



House of Representatives

General Assembly

File No. 354

January Session, 2023

Substitute House Bill No. 6580

House of Representatives, April 3, 2023

The Committee on Public Safety and Security reported through REP. BOYD of the 50th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

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

1 Section 1. Section 29-453 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) [Prior to transferring title to] At the time of closing on a transaction
4 involving any real property containing a residential building designed
5 to be occupied by one or two families, the transferor of such real
6 property shall present to the transferee [an affidavit] a compliance form
7 certifying (1) that such residential building is equipped with smoke
8 detection and warning equipment complying with this section, [the Fire
9 Safety Code, the State Fire Prevention Code and the State Building
10 Code,] and (2) that such residential building is equipped with carbon
11 monoxide detection and warning equipment complying with this
12 section or does not pose a risk of carbon monoxide poisoning because
13 such residential building does not contain a fuel-burning appliance,

14 fireplace or attached garage. Nothing in the [affidavit] compliance form
15 shall constitute a warranty beyond the transfer of title. The compliance
16 form shall be signed and dated by the transferor.

17 (b) [Any transferor who fails to comply with the provisions of
18 subsection (a) of this section shall credit the transferee with the sum of
19 two hundred fifty dollars at closing] If the transferee notifies the
20 transferor, by certified mail, not later than ten days after the date of
21 closing that the residential dwelling lacks any smoke detection and
22 warning equipment or carbon monoxide detection and warning
23 equipment as required by this section, or that any such equipment is
24 inoperable, the transferor shall, not later than ten days after receiving
25 such notice, comply with the provisions of this section. A violation of
26 the provisions of this section shall not create a defect in title.

27 (c) Any smoke detection and warning equipment required pursuant
28 to subsection (a) of this section shall be:

29 (1) Capable of sensing visible or invisible smoke particles;

30 (2) Installed in accordance with the manufacturer's instructions and
31 in the immediate vicinity of each bedroom;

32 (3) Capable of providing an alarm suitable to warn occupants when
33 such equipment is activated;

34 (4) Powered by the household electrical service, except such
35 equipment may be battery powered in a residential building for which
36 a building permit for new occupancy was issued prior to October 1,
37 1976;

38 (5) In a residential building for which a building permit for new
39 occupancy was issued on or after October 16, 1989, interconnected in
40 such a manner that the activation of the alarm on any smoke detection
41 and warning equipment in the residential building causes the alarm on
42 all smoke detection and warning equipment in such building to activate;
43 and

44 (6) In a residential building for which a building permit for new
45 occupancy was issued on or after May 1, 1999, located in all sleeping
46 areas.

47 (d) Any carbon monoxide detection and warning equipment
48 required pursuant to subsection (a) of this section shall be (1) capable of
49 sensing carbon monoxide present in parts per million, (2) installed in
50 accordance with the manufacturer's instructions, and (3) capable of
51 providing an alarm suitable to warn occupants when such equipment is
52 activated. Such equipment may be operated using batteries.

53 (e) The following shall be exempt from the requirements of
54 subsections (a) and (b) of this section: (1) Any transfer from one or more
55 coowners solely to one or more of the other coowners; (2) transfers made
56 to the spouse, mother, father, brother, sister, child, grandparent or
57 grandchild of the transferor where no consideration is paid; (3) transfers
58 pursuant to an order of the court; (4) transfers by the federal government
59 or any political subdivision thereof; (5) transfers by deed in lieu of
60 foreclosure; (6) any transfer of title incident to the refinancing of an
61 existing debt secured by a mortgage; (7) transfers by mortgage deed or
62 other instrument to secure a debt where the transferor's title to the real
63 property being transferred is subject to a preexisting debt secured by a
64 mortgage; and (8) transfers made by executors, administrators, trustees
65 or conservators.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	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 makes several changes to smoke and carbon monoxide detector disclosure law that impact residential properties, does not result in any fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

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)