
OLR Bill Analysis

sHB 6160 (as amended by House "A")*

AN ACT REQUIRING WORKING SMOKE AND CARBON MONOXIDE DETECTORS IN ALL RESIDENTIAL BUILDINGS AT THE TIME TITLE IS TRANSFERRED.

SUMMARY:

This bill, with exceptions, requires a seller, before transferring title to a one- or two-family dwelling for which a new occupancy building permit was issued before October 1, 2005, to give the buyer an affidavit certifying that the (1) permit was issued on or after October 1, 1985 or (2) dwelling is equipped with smoke detection and warning equipment (smoke detectors) complying with the bill. The affidavit must also certify that the building (1) is equipped with carbon monoxide (CO) detection and warning equipment (CO detector) complying with the bill and (2) does not pose a risk of CO poisoning because the building does not have a fuel-burning appliance, fireplace, or attached garage (see BACKGROUND). A transferor who fails to provide the affidavit must credit the transferee with \$250 at closing.

*House Amendment "A" (1) limits CO and smoke detector requirements to one- and two- family dwellings rather than all residential buildings, (2) modifies the requirements for detectors, (3) adds the exemptions from the affidavit requirement, (4) replaces the requirement for the seller to bear the cost of installing equipment with a \$250 penalty for failure to provide an affidavit, and (5) changes the effective date from October 1, 2013 to January 1, 2014.

EFFECTIVE DATE: January 1, 2014

SMOKE AND CO DETECTION EQUIPMENT STANDARDS

The bill specifies the standards that the CO and smoke detectors must meet. The CO detectors must be able to show the amount of CO present as a reading in parts per million, and the smoke detectors must

be able to sense visible or invisible smoke particles. Both may be battery-operated and must:

1. be installed in accordance with the manufacturer's instructions and in the immediate vicinity of each bedroom;
2. not exceed the standards under which they were tested and approved; and
3. be capable of providing an alarm suitable to warn occupants, when activated.

EXEMPTIONS FROM AFFIDAVIT REQUIREMENT

The bill exempts from the affidavit requirement and penalty provision transfers:

1. from one co-owner to another;
2. to the transferor's spouse, mother, father, brother, sister, child, grandparent, or grandchild where no consideration is paid;
3. under a court order;
4. by the federal government or any of its political subdivisions;
5. by deed instead of foreclosure;
6. when an existing debt secured by a mortgage is refinanced;
7. by mortgage deed or other instrument to secure a debt where the transferor's title to the real property being transferred is subject to a preexisting debt secured by a mortgage; and
8. by executors, administrators, trustees, or conservators.

BACKGROUND

Disclosures on Residential Condition Report

Under existing law, sellers must indicate on the residential condition report they provide to prospective purchasers whether a one- to four-unit building contains smoke and CO detectors, the

number of such detectors, and the nature of any problems with them (CGS § 20-327b(M)).

CO and Smoke Detector Requirements With Regard to October 1, 1985 and October 1, 2005

Existing law requires smoke detectors capable of operating on alternating current and batteries to be in one- and two- family dwellings issued a building permit for new occupancy on or after October 1, 1985. It requires CO detectors in new one- and two- family dwellings issued a building permit for new occupancy on or after October 1, 2005 (CGS § 29-292).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 20 Nay 4 (03/21/2013)