



Memorandum

Date:	July 22, 2016
To:	All Municipal Building Officials
From:	Joseph V. Cassidy, P.E., State Building Inspector
Subject:	PA 16-45 AAC Concrete Foundations

We have been getting a lot of questions and requests for formal interpretation regarding this new law. Since this is statute and not part of the State Building Code, I cannot provide a formal interpretation of the law, but, I will try to provide some clarification based on my understanding from discussions during the development of this law. The following is a section by section look at what a local Building Official needs to do.

Section 1: Information collection prior to issuing a Certificate of Occupancy

Starting October 1, 2016, you will need to have received a document from the applicant (owner, contractor, etc.) which contains the following information prior to issuing a Certificate of Occupancy for a new building or an addition:

- Name of the concrete supplier
- Name of the concrete installer

This information is required for concrete used in foundations, not for site/hand mixed concrete and not for minor items like sountubes for decks and the like. You will then need to keep this document in your files for fifty (50) years.

Section 2: Property Tax Adjustment

The purpose of this section is to set up a process to provide property tax relief for homeowners who have documented that their foundation is made with “defective concrete”. This does not automatically translate into an emergency situation or an imminent hazard and does not automatically trigger any action or liability for the building official. “Defective concrete” as used here would mean concrete identified as containing the problem aggregate. The inspection

described in this section of the act is an inspection for the valuation of the house, it is not a safety inspection.

It is the engineer's responsibility to determine and communicate the risk level and appropriate action in response. He is the licensed profession who has been hired to evaluate the foundation, his opinion is the one that carries the weight. I would anticipate seeing engineering findings ranging from:

1. Documented to be "defective" (i.e. containing problematic aggregate) - no sign of problems
2. Minor degradation - no repair required
3. Minor to moderate degradation – some repairs required
4. Moderate to severe degradation – significant repairs required
5. Severe degradation – imminent threat of failure

I am sure most of the reports will fall in the 2-4 category, in which case the work required would be specified by the engineer, then permitted and inspected by the local building official. In a scenario #5 situation it would be the engineer's responsibility to notify the homeowner and the town of the immediate threat and to provide recommendations to mitigate the hazard. The town's responsibility would come in if the homeowner was not following the direction of the engineer, such as, refusing to leave the house, etc.

Again, this section is meant to be a revaluation/ tax abatement vehicle to provide relief to affected homeowners. It is not intended to be a safety survey or an exhaustive analysis of the inventory of affected homes.

Sections 3 through 5 relate to efforts and actions by the state related to investigating, data collection and reporting on problem.