an inspector can wait 10 or 15 minutes and pass it without a failure. Sometimes the schedule allows a same-day return. That is reasonable, and it is good customer service. But that only works when the system is not being abused. When the system is being abused, flexibility disappears because the staff cannot absorb it.

Where I am the Building Official now, we use a progressive reinspection fee structure. It increases when the same violation keeps showing up. That is not being harsh; it is being practical. If a contractor makes a mistake one time that's one thing. When a contractor fails repeatedly for the same issue, that's a different

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problem entirely. The progressive fee forces contractors to tighten up quality control, supervise their crews better, and stop wasting public resources.

That is what reinspection fees are really about.

They are about protecting the inspection system.

They are about protecting staffing levels.

They are about fairness to contractors who are ready.

They are about keeping inspectors available for the jobs that actually deserve an inspection that day.

And at the end of the day, they are about protecting the public, because the building department's job is not to keep contractors happy, it is to verify that minimum code standards are met so buildings are safe for the people who live in them and the people who visit them.

If contractors want tighter inspection windows, faster turnaround, and better service, then they should want the inspection system to be efficient. And if they want the system to be efficient, then they need to stop treating reinspections as free callbacks.

Because if half of the workload is reinspections, then half the staffing is being burned on repeat trips that never should have happened.

And that is not sustainable.

*The preceding article first appeared on [The Building Code Forum](#) and is used with permission of the author. Jeff Remas can be found through his [LinkedIn page](#)*

[Editorial comment] I'll also suggest that the same argument as presented above applies equally to multiple plan reviews. More than one building official — around Connecticut and around the United States — has commented that it often seems like designer professionals are using the building permit plan review process as their quality assurance program, rather than performing a code check and QA review internally before releasing construction documents for permitting review. That's not right; that's not the way the process is supposed to work. "Clients" (design professionals or contractors) who repeatedly require re-reviews and/or reinspections are abusing the system. As the article discusses in regard to inspections and re-inspections, the same is true for incomplete and error-filled construction documents that require multiple rounds of plan review, comments, and revisions: it's not fair to anyone, and it's not sustainable.

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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.