

Date of Hearing: June 27, 2012

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Norma Torres, Chair

SB 1394 (Lowenthal) – As Amended: June 11, 2012

SENATE VOTE: 32-3

SUBJECT: Dwelling safety: carbon monoxide and smoke detectors

SUMMARY: Delays the date by which an owner must install a carbon monoxide device in an existing hotel or motel unit from January 1, 2013 to January 1, 2016, and makes a number of changes to existing laws relating to the installation of smoke detectors in residential dwellings. Specifically, this bill:

- 1) Delays the date by which an owner must install a carbon monoxide device in an existing hotel and motel unit from January 1, 2013 to January 1, 2016.
- 2) Requires the Department of Housing and Community Development (HCD), on or before July 1, 2014, to submit to the Building Standards Commission (BSC) for adoption building standards for the installation of carbon monoxide detectors in hotel and motel units. In developing these standards, HCD must convene and consult a stakeholder group and review and consider the most current national standards available related to the installation of carbon monoxide detectors.
- 3) After January 1, 2014, requires that a smoke alarm, in order for the State Fire Marshal to approve and list the device, display the date of manufacture, provide a place where the date of installation can be written, incorporate a hush feature (which allows a resident to manually turn off a sounding alarm), incorporate an end-of-life feature providing notice that the device needs to be replaced, and, if battery-operated, contain a nonreplaceable, nonremovable battery that is capable of powering the smoke alarm for a minimum of 10 years.
- 4) Prohibits, for all dwellings intended for human occupancy for which a building permit is issued on or after January 1, 2014, for alterations, repairs, or additions exceeding \$1,000, the permit issuer from signing off on the completion of work until the permittee demonstrates that all smoke alarms required for the dwelling are approved and listed by the State Fire Marshal.
- 5) Provides that a fire alarm system with smoke alarms installed in accordance with the State Fire Marshal's regulations may be installed in lieu of the devices approved and listed by the State Fire Marshal.
- 6) Requires, on or before January 1, 2016, the owner of a dwelling unit intended for human occupancy in which one or more units is rented or leased to install additional smoke alarms, as needed, to ensure that smoke alarms are located in compliance with current building standards and specifies that existing alarms need not be replaced unless the alarm is inoperable.

- 7) Requires the State Fire Marshal to approve the manufacturer's instructions for each smoke alarm and ensure that the instructions are consistent with current building standard requirements for the location and placement of smoke alarms.
- 8) Expands the definition of "dwelling units intended for human occupancy" for these purposes to include factory-built housing, as defined.
- 9) Deletes the requirement that a smoke detector be installed in the common stairwells of apartment complexes and other multiple-dwelling complexes.
- 10) Requires, commencing January 1, 2014, owners of single-family dwellings that are rented or leased to be responsible for testing and maintaining smoke alarms, as specified.
- 11) Requires an owner of a multifamily rental, at the time a new tenancy is created, to ensure that smoke alarms are operable and located in compliance with current building code standards.

EXISTING LAW:

- 1) Requires that smoke detectors be installed in all existing multifamily residential dwellings and in existing single-family dwellings that are sold (Health and Safety Code Section 13113.7 and 13113.8).
- 2) Requires that a carbon monoxide device approved by the State Fire Marshal be installed in each existing dwelling unit having a fossil fuel burning heater or appliance, fireplace, or an attached garage by July 1, 2011 for all existing single-family homes and January 1, 2013 for all other existing dwelling units (Health and Safety Code Section 17926).

FISCAL EFFECT: Unknown

COMMENTS:

The California Building Standards Law establishes the California Building Standards Commission (BSC) and the process for adopting state building standards. Under this process, relevant state agencies propose amendments to model building codes, which the BSC must then adopt, modify, or reject. The Department of Housing and Community Development (HCD) is the relevant state agency for residential building standards.

Building standards are prospective in that they only apply to new construction or to existing buildings that undergo alteration or rehabilitation. In a few instances, however, the Legislature has applied building standard-like requirements to existing buildings. Current law requires that smoke detectors be installed in all existing multifamily residential dwellings and in existing single-family dwellings that are sold. To comply with the smoke detector statute, an affected residential property owner must install a smoke detector approved and listed by the State Fire Marshal. With respect to multifamily rental housing, the smoke detector also must be operable at the time that a tenant takes possession. The tenant is then responsible for notifying the owner if the smoke detector becomes inoperable. The owner must correct any reported deficiencies in the smoke detector but is not in violation of the law if he or she has not received notice of any deficiency. Failure to comply is an infraction punishable by a maximum fine of \$200 for each offense.

Under SB 183 (Lowenthal), Chapter 19, Statutes of 2010, an owner of an existing dwelling unit must install a carbon monoxide device approved by the State Fire Marshal in each existing dwelling unit having a fossil fuel burning heater or appliance, fireplace, or an attached garage, by July 1, 2011 for all existing single-family homes and January 1, 2013 for all other existing dwelling units.

SB 183 further required an owner to install the devices in a manner consistent with building standards applicable to new construction for the relevant type of occupancy or with the manufacturer's instructions if it is technically feasible to do so. Upon discovery of a violation, an enforcement agency must give the owner a 30-day notice to correct. If the owner fails to correct the violation within that time period, the owner is subject to an infraction punishable by a maximum fine of \$200 for each offense.

According to the author, properly operating smoke alarms can mean the difference between life and death. Data clearly shows that most fire deaths today – over two-thirds – happen in homes with no smoke alarms or no working alarms. To enhance the effective utilization of smoke alarms in single and multi-family dwellings in order to better prevent fire related injuries or death, this bill seeks to implement some of the recommendations of the State Fire Marshal's recent Smoke Alarm Task Force. In addition, the author seeks to give hotel and motel owners more time and more direction on how to comply with recent legislation requiring the installation of carbon monoxide alarms because, according to the author, the current location placement standards may not be appropriate for hotels and motels.

Among the consensus recommendations in the State Fire Marshal's Smoke Alarm Task Force final report from August 2011 are the following:

- Legislation should be introduced to require smoke alarms in existing residential occupancies that are being sold, leased, or rented to conform to current building standards for the location of smoke alarms. The smoke alarms should bear a manufacturer's marking confirming they are less than ten years old and be either AC powered with battery backup or be powered by a long life primary battery.
- Regulations should be adopted that require smoke alarms and smoke detectors to be replaced when they fail to respond to operability tests or no longer than ten years from the date of manufacture marked on the product.
- Regulations should be revised to require smoke alarms that are solely battery powered to be packaged and sold with a ten year battery and have a silence feature.

SB 1394 delays the date by which an owner must install a carbon monoxide device in an existing hotel and motel unit pursuant to SB 183 from January 1, 2013 to January 1, 2016. This will allow time for HCD to convene a stakeholder group and review and consider the most current national standards related to the installation of carbon monoxide detectors before submitting to the BSC for adoption building standards for the installation of carbon monoxide detectors in hotel and motel units. SB 1394 additionally implements recommendations from the Smoke Alarm Task Force and makes additional changes to the law to improve the effectiveness of smoke alarm requirements.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Firefighters' Association (sponsor)
California Hotel and Lodging Association
California Travel Association
Child Abuse Prevention Center
Kidde

Opposition

None on file

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