
OLR Bill Analysis

sSB 427

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

SUMMARY:

This bill specifically requires that before transferring title to any condominium or cooperative issued a new occupancy building permit before October 1, 2005, the transferor must give the transferee an affidavit certifying that the:

1. (a) permit was issued on or after October 1, 1985 or (b) building is equipped with smoke detection and warning equipment (smoke detectors) and
2. building is either (a) equipped with carbon monoxide (CO) detection and warning equipment (CO detector) or (b) does not pose a risk of CO poisoning because it does not have a fuel-burning appliance, fireplace, or attached garage.

Current law requires transferors of one- and two-family dwellings to provide the affidavit but it is unclear whether the requirement applies to condominiums or cooperatives.

For all residences requiring an affidavit, the bill:

1. adds a disclaimer to the affidavit that (a) the information it contains is based on the transferor's best knowledge and belief and (b) representations by the transferor do not create any new, implied, or express warranties on the transferor's behalf;
2. broadens the exemptions from the affidavit requirement;
3. eliminates a requirement for the smoke detectors to be placed in the immediate vicinity of all bedrooms in buildings required by

law to have them; and

4. eliminates a prohibition on the smoke and CO detectors exceeding the standards under which they were tested and approved.

By law, a transferor who fails to provide the affidavit must credit the transferee with \$250 at closing.

EFFECTIVE DATE: October 1, 2014

TRANSFERS EXEMPT FROM THE AFFIDAVIT REQUIREMENT

The bill exempts from the affidavit requirement transfers by a judgment of strict foreclosure, foreclosure by sale, and short sale. It defines a "short sale" as sale of residential property by a mortgagor for less than the outstanding balance on the loan secured by the property where, before the sale, the mortgagee or an assignee agrees to accept less than the full balance or partial satisfaction of the mortgage debt and the sale proceeds are paid to the mortgagee or an assignee.

The bill also exempts transfers that occur up to six months after the date on which the property was previously conveyed to a transferor who is (1) an employer that acquired the property from an employee under an employee relocation plan or (2) an entity in the business of buying and selling residential property of employees relocating under such a plan.

The existing exemptions to the affidavit requirement apply to transfers:

1. from one co-owner to another;
2. to the transferor's spouse, parent, sibling, 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 in lieu of foreclosure;
6. involving refinancing of an existing mortgage debt;
7. by mortgage deed or other instrument to secure a debt where the transferor's title to the property is subject to a preexisting mortgage debt; and
8. by executors, administrators, trustees, or conservators.

Smoke and CO Detector Standards

The bill eliminates the requirement that smoke detectors be installed in the immediate vicinity of each bedroom and a provision that CO and smoke detectors must not exceed the standards under which they were tested and approved.

But, as under existing law:

1. the CO detector must be able to show the amount of CO present as a reading in parts per million,
2. the smoke detector must be able to sense visible or invisible smoke particles, and
3. both the CO and smoke detectors may be battery-operated and must be (a) installed in accordance with the manufacturer's instructions and (b) capable of providing an alarm suitable to warn occupants, when activated.

BACKGROUND

Condominiums and Cooperatives

The law defines a "condominium" as a common interest community in which portions of the real property are designated for separate ownership and the remainder is designated for common ownership solely by the owners of these portions. A "common interest community" is not a condominium unless the undivided interests in the common elements are vested in the unit owners (CGS § 47-202(10)).

The law defines a "cooperative" as a common interest community in

which the real property is owned by an association, each of whose members is entitled by virtue of his or her ownership interest in the association to exclusive possession of a unit (CGS § 47-202(12)).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/13/2014)