



House of Representatives

File No. 859

General Assembly

January Session, 2013

(Reprint of File No. 400)

Substitute House Bill No. 6160
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 24, 2013

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

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2014*) (a) Prior to transferring
2 title to any real property containing a residential building designed to
3 be occupied by one or two families for which a building permit for
4 new occupancy was issued prior to October 1, 2005, the transferor of
5 such real property shall present to the transferee an affidavit certifying
6 (1) that such building permit for new occupancy was issued on or after
7 October 1, 1985, or that such residential building is equipped with
8 smoke detection and warning equipment complying with this section,
9 and (2) that such residential building is equipped with carbon
10 monoxide detection and warning equipment complying with this
11 section or does not pose a risk of carbon monoxide poisoning because
12 such residential building does not contain a fuel-burning appliance,
13 fireplace or attached garage.

14 (b) Any transferor who fails to comply with the provisions of

15 subsection (a) of this section shall credit the transferee with the sum of
16 two hundred fifty dollars at closing.

17 (c) Any smoke detection and warning equipment required pursuant
18 to subsection (a) of this section shall (1) be capable of sensing visible or
19 invisible smoke particles, (2) be installed in accordance with the
20 manufacturer's instructions and in the immediate vicinity of each
21 bedroom, (3) not exceed the standards under which such equipment
22 was tested and approved, and (4) be capable of providing an alarm
23 suitable to warn occupants when such equipment is activated. Such
24 equipment may be operated using batteries.

25 (d) Any carbon monoxide detection and warning equipment
26 required pursuant to subsection (a) of this section shall (1) be capable
27 of showing the amount of carbon monoxide present as a reading in
28 parts per million, (2) be installed in accordance with the
29 manufacturer's instructions, (3) not exceed the standards under which
30 such equipment was tested and approved, and (4) be capable of
31 providing an alarm suitable to warn occupants when such equipment
32 is activated. Such equipment may be operated using batteries.

33 (e) The following shall be exempt from the requirements of
34 subsections (a) and (b) of this section: (1) Any transfer from one or
35 more coowners solely to one or more of the other coowners; (2)
36 transfers made to the spouse, mother, father, brother, sister, child,
37 grandparent or grandchild of the transferor where no consideration is
38 paid; (3) transfers pursuant to an order of the court; (4) transfers by the
39 federal government or any political subdivision thereof; (5) transfers
40 by deed in lieu of foreclosure; (6) any transfer of title incident to the
41 refinancing of an existing debt secured by a mortgage; (7) transfers by
42 mortgage deed or other instrument to secure a debt where the
43 transferor's title to the real property being transferred is subject to a
44 preexisting debt secured by a mortgage; and (8) transfers made by
45 executors, administrators, trustees or conservators.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2014</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which requires residential buildings to be equipped with smoke and carbon monoxide detection and warning equipment at the time title is transferred, has no fiscal impact. As the bill places the responsibility of compliance on homeowners, there is no fiscal impact to either the state or municipalities.

House "A" strikes the underlying bill and its associated fiscal impact resulting in the fiscal impact identified above.

The Out Years

State Impact: None

Municipal Impact: None

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)