



CONNECTICUT REALTORS®

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## Statement on

### **S.B. 427 (Raised): AN ACT CONCERNING SMOKE AND CARBON MONOXIDE DETECTORS IN CERTAIN RESIDENTIAL BUILDINGS AT THE TIME THE TITLE IS TRANSFERRED**

#### **SUPPORT**

Submitted to the Public Safety and Security Committee  
March 11, 2014

By Maryann Hebert, Past President  
Connecticut REALTORS®

The Connecticut REALTORS® would like to submit testimony in support of SB 427, AN ACT CONCERNING SMOKE AND CARBON MONOXIDE DETECTORS IN CERTAIN RESIDENTIAL BUILDINGS AT THE TIME THE TITLE IS TRANSFERRED. The bill requires the affidavit regarding smoke and carbon monoxide detectors to be based on the transferor's knowledge and belief at the time the title is transferred. The proposal also exempts certain property transfers.

The Connecticut REALTORS® are committed to the safety of homeowners in our state and we are supportive of disclosure of working smoke and carbon monoxide detectors.

The problem Connecticut REALTORS® have encountered is how current legislation is being interpreted by attorneys at the time of closing. Homeowners are being advised not to fill out the affidavit and to pay the \$250 fine, even if the property has working detectors. The seller does this solely to avoid any possible liability. This action is causing problems at closing and increasing seller costs unnecessarily. More importantly, as the statute currently exists, it defeats the primary purpose of the original act which was to protect the citizens of Connecticut.

The Connecticut REALTORS® have drafted a proposal which we believe will address our concerns while maintaining the goal of protection. A summary of the proposal's points is as follows:

- This bill improves the affidavit process by clarifying that the affidavit is not an implied or express warranty on the detector; clarifies that certification is only to the best knowledge and belief of the transferor; and is only related to the manufacturer's instructions for location and placement.
- The bill clarifies that residential properties includes cooperative and condominium units; and adds exceptions for strict foreclosures, short sales and relocations.

- Again, the Connecticut REALTORS® wants to make the current law work better. And the concern by the legal community about the requirements of the affidavit; specifically, that a low-cost fix has created more of a liability issue than the statute ever intended needs to be addressed. Homeowners with working detectors have been routinely advised to pay the \$250 which defeats the purpose of the statute; Homeowner protection.

Connecticut REALTORS® represents over 15,000 members involved in all aspects of real estate in Connecticut. For this reason, the Connecticut REALTORS® ask for your support of this proposal.

Thank you for your attention and support of this important matter.