



Senate

General Assembly

File No. 195

February Session, 2014

Substitute Senate Bill No. 427

Senate, March 31, 2014

The Committee on Public Safety and Security reported through SEN. HARTLEY, J. of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

1 Section 1. Section 29-453 of the 2014 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2014*):

4 (a) Prior to transferring title to any real property containing a
5 residential building designed to be occupied by one or two families,
6 including cooperatives and condominiums, for which a building
7 permit for new occupancy was issued prior to October 1, 2005, the
8 transferor of such real property shall present to the transferee an
9 affidavit certifying to the best knowledge and belief of the transferor
10 (1) that such building permit for new occupancy was issued on or after
11 October 1, 1985, or that such residential building is equipped with
12 smoke detection and warning equipment complying with this section,

13 and (2) that such residential building is equipped with carbon
14 monoxide detection and warning equipment complying with this
15 section or does not pose a risk of carbon monoxide poisoning because
16 such residential building does not contain a fuel-burning appliance,
17 fireplace or attached garage. Any representations made by such
18 transferor in the affidavit shall not be construed to create any new
19 implied or express warranties on behalf of the transferor. For purposes
20 of this section, "cooperative" has the same meaning as provided in
21 subdivision (12) of section 47-202 and "condominium" has the same
22 meaning as provided in subdivision (10) of section 47-202.

23 (b) Any transferor who fails to comply with the provisions of
24 subsection (a) of this section shall credit the transferee with the sum of
25 two hundred fifty dollars at closing.

26 (c) Any smoke detection and warning equipment required pursuant
27 to subsection (a) of this section shall (1) be capable of sensing visible or
28 invisible smoke particles, (2) be installed in accordance with the
29 manufacturer's instructions, and [in the immediate vicinity of each
30 bedroom, (3) not exceed the standards under which such equipment
31 was tested and approved, and (4)] (3) be capable of providing an alarm
32 suitable to warn occupants when such equipment is activated. Such
33 equipment may be operated using batteries.

34 (d) Any carbon monoxide detection and warning equipment
35 required pursuant to subsection (a) of this section shall (1) be capable
36 of showing the amount of carbon monoxide present as a reading in
37 parts per million, (2) be installed in accordance with the
38 manufacturer's instructions, and (3) [not exceed the standards under
39 which such equipment was tested and approved, and (4)] be capable of
40 providing an alarm suitable to warn occupants when such equipment
41 is activated. Such equipment may be operated using batteries.

42 (e) The following shall be exempt from the requirements of
43 subsections (a) and (b) of this section: (1) Any transfer from one or
44 more coowners solely to one or more of the other coowners; (2)
45 transfers made to the spouse, mother, father, brother, sister, child,

46 grandparent or grandchild of the transferor where no consideration is
 47 paid; (3) transfers pursuant to an order of the court; (4) transfers by the
 48 federal government or any political subdivision thereof; (5) transfers
 49 by a judgment of strict foreclosure, by foreclosure by sale or by deed in
 50 lieu of foreclosure; (6) any transfer of title incident to the refinancing of
 51 an existing debt secured by a mortgage; (7) transfers by mortgage deed
 52 or other instrument to secure a debt where the transferor's title to the
 53 real property being transferred is subject to a preexisting debt secured
 54 by a mortgage; [and] (8) transfers made by executors, administrators,
 55 trustees or conservators; (9) transfers by short sale; and (10) transfers
 56 that occur not later than six months after the date on which the
 57 property was previously conveyed to the transferor if the transferor is
 58 (A) an employer that acquired the property from an employee
 59 pursuant to an employee relocation plan, or (B) an entity in the
 60 business of purchasing and selling residential property of employees
 61 who are being relocated pursuant to an employee relocation plan. For
 62 purposes of this section, "short sale" has the same meaning as provided
 63 in subdivision (5) of subsection (a) of section 36a-671.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	29-453

PS *Joint Favorable Subst.*

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 clarifies that certain residential buildings must be equipped with smoke and carbon monoxide detection and warning equipment at the time title is transferred while also exempting certain transfers from such requirement, 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.

The Out Years

State Impact: None

Municipal Impact: None

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)