

## Smoke Alarms

### **How can the owner of a residential property comply with the smoke alarm law?**

California law requires that all dwelling units intended for human occupancy have smoke alarms that comply with the State Fire Marshal's regulations at the time of installation. Homes built after August 1992 are usually required to have hard-wired smoke alarms.

### **Where must smoke alarms be located?**

Generally, for properties built before 1992 they must be located in the hallway next to the bedrooms. Since 1992, they must additionally be located in every bedroom. And since at least 2007, they must additionally be located on every floor. If \$1,000 or more of permitted improvements are made, then the smoke alarms must meet the more stringent location standards.

### **Are there any special smoke alarm disclosure requirements when selling a residential property?**

Yes. There is a requirement for the seller to certify that the smoke alarms are in compliance. Conveniently, this seller certification is fully contained within the Transfer Disclosure Statement (TDS). Thus, if the seller provides a TDS, then the seller has complied. If on the other hand, the transaction is TDS exempt, then there is no formal legal requirement for the seller to certify compliance. Either way, many brokers will require the use of C.A.R. form Water Heater and Smoke Detector Statement of Compliance (WHSD).

### **Are smoke alarms required to be installed as a point of sale requirement for single family homes and duplexes?**

Generally, yes. Smoke alarms are required to be installed as a point of sale for single family homes, duplexes and factory-built homes unless the transaction is TDS exempt. But even if TDS exempt, it is standard practice to ensure compliance, since many municipalities have their own smoke alarm point of sale installation requirements, and it is often a lender requirement as well.

### **Are the requirements for locating smoke alarms different if you rent or lease property?**

Slightly. The difference is that if the property is rented or leased then the smoke alarms must be located in compliance with the most recent building standards, as described above.

### **What are other landlord responsibilities regarding smoke alarms?**

The landlord is responsible for testing and maintaining the smoke alarms in all units even in single family dwellings. The tenant cannot be made responsible for this, but the tenant has a duty to notify the owner if the tenant becomes aware of an inoperable smoke alarm.