



## Smoke Detector Requirements

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### Introduction

California law requires smoke detectors to be installed in all "dwelling units intended for human habitation." The specific requirements may vary depending on the type of property, the number of units and the number of stories of the property.

In addition, local climatic conditions give municipalities the opportunity to create more stringent requirements. For example, some municipalities accept battery-operated smoke detectors but others require hard-wired smoke detectors. For that reason, it is imperative to check with the local department of building and safety to determine the local requirements.

Summarized below are the California state law requirements and additional regulations promulgated by the State Fire Marshal.

#### **Q 1. *How can the owner of a single family home or factory-built home comply with the smoke detector law?***

**A** California law requires that every single-family dwelling and factory-built housing have operable smoke detectors that are approved and listed by the State Fire Marshal and installed in accordance with the State Fire Marshal's regulations. (Cal. Health & Safety Code § 13113.8.)

The smoke detectors must be centrally located outside each sleeping area. For example, a two-story home with bedrooms upstairs and downstairs would need two smoke detectors, one in the hallway outside the bedroom(s) upstairs and one in the hallway outside the bedroom(s) downstairs.

Furthermore, for any new construction or any additions, alterations, repairs after August 14, 1992 that exceeds \$1,000 in cost and for which a permit is required, a smoke detector must be installed in each bedroom in addition to being centrally located in the corridor or area outside the bedroom.

For new construction only, the smoke detector must be hardwired with a battery backup. For all other homes, the smoke detector may be battery operated. (Cal. Health & Safety Code § 13113.7.)

Sellers must check with the local department of building and safety in which the home is located to determine any additional local requirements.

**Q 2. Does the owner of a single family home or factory-built home have any special disclosure requirements when transferring or selling the home?**

**A** Unless exempt (see question below for exemptions), the transferor/seller must provide the buyer with a written statement indicating that the property is in compliance with the law governing smoke detectors. This requirement may be satisfied by using C.A.R. Form SDC.

Delivery of this written statement of compliance to the spouse of a buyer shall be deemed delivery to the buyer, unless the contract states otherwise. (Cal. Health & Safety Code § 13113.8(c).)

**Q 3. What are the exemptions for the seller of a single family home or factory-built home from having to provide the written statement of compliance?**

**A** The exemptions are as follows:

- \* Transfers that require a copy of a public report be given to the buyer.
- \* Transfers pursuant to court order.
- \* Transfers during foreclosure or trustee's sale or through deed in lieu of foreclosure (REO transfers are not exempted, however).
- \* Transfers by a fiduciary of a trust, decedent's estate, guardianship or conservatorship
- \* Transfers between co-owners.
- \* Transfers to a spouse or to a child, grandchild, parent, grandparent or other direct ancestor or descendant. Transfers between spouses in connection with a dissolution of marriage or similar proceeding.
- \* Transfers by the State Controller pursuant to the Unclaimed Property Law.
- \* Transfers as a result of failure to pay property taxes.

(Cal. Health & Safety Code § 13113.8(d).)

**Q 4. How can the owner of a Condominium, Stock Cooperative, Time-Share Project, Duplex, or Multi-Unit Apartment Complex comply with the smoke detector law?**

California law requires that every condominium, stock cooperative, time-share project, duplex or apartment complex have operable smoke detectors that are approved and listed by the State Fire Marshal and installed in accordance with the State Fire Marshal's regulations. (Cal. Health & Safety Code § 13113.7.)

A written statement of compliance is not required for these types of dwelling units when transferring the property.

The owner or landlord is responsible for testing and maintaining smoke detectors in lodging houses and the common stairwells of apartment complexes and other multiple dwelling complexes.

The tenant has a duty to notify the manager or owner if the tenant becomes aware of an inoperable smoke detector within his or her unit. The owner or authorized agent is not in violation for a deficient smoke detector if he or she has not received notice of the deficiency from the tenant. (Cal. Health & Safety Code § 13113.8(e).)

The location requirements and the type of the smoke detectors to be used is exactly the same as for single family homes as discussed in Question 1.

**Q 5. How can the seller or transferor of a used mobilehome or used manufactured home comply with the smoke detector law?**

**A.** California law requires that every used mobilehome or used manufactured home have an operable smoke detector on the date of transfer of title. (Cal. Health & Safety Code § 18029.6.)

A written statement of compliance is not required for these types of properties, if within 45 days prior to the date of transfer of title, the transferor signs a declaration stating that each smoke detector in the manufactured home or mobilehome is operable on the date that the declaration is signed. (Cal. Health & Safety Code § 18029.6(b).)

**Q 6. What is the definition of "used" mobilehome or "used" manufactured home?**

**A** "Used manufactured home" or "used mobilehome," means a manufactured home or mobilehome that was previously sold and registered or titled with the department, or with an appropriate agency or authority, or any other state, District of Columbia, territory or possession of the United States or a foreign state, province, or country. (Cal. Health & Safety Code § 18014.)

For additional information about mobilehomes or manufactured homes and the agency that regulates them in California, please see the legal memorandum titled Mobilehomes.

**Q 7. Where can I find more information about this law?**

**A.** This memorandum is just one of the many legal publications and services offered by C.A.R. to its members. For a complete listing of C.A.R.'s legal products and services, please visit *C.A.R. Online* at [www.car.org](http://www.car.org) .

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