
OLR Bill Analysis

sHB 6580

AN ACT REVISING CERTAIN CERTIFICATION REQUIREMENTS RELATED TO SMOKE AND CARBON MONOXIDE DETECTORS IN RESIDENTIAL BUILDINGS.

SUMMARY

This bill makes several changes to a smoke and carbon monoxide detector disclosure law. Under current law, before transferring title to a one- or two-family residence, the transferor (e.g., seller), with some exceptions, must either give the transferee (e.g., buyer) an affidavit certifying certain conditions or credit the transferee with \$250 at the closing. The affidavit must certify that the residence has:

1. smoke detection and warning equipment (i.e., smoke detectors) that satisfy specified conditions in the law (see BACKGROUND), the Fire Safety Code, the State Fire Prevention Code, and the State Building Code; and
2. either (a) carbon monoxide detection and warning equipment (i.e., carbon monoxide detectors) that satisfy the law's conditions (see BACKGROUND) or (b) does not pose a risk of carbon monoxide poisoning because it does not have a fuel-burning appliance, fireplace, or attached garage.

The bill instead requires, at the time of the transaction's closing, the transferor to present a compliance form, signed and dated by the transferor, rather than an affidavit. The transferor must make the same certifications as under current law, except the bill eliminates the requirement that the transferor certify that the smoke detectors satisfy the above fire and building codes. Under the bill, as is the case under current law with the affidavit, nothing in the compliance form may constitute a warranty beyond the transfer of title.

The bill also eliminates the \$250 credit option. Instead, if the transferee notifies the transferor by certified mail, within 10 days after the closing date, that the residence lacks any of the required smoke or carbon monoxide detectors or that the detectors are inoperable, the bill requires the transferor, within 10 days after receiving the notice, to comply with the law as amended by the bill (see COMMENT).

The bill also specifies that a violation of this law will not create a defect in title.

EFFECTIVE DATE: October 1, 2023

BACKGROUND

Smoke Detector Conditions

By law, the residence's smoke detectors must be:

1. able to sense visible or invisible smoke particles,
2. installed following the manufacturer's instructions and in the immediate vicinity of each bedroom, and
3. capable of giving an alarm suitable to warn occupants when activated.

The law also requires:

1. the smoke detectors to be powered by the household electrical service, but allows residences issued a new occupancy building permit before October 1, 1976, to have battery-operated detectors;
2. for residences issued a new occupancy building permit on or after October 16, 1989, that their smoke detectors be interconnected so that the activation of one smoke detector alarm in the residence causes all the alarms for all its smoke detectors to activate; and
3. for residences issued a new occupancy building permit on or after May 1, 1999, that smoke detectors be in all sleeping areas.

Carbon Monoxide Detector Conditions

By law the carbon monoxide detectors must be able to (1) sense the amount of carbon monoxide present in parts per million and (2) give an alarm suitable to warn occupants when activated. The law also requires them to be installed according to the manufacturer’s instructions and allows them to be battery-operated.

COMMENT

Incomplete Information and Internal Conflict

It is unclear how a transferor must “comply” with this law if the residence he or she transferred lacks the satisfactory smoke or carbon monoxide detectors or has detectors that are inoperable. The statute currently, and as amended by the bill, does not explicitly require transferors to correct or install satisfactory equipment before transferring a residence. Even if the provision were read to require the transferor to install new or repair old equipment, doing so would create a warranty that would conflict internally with the provision stating that nothing in the compliance form may constitute a warranty beyond the transfer of title.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/16/2023)