

# Clearing up smoke alarm laws for residential properties

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*Where there's smoke, there's fire — and, if you're compliant with the law, a smoke detector, too! Read on to ensure you and your clients comply with new and existing rules controlling smoke alarms in residential properties.*

Updated 6/25/14

Updated 8/5/15

## **A part of all residential properties**

Smoke alarms approved by the State Fire Marshal are required to be placed in all residential properties in California. The State Fire Marshal lists all approved smoke alarms. [Calif. Health & Safety Code §13113.7]

Beginning July 1, 2014, the State Fire Marshal will require all battery-operated smoke alarms to contain a non-replaceable battery that lasts at least ten years. [Health & S C §13114(b)]

Beginning January 1, 2015, the State Fire Marshal will require all smoke alarms (battery-powered, or powered by electricity) to:

- display the date of manufacture;
- provide a place where the date of installation can be written; and
- incorporate a hush feature.

Does this mean all the existing smoke alarms need to be replaced to meet these new alarm requirements? No. Operable hardwired and battery-operated smoke alarms which were approved and listed when they were installed don't need to be replaced immediately. [Health & S C §§13113.7(a)(4); 13113.7(d)(3)]

*Editor's note — Local ordinance may require replacement sooner. [Health & S C §13113.7(a)(4)]*

When an existing smoke alarm no longer works, the replacement smoke alarm is to meet all new requirements. For example, a battery-powered smoke alarm installed on July 2, 2014 is required to have the non-replaceable ten-year battery, but is not required to display the date of manufacture.

*Editor's note — Battery-powered smoke alarms do not need to adhere to new battery requirements if they are ordered or inventoried on or before July 1, 2014. However, this exception only applies until July 1, 2015. [Health & S C §13114(b)(2)(B)]*

Smoke alarms are not required if a State Fire Marshal-approved fire alarm system with smoke detectors is installed on the property. An existing fire sprinkler system no longer exempts a residential property owner from smoke alarm installation requirements. [Health & S C §13113.7(a)(5)]

Violations of smoke alarm rules incur a maximum fine of \$200 for each offense. [Health & S C §13113.7(e)]

### **Smoke alarm rules for rentals**

If your client owns a multi-unit residential property or a single family residence (SFR) rental property, they are required to install, maintain and test smoke alarms on their property. [Health & S C §13113.7(d)(2)]

Owners (or property managers, as owners' agents) are required to ensure smoke alarms are operable when a new tenancy is created. [Health & S C §13113.7(d)(2)(B)]

To ensure safe conditions, residential rental and lease agreement forms include a provision requiring the landlord to comply with all safety ordinance and regulations, including smoke alarm law. [See **first tuesday** Forms 550 §7.3 (<http://www.firsttuesday.us/course/Downloads/550.pdf>) and 551 §7.2 (<http://www.firsttuesday.us/course/Downloads/551.pdf>)]

However, tenants are responsible for notifying the owner or property manager if the smoke alarm becomes inoperable. The owner is not in violation of smoke alarm requirements if they are unaware of a malfunction in the smoke alarm after the tenant is given possession. [Health & S C §13113.7(d)(2)(B)]

An owner responds to a tenant's notification of an inoperable smoke alarm in their unit by correcting the defect. 24-hour written notice is given to the tenant before the owner or their agent enters and performs the repairs. Repairs are performed only during business hours. [Health & S C §13113.7(d)(2); see first tuesday Form 567 (<http://www.firsttuesday.us/course/Downloads/567.pdf>)]

Additionally, beginning January 1, 2016 owners of any residential rental property are to install additional smoke alarms to ensure devices are located in accordance with current local building standards. [Health & S C §13113.7(d)(3)]

In California, smoke alarms are to be installed on each floor, in each sleeping room and in the immediate vicinity outside of the bedrooms (i.e. a hallway). Proper smoke alarm placement also depends on local ordinance. [Calif. Building Code §R314.3]

The recent law changes do not mandate the frequency of owner inspections. However, landlords have a duty to inspect the premises upon entry for any purpose. Inspections need not be thorough, but landlords are liable for any dangerous condition that is observable by a reasonable person. [Mora v. Baker Commodities, Inc. (1989) 210 CA3d 771]

Thus, if a smoke alarm defect can be reasonably ascertained visually during a landlord's visit to the unit, the landlord needs to repair or replace the device.

