Connecticut Code Chronicle

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

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PUBLIC ACT 25-111 REVISITED

Last year I wrote about Public Act 25-111 and the requirement that this Act added to the architectural licensing laws calling for any one practicing architecture who is not licensed in Connecticut to include a notice on any construction documents they prepare that "clearly and conspicuously" states NOT A LICENSED ARCHITECT on all contracts, advertisements, promotional materials, plans and specifications. A building official colleague contacted me with the following question in response to that article:

> Question on #2…Do you think it means any plan? Or just ones from a professional designer? Or only ones that refer to "architecture" or possibly design in any way on their "letterhead"…The latter is what I thought…..

"#2" in his question refers to the second of the eight exemptions in statute from the law requiring anyone practicing architecture to hold a current license from the Department of Consumer Protection. To understand this better, we need to begin with the statute, which is C.G.S. 20-298. This statute creates eight specific exemptions under which certain people, under certain circumstances, are allowed to "practice architecture" without a license. Under P.A. 25-111, the new requirement applies to exemptions number 1–6, and 8. So what are these exemptions? Paraphrased, they are:

1. Professional Engineers performing architecture that's "incidental" to engineering work
2. 1- and 2-family residential buildings and accessory structures (no size limitation)
3. Shop drawing preparation
4. Drafters working directly under the supervision of a licensed architect
5. Construction superintendents
6. Officers and employees of public utilities regulated by the PUC
7. Officers and employees of the federal government, working on federal construction projects that are exempt from state oversight under federal law.
8. The infamous 5,000 square foot exemption

Let's break these down to see how of if they are affected by the new requirements. Since the law specifically say it applies to numbers 1–6 and to number 8, that's our clue.

1. PEs have been allowed to practice architecture for as long as I have been licensed as an architect, and I'm sure for a lot longer. Many PEs regard this as *carte blanche* to take on projects and roles that should, rightfully and legally, only be performed by licensed architects. The "gotcha" here is that exemption number 1 says PEs can engage in the practice of architecture *when it is incidental to their engineering*, and when they are "qualified by education and experience." Engineers typically do not receive education in life safety matters such as egress size and arrangement, accessibility, etc., so most of the PEs preparing plans under this exemption should not be doing so. This has been going on for so long, though, that we're unlikely to see any change. But PA 25-111 now requires PEs who are playing architect to include the NOT A LICENSED ARCHITECT notice not just on their plans, but "on all contracts, advertisements, promotional materials, plans and specifications." This would apply even if they affix their seal and signature to any plans that are architectural in nature rather than directly related to their particular branch of engineering.

2. As with the exemption for PEs to practice architecture, for as long as I can remember Connecticut has always allowed unlicensed individuals to prepare construction documents ("plans") for 1- and 2-family residences and for structures that are accessory to 1- or 2-family dwellings. This is the exemption that allows unlicensed home designers to ply their trade. The statute does not place any limit on the size of a single-family home that can be designed by an unlicensed designer under the exemption.

   My colleague's question referred to this exemption specifically. Does PA 25-111 require the NOT A LICENSED ARCHITECT notice on all plans under this exemption, or only plans prepared by a "professional designer" (by which I believe he means professional home designers)? The requirement is in statute, not in the building code, and by law the State Building Inspector is not authorized to interpret statutes, so Omarys can't help us (at least, not officially). The revisions to C.G.S. 20-298 for architects are only a small part of a large bill that addressed a number of professions and trades regulated under the DCP. The statement of legislative intent for the bill just says it is to implement recommendations from the Department of Consumer Protection, so that provides zero guidance.

   That leaves us having to read the law at face value. What it says is:

   > "(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."

   Home designers practice under exemption number 2. PA 25-111 has a separate provision intended to clarify that such professional designers cannot use any word or phrase that

implies they are architects. The NOT A LICENSED ARCHITECT is separate from that, so I think the answer is that, yes, this new law does require the notice on any and all plans that are not prepared by a licensed architect — not just plans by professional designers, but (unfortunately) even plans prepared by homeowners themselves.

