

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-219—sSB 427

Public Safety and Security Committee

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

SUMMARY: By law, before transferring title to a one- or two-family dwelling issued a new occupancy building permit before October 1, 2005, the transferor, with some exceptions, 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 detector) and
2. building is either (a) equipped with carbon monoxide 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.

Under this act, the affidavit does not constitute a warranty beyond the transfer of title.

For residences requiring an affidavit, the act eliminates a prohibition on the smoke and CO detectors exceeding the standards under which they were tested and approved, and it requires the CO detector to be able to sense, rather than show, the amount of CO present as a reading in parts per million. As under existing law:

1. the smoke detector must be able to sense visible or invisible smoke particles;
2. the smoke detector must be installed in the immediate vicinity of each bedroom; 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.

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

EFFECTIVE DATE: July 1, 2014

BACKGROUND

*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 generally requires CO

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detectors in new one- and two-family dwellings issued a building permit for new occupancy on or after October 1, 2005 (CGS § 29-292).

Exemptions from the Affidavit Requirement

The law exempts from the affidavit requirement 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;
or
8. by executors, administrators, trustees, or conservators.

OLR Tracking: VR:DC:JKL:am