

New Law Regarding Carbon Monoxide Detectors

Home Inspectors will start checking for CO detectors after passage of new Disclosure Laws

California Senate Bill 183 was signed into law to regulate the installation of Carbon Monoxide detectors. The law is a two-part law that requires an update to the Transfer Disclosure Statements used in a real estate transaction, and puts into law the Carbon Monoxide Poisoning Prevention Act of 2010.

The first part of the new law requires that as of July 1, 2011, Transfer Disclosure Statements (TDS) include a line item regarding the presence or absence of a Carbon Monoxide detector in the same manner as Smoke Detectors, for all residential units that are sold. This applies to just about all types of occupancies from single family owner-occupied and rentals, to multi-family housing. If the property is being sold, it must now include a CO Detector if the dwelling has gas appliances, fireplaces, and/or attached garages as described below.

The second part of the law enacts the Carbon Monoxide Poisoning Prevention Act of 2010 which requires that all residential properties, not just those being sold, be equipped with a Carbon Monoxide detector when the property has a fossil fuel burning heater or appliance, fireplace, and/or an attached garage. All single-family homes in structures with 1-4 units (owner or tenant occupied) must be equipped with a detector on or before July 1, 2011.

All other multi-family residential units must be equipped with a detector on or before January 1, 2013, not just those being sold.

For rentals, the Carbon Monoxide detector must be operable at the time the tenant takes possession. A tenant is responsible for notifying the owner or owner's agent if the tenant becomes aware of an inoperable or deficient carbon monoxide detector within his or her unit. The owner or owner's agent must correct any reported deficiencies in the carbon monoxide detector and will not be in violation of this section for a deficient or inoperable carbon monoxide detector when he or she has not received notice of the deficiency or inoperability.

The bottom line is that ALL SINGLE FAMILY residential dwelling units as of July 1, 2011 must have a CO detector, even those that are not being sold. All other dwelling units (multi-family, dormitories, hotels, motels, etc) must have CO detectors installed by January 1, 2013.

Carbon Monoxide Detector

Expect to see this new inspection item in your home inspection report. Home inspectors will be required to report on the presence or absence of a working Carbon Monoxide detector just like they report on Smoke Detectors, and water heater strapping.

Home Buyers and Sellers will also see this new requirement on Transfer Disclosure Statements. In addition to Smoke Alarms and strapped water heaters, sellers will be required to disclose the presence or absence of a working Carbon Monoxide detector starting July 1, 2011.

Details of SB 183:

This bill requires that Transfer Disclosure Statements (TDS Forms) include a line items for Carbon Monoxide Detectors just like Smoke Detectors. This applies to homes intended for human occupancy that have a fossil fuel (gas or wood) burning appliance, fireplace, and/or an attached garage.

The remedy for failure to install a device is actual damages not to exceed \$100, exclusive of any court costs and attorney's fees. The Bill revises the statutory Real Estate Transfer Disclosure Statement to require the seller of a one-to-four residential property or manufactured home to make certain disclosures regarding carbon monoxide devices, smoke detectors, and water heaters, and requires the owner of a rental dwelling unit to maintain carbon monoxide devices in the unit (as of January 1, 2013).

Carbon Monoxide Poisoning Prevention Act of 2010

Details: As of July 1, 2011, Carbon Monoxide detectors will be REQUIRED in all houses (1 – 4 units) if they have any of the following:

Any gas appliances such as a gas stove, gas furnace, gas fireplace, gas water heater, etc.

A fireplace (even if it only burns wood, pellets, or any other material).

An attached garage (even if there are no gas appliances in the house!). Cars continue to emit CO even after they are shut off.

ANY rental dwelling that meets the criteria listed above. Yes this means that if you own a house, condo, or townhouse that you rent to another human being, you are REQUIRED to install Carbon Monoxide detectors.

As of January 1, 2013, ALL multi-family dwellings including multi-family dwellings that meet the criteria listed above will be required to have Carbon Monoxide detectors. Even those that are not being sold will be required to have them just like smoke detectors.

Be sure the home you are buying or selling is safe. A qualified home inspector will provide the information you need to feel confident about your home buying decision. Don't compromise when choosing a home inspector. Be sure to ask if they will check for this.

You can read the entire new [Carbon Monoxide Bill here](#).