### Enforcement on a building permit

Additionally, smoke alarm enforcement is triggered when a residential property owner seeks a building permit for alterations, repairs or additions costing more than \$1,000. Building permits will not be issued until the owner has provided proof that State Fire Marshal-approved smoke alarms are in place and operable. [Health & S C §13113.7(a)(2)]

This does not require the owner to replace any older, operating smoke alarms, but older smoke alarms are required to have been approved by the State Fire Marshal at the time of installation. [Health & S C §13113.7(a)(4)]

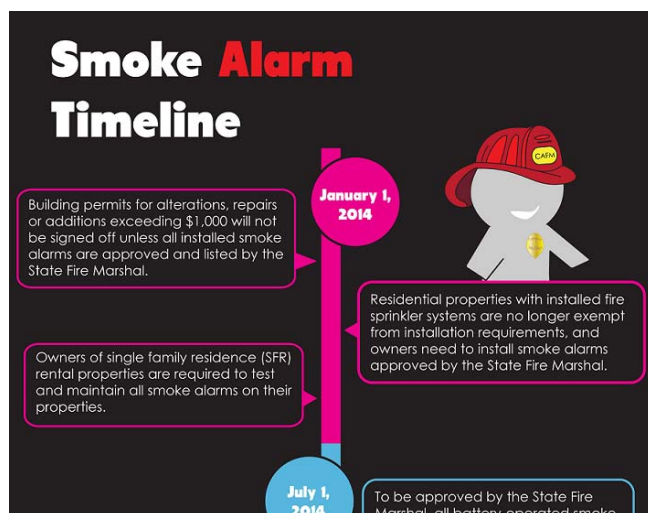
### Enforcement on a transfer of a single family residence

Enforcement of smoke alarm rules is also triggered on the transfer of a single family residence (SFR). Sellers certify the property is in compliance with smoke alarm rules on the Transfer Disclosure Statement (TDS). The certification — TDS — is handed to the buyer as soon as practicable (ASAP) before the seller enters into a purchase agreement or counteroffer. [Health & S C §13113.8(b)-(c); see **first tuesday** Form 304 (<http://www.firsttuesday.us/course/Downloads/304.pdf>)]



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Check out our smoke alarm timeline below for a quick snapshot of when these laws go into effect (click to expand):



The infographic features a vertical timeline with three main segments. The top segment is blue and includes a calendar icon for '01 Wednesday July' and a photo of a smoke alarm. The middle segment is red and includes a silhouette of a city skyline. The bottom segment is orange and includes a silhouette of a city skyline. Text boxes provide details for each date.

**January 1, 2015**

Battery-powered smoke alarms purchased or inventoried by owners, managing agents, contractors, wholesalers or retailers before this date do not need to include a nonreplaceable battery that lasts 10 years.

alarms need to contain a nonreplaceable, nonremovable battery that lasts at least 10 years.

**July 1, 2015**

Exemptions for owners, managing agents, contractors, wholesalers and retailers who purchased or inventoried smoke alarms before July 1, 2014 ends. All smoke alarms purchased or inventoried need to include a nonreplaceable battery that lasts at least 10 years.

For approval by the State Fire Marshal, all smoke alarms need to display the date of manufacture, include a place on the device where the installation date can be written and have a hush feature.

**January 1, 2016**

On or before this date, owners of leased or rented multi-unit residential properties need to install additional devices to comply with current building codes.

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(<http://journal.firsttuesday.us/wp-content/uploads/SmokeAlarmTimeline2.png>)