3. Shop drawings. Most shop drawings are not prepared by licensed architects. I think everyone knows this, and I'm not aware that anyone has ever had a problem with it. I was a founding member of the AIA|CT Building Performance and Regulations Commission and I chaired that commission for a number of years. I know from first-hand experience that AIA|CT was very concerned about unlicensed designers practicing architecture without a license, but we never even consider shop drawing preparation. Technically, though, this is included under the scope of PA 25-111, so shop drawings should include the notice. The good news is that building departments rarely receive shop drawings for review and approval, so maybe we don't have to worry about this one.

4. Exemption number four addresses "the activities of employees of architects licensed in this state acting under the instructions, control or supervision of their employers." I think we all know that, especially on large projects, the architect whose name appears on the title block and whose seal and signature appear on the construction documents doesn't personally draw every line on every sheet. In my opinion, this one should not have been included in the scope of PA 25-111 … but it is. I don't have a good answer for how (of if) to address it.

5. Exemption number five addresses "the superintendence by builders, or properly qualified superintendents employed by such builders, of the construction or structural alteration of buildings or structures." As with number four, I don't know why this exemption is included in the requirement for the NOT A LICENSED ARCHITECT notice. Construction supers don't typically prepare "plans." And AIA standard Owner-Architect agreements and General Conditions clearly establish that architects don't provide superintendence of the construction. I don't think we need to worry about this one.

6. Exemption number six addresses "the activities of officers and employees of any public utility corporation whose operations are under the jurisdiction of the Public Utilities Regulatory Authority." In considering how this is affected by the new requirement in PA 25-111 it's important to remember that the requirement only applies to the practice of architecture — not engineering. In most cases, the types of projects a regulated public utility will design internally will be primarily engineering in nature (such as a cell tower or an electric transformer substation), not architectural.

7. Exemption number seven is similar to number six, but addressing federal employees. It exempts "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." PA 25-111 explicitly does NOT include this exemption in requiring the NOT A LICENSED ARCHITECT notice, so we don't have to worry about it. And, since federal projects typically are exempt from local and state oversight, we wouldn't have to worry about it even if it were covered under PA 25-111.

8. This brings us to exemption number eight, the infamous 5,000 square foot exemption. As with exemption number two, this has been the law in Connecticut for as long as I have been licensed as an architect, and undoubtedly a lot longer. In recent years, although the language of C.G.S. 20-298 hasn't changed, other public acts have created the threshold building provisions and require constructions for certain occupancy classifications to be prepared by licensed architects irrespective of this exemption. Many unlicensed designers and registered (not licensed) interior designers prepare construction drawings under this exemption, so this IS one we will need to be on the look-out for.

That's my analysis — subject to the disclaimer that I am not an attorney, so my opinion is worth exactly what you paid for it. The bottom line is that this new requirement is probably well-intended, but it's one more thing we are supposed to check, which in reality makes it another unfunded mandate from the State.

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There is another provision in PA 25-111 that should also be discussed. That's the provision preceding the requirement for the NOT A LICENSED ARCHITECT notice. This provision reads:

> (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.

This new subsection (b) is an addition to C.G.S. 20-298, but it is (I believe) intended more as clarification rather than a completely new requirement. It has always been unlawful under Connecticut statutes and regulations for anyone who isn't a licensed architect to say they are an architect. What this new provision does is to clarify that unlicensed designers and unlicensed individuals are not allowed to "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." Over the past few years, I have reviewed several projects with construction documents prepared by an unlicensed designer whose letterhead and title block use a creative misspelling of the word "Architects" to create the impression that he is offering architectural services (which is exactly what he's doing) even though he is not a licensed architect. Other individuals use language such as "architectural drafting service." Such

language obviously implies that they are offering architectural services. The new law now prohibits the use of such misleading language, not just on their construction drawings but also on their web sites, in their promotional literature, on their letterhead, or in their contracts. There is one home designer I can think of, in particular, who is going to have to change the name of her LLC to comply with this new requirement.

