



**Substitute House Bill No. 6160**

**Public Act No. 13-272**

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

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

Section 1. (NEW) (*Effective January 1, 2014*) (a) Prior to transferring title to any real property containing a residential building designed to be occupied by one or two families for which a building permit for new occupancy was issued prior to October 1, 2005, the transferor of such real property shall present to the transferee an affidavit certifying (1) that such building permit for new occupancy was issued on or after October 1, 1985, or that such residential building is equipped with smoke detection and warning equipment complying with this section, and (2) that such residential building is equipped with carbon monoxide detection and warning equipment complying with this section or does not pose a risk of carbon monoxide poisoning because such residential building does not contain a fuel-burning appliance, fireplace or attached garage.

(b) Any transferor who fails to comply with the provisions of subsection (a) of this section shall credit the transferee with the sum of two hundred fifty dollars at closing.

**Substitute House Bill No. 6160**

(c) Any smoke detection and warning equipment required pursuant to subsection (a) of this section shall (1) be capable of sensing visible or invisible smoke particles, (2) be installed in accordance with the manufacturer's instructions and in the immediate vicinity of each bedroom, (3) not exceed the standards under which such equipment was tested and approved, and (4) be capable of providing an alarm suitable to warn occupants when such equipment is activated. Such equipment may be operated using batteries.

(d) Any carbon monoxide detection and warning equipment required pursuant to subsection (a) of this section shall (1) be capable of showing the amount of carbon monoxide present as a reading in parts per million, (2) be installed in accordance with the manufacturer's instructions, (3) not exceed the standards under which such equipment was tested and approved, and (4) be capable of providing an alarm suitable to warn occupants when such equipment is activated. Such equipment may be operated using batteries.

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

Approved July 11, 2013

**New Legislation Imposes Disclosure Requirements  
Regarding Smoke and Carbon Monoxide Detectors**

Earlier this year, the legislature passed Public Act 13-272, *An Act Requiring Working Smoke and Carbon Monoxide Detectors in Certain Residential Buildings at the Time Title is Transferred*.

The new law is effective January 1, 2014, and requires the seller of property containing a residential building, designed to be occupied by one or two families, to provide the buyer with an affidavit certifying that

- the building permit for new occupancy was issued on or after October 1, 1985 or that the residential building is equipped with smoke detection and warning equipment that complies with the new law; and
- the building is equipped with carbon monoxide detection and warning equipment that complies with the law, or does not pose a risk of carbon monoxide poisoning because the residential building does not contain a fuel burning appliance, fireplace or attached garage.

To comply with the law, any smoke detection and warning equipment must be:

1. capable of sensing visible or invisible smoke particles;
2. installed in accordance with the manufacturer's instructions and in the immediate vicinity of each bedroom;
3. within the standards under which the equipment was tested and approved; and
4. capable of providing an alarm suitable to warn occupants when such equipment is activated.

Any carbon monoxide detection and warning equipment, in order to comply with the law, must be:

1. capable of showing the amount of carbon monoxide present in a reading in parts per million;
2. installed in accordance with the manufacturer's instructions;
3. within the standards under which the equipment was tested and approved; and
4. capable of providing an alarm suitable to warn occupants when the equipment is activated.

The affidavit requirement does not apply to transfers of all real property, just to transfers of property containing a residential building designed to be occupied by one or two families.

There are also a number of exemptions, even for transfers involving one or two family residences. There is no requirement for this affidavit when the transfer involves a building for which a building permit for new occupancy was issued on or after October 1, 2005. In addition, no affidavit is needed for any transfer:

1. from one or more co-owners solely to one or more of the other co-owners;
2. to the spouse, mother, father, brother, sister, child, grandparent or grandchild of the grantor, where there is no consideration paid;
3. pursuant to an order of the court;
4. by the federal government or any political subdivision thereof;
5. by deed in lieu of foreclosure;
6. incident to the refinancing of an existing debt secured by a mortgage;
7. by mortgage deed or other instrument to secure a debt where the grantor's title is subject to a pre-existing debt secured by a mortgage; and
8. by an executor, administrator, trustee or conservator.

A limited affidavit will comply with the law when the affiant is able to certify in the affidavit that the building permit for new occupancy of the premises was issued on or after October 1, 1985. In that case, no representation is required regarding smoke detectors. The affidavit must still certify either that the building is equipped with carbon monoxide detectors that comply with the law, or that the building does not contain a fuel burning appliance, fireplace or attached garage.

If an affidavit is required and the transferor/seller does not provide the affidavit to the buyer, then the seller must credit the buyer with the sum of two hundred fifty dollars (\$250.00) at closing.

Attached to this *Practice Note* is an example of an affidavit that could be used to meet the requirements of the new law. This form is one developed by the Connecticut Association of Realtors<sup>®</sup> (CAR) and is used with CAR's permission. The disclosure requirement, or the credit to the buyer in lieu of the disclosure, is one imposed by the new law. The affidavit form is not a CATIC form and is not required for the issuance of a CATIC policy.

At a recent meeting of the Real Property Section of the Connecticut Bar Association, there was consensus among members in attendance that the attached form complied with the requirements in the legislation. Some of those present at the meeting expressed concern that, without detailed knowledge of smoke detectors or carbon monoxide detectors, client sellers would be unable to certify as to all of the facts recited in the affidavit. The bottom line: there may be situations where an attorney representing a seller will want to counsel the client to credit the buyer with the \$250.00 at closing rather than having the client sign the affidavit.

CATIC is providing you with the information in the announcement so that you can become familiar with the legislative requirements and assist your clients in making informed decisions. If you have any other questions regarding this new law, please call any Title Counsel at CATIC.

