

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **ORDINANCE AMENDMENT**, Amend Chapter 17, Article XXI, of the New Haven Code of Ordinances regarding Certification of Actual Building Costs and Payment of any Additional Building Permit Fees as a Condition of obtaining a Certificate of Occupancy (Executive Director/Building Official).

REPORT: 1449-11

ADVICE: Approval; Check for appropriate Location in Code

BACKGROUND

Before the Board of Aldermen is a proposed amendment to the City Code of Ordinances to restore language inadvertently omitted from the Code when Chapter 17 was last amended in 2005. To quote from the Order, "this most recent update inadvertently left out a provision requiring that owners or contractors certify the actual cost of construction, repair or alteration of any building for which a building permit had been issued and pay any additional building permit fees based upon these actual costs."

The proposed language is as follows:

No permanent or temporary certificate of use and occupancy shall be issued by the office of building inspection and enforcement until the owner or builder has certified to the actual cost of the construction, erection, repair, alteration or extension for which a permit was issued and has paid to the building department any additional fee which may be due and payment of the appropriate fee has been made in accordance with the fee schedule set forth in Section 17-201.

PLANNING CONSIDERATIONS


Building permit fees are based upon cost estimates for the work to be performed, as submitted by owners or contractors. In the case of a project which has numerous change orders and escalation in costs not anticipated in the original building permit, there may be a disparity between the estimated amount upon which the original building permit was based. There is currently no provision in the Code requiring contractors to submit a certification of the actual cost of construction so that a revised fee may be captured. While the Building Department has continued to require cost certification and payment of additional fees as a condition of receiving a certificate of occupancy, it has not been able to rely upon formal language in the Code of Ordinances to support its practice.

ADVICE

The Commission supports the submission of the building official as it makes clear a practice which has been on going in the Building Department and may provide additional revenue for the City. The Commission recommends approval by the Board. It further recommends that the Building Official consult with Corporation Counsel to determine where the language should be inserted in the Ordinance as Article XXI may not be the appropriate location. It may be more appropriate in Article XX, Section 17-201 6 Certificates of Occupancy.

ADOPTED: February 16, 2011
Edward Mattison
Chair

ATTEST:


Karyn M. Gilvarg, AIA
Executive Director