



OLR RESEARCH REPORT

December 18, 2012

2012-R-0537

SMOKE DETECTORS AND THE SELLER'S OBLIGATIONS

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You asked if Connecticut, Massachusetts, New York, or Rhode Island require sellers to install smoke detectors before selling a home.

SUMMARY

Massachusetts, New York, and Rhode Island all require sellers to have working smoke detectors in certain residential homes before selling them.

Connecticut does not require sellers to install smoke detectors, but it requires them to disclose certain information on smoke detectors in the Residential Property Condition Disclosure Report Form that residential property owners, with minor exceptions, must complete when they sell property. By law, (1) single family homes built on or after October 1, 1978 and (2) multifamily homes are required to have smoke detectors (CGS § [29-292](#)). Sellers of these homes must disclose if the home has had smoke detector problems. PA 12-122 requires the consumer protection consumer to update the disclosure form, by January 1, 2013, to include questions on whether the home has smoke detectors and, if so, how many. The seller must explain any problem with the detectors. A seller who does not furnish the disclosure form must give the buyer a \$500 credit (CGS § [20-327c](#) as amended by [PA 12-122](#)).

MASSACHUSETTS

Massachusetts law requires sellers to install smoke detectors in residences built or modified before January 1, 1975 (the year the state building code was adopted) when they are being sold or transferred (Mass. Gen. Laws ch. 148, § 26F). The fire department head is responsible for inspecting and certifying these homes for compliance. For homes built after January 1, 1975, the state building code determines the smoke detector requirements. (For more information, see <http://www.mass.gov/eopss/docs/dfs/osfm/pubed/flyers/consumers-guide-w-sell-1-and-2-fam.pdf>.)

Anyone who violates the smoke detector requirement may be fined \$100 or, for a continuing offense after notice, a fine of \$100 for every day the violation continues (Mass. Gen. Laws ch. 148, § 34).

NEW YORK

New York law requires the seller of a one- or two-family home or condominium unit to provide the buyer with an affidavit indicating the residence has a working smoke detector. The buyer then has 10 days after the property is transferred to notify the seller if the smoke detector is inoperable. Upon notification, the seller must pay for any installation cost (N.Y. Exec. Law § 378(5-b)).

The law allows local governments to order sellers to fix an inoperable smoke detector. Anyone who fails to fix the detector is subject to a fine of up to \$1,000 per day or violation, up to a year imprisonment, or both (N.Y. Exec. Law § 382).

RHODE ISLAND

The Rhode Island Fire Safety Code requires sellers of occupied residential properties, including mobile homes, to install smoke detectors before transferring the property (R.I. Fire Safety Code § 24.3.1).

At the time title transfers, the seller must provide the buyer with a certificate from the fire department stating that the smoke detector system has been inspected within 60 days of the sale (R.I. Fire Safety Code § 24.3.1.4). The fire department may charge the seller a \$30 fee for the inspection (R.I. Fire Safety Code § 24.3.1.3.1).

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