And, of course, the building departments are supposed to be the gatekeepers on this. It's in the codes:

> **[A] 107.1 General.** Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two or more sets, or in a digital format where allowed by the building official, with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

> **R106.1 Submittal documents.** Submittal documents consisting of *construction documents*, and other data shall be submitted in two or more sets, or in a digital format where allowed by the *building official*, with each application for a *permit.* The *construction documents* shall be prepared by a *registered design professional* where required by the statutes of the *jurisdiction* in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Most building officials see construction documents prepared by unlicensed designers, and most building officials know who the unlicensed designers are in their area, and whether or not the work is any good. With the new requirements imposed by PA 25-111, we now not only have to check if a building (other than a 1- or 2-family residence) is over 5,000 square feet, we now also have to check whether the unlicensed designers include the NOT A LICENSED ARCHITECT notice, and we are supposed to check whether the unlicensed designer uses a title block or letterhead that in any way implies that they are or might be an architect.

Perception vs Reality in Building Code Enforcement

by Jeff Remas

A recent discussion on The Building Code Forum web site regarding proprietary foundation repair systems raised an issue that deserves broader attention within the building industry. The discussion stemmed from a simple question. When a contractor proposes a proprietary foundation repair system, such as helical piles or push piers, that is not explicitly prescribed in the building code, what documentation is required to demonstrate equivalency under IBC Section 104.11?

That discussion quickly moved beyond technical details and exposed a recurring problem in how minimum building code requirements are sometimes approached.

Several responses reflected a willingness to allow or approve structural foundation repairs without involvement from a registered design professional based on distinctions such as residential versus commercial work, voluntary versus permitted work, or long standing local practice. While these perspectives are often framed as practical or reasonable, they blur an important line between professional judgment and the informal waiver of adopted standards.

Foundation systems are structural systems. That does not change because a building is residential, older, or not currently unsafe. When a proprietary repair system alters load paths, soil interaction, or structural performance, the building code already provides a lawful path forward. Section 104.11 exists specifically to address these situations. It allows flexibility, but only when equivalency is demonstrated through appropriate documentation, analysis, and professional accountability.

A common misconception that surfaced in the discussion is the idea that language such as "designed in accordance with accepted engineering practice" does not require involvement by a registered design professional. That interpretation is difficult to reconcile with both the intent of the code and state licensing laws. Accepted engineering practice is not informal experience or installer judgment. It is a professional standard that presumes engineering analysis performed by someone legally authorized to practice engineering.

From an administrative standpoint, there is sometimes a belief that requiring engineering, particularly on residential projects, creates unnecessary conflict. In reality, the opposite is true. Clear requirements, applied consistently, reduce conflict by setting expectations early. When standards are quietly relaxed to avoid disagreement, it creates confusion, uneven enforcement, and greater risk for everyone involved.

It is also important to recognize that the building code already provides a structured mechanism for disagreement. If an applicant or contractor believes an official's interpretation or decision is incorrect, there is an established appeal process. That process exists to resolve disputes in a transparent and lawful manner. Bypassing minimum requirements to avoid an appeal does not eliminate conflict, it avoids accountability.

This issue tends to be amplified in smaller or close knit communities, where professional decisions can carry social or political consequences. While those pressures are real, they do not change the role of the building department. The responsibility

is to enforce the building code as adopted, not to modify it based on local comfort levels or perceived expectations.

There is, and always will be, a place for professional judgment in building code administration. Not every condition fits neatly into a prescriptive box. However, judgment must operate within the framework provided by the code. When a proposed solution cannot meet the minimum requirements or demonstrate equivalency through the processes the code allows, it should not be approved simply because it feels easier.

The building code establishes minimum standards for a reason. Enforcing those standards consistently protects property owners, supports qualified professionals, and provides municipalities with defensible decisions. When perception begins to override reality, the risks increase, not decrease.

Professional enforcement of adopted building codes is not about being inflexible. It is about being consistent, transparent, and accountable. When those principles are upheld, the system works as intended, even when there is disagreement.

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HAPPY NEW YEAR

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.