

Smoke and Carbon Monoxide Detector Disclosure Law

By: George Miles, Senior Legislative Attorney
August 9, 2024 | 2024-R-0133

Issue

Describe Connecticut's smoke and carbon monoxide detector disclosure law that applies when transferring a residence (i.e., [CGS § 29-453](#), as amended by [PA 23-164](#)).

Summary

For certain transactions involving a one- or two-family residential building or a unit in a residential common interest community (e.g., condominium), state law generally requires the transferor (e.g., seller) to give the transferee (e.g., buyer) an affidavit stating certain conditions about the residence's smoke and carbon monoxide detectors.

By law, nothing in the affidavit constitutes a warranty beyond the transfer of title. The law by itself does not require residences to have detectors and does not impose a penalty for failing to provide the affidavit. Additionally, several types of transfers are exempt from this requirement, such as no-money transfers to a spouse or child or ones done under a court order.

The legislature has recently modified several parts of this law in the last two years (see [PA 22-75](#) and [PA 23-164](#)). Among other things, the 2023 legislation eliminated an option for the transferor to credit the transferee with \$250 at the closing instead of providing the affidavit. The act also required the State Fire Marshal's Office to create a (1) model form that may be used for the affidavit and (2) guide outlining smoke detector requirements to help transferors complete the affidavit (see [Attachment 1](#) below).

Affidavit

General Contents

For transfers subject to the law, transferors must state within the affidavit that the residence:

1. has smoke detection and warning equipment (i.e., smoke detectors) that satisfy the law's conditions and
2. either (a) has carbon monoxide detection and warning equipment (i.e., carbon monoxide detectors) that satisfy the law's conditions or (b) does not pose a risk of carbon monoxide poisoning because it does not have a fuel-burning appliance, fireplace, or attached garage.

The affidavit must also include specific disclosures about any smoke detectors and be given to the transferee at the time of the transaction's closing. The transferor must sign and date it.

Smoke Detector and Carbon Monoxide Detector Conditions

Under the law, the residence's smoke detectors must be installed in or in the immediate vicinity of each bedroom and produce an audible alarm when the detectors' test button is depressed. The carbon monoxide detectors must also produce an audible alarm when the detectors' test buttons are depressed and they may be battery-operated.

Smoke Detector Disclosures

The law requires the affidavits to specify, if applicable and to the best of the transferor's knowledge, whether the smoke detectors:

1. are battery powered or powered by the household electrical service;
2. are in or in the immediate vicinity of each bedroom;
3. are interconnected in a way that the alarm activation on any detector in the residence causes the alarms on all the residence's detectors to activate; and
4. have the following statement: "State law requires that all properties have operable smoke and carbon monoxide detection and warning equipment. This law is to save lives—your life, and the lives of your family members and your pets—as well as to protect your property."

However, for any residence built before January 1, 1990, the act allows a transferor to specify on the affidavit that the conditions about interconnectivity are not applicable to the residence.

Exemptions

The law exempts transferors from the affidavit requirement during the following transfers:

1. from one co-owner to another;
2. to the transferor's spouse, parent, sibling, child, grandparent, or grandchild where no consideration is paid;
3. under a court order or by executors, administrators, trustees, or conservators;
4. by the federal government or any of its political subdivisions;
5. by deed in lieu of foreclosure;
6. involving refinancing of an existing mortgage debt;
7. by mortgage deed or other instrument to secure a debt where the transferor's title to the property is subject to a preexisting mortgage debt; or
8. through a judgment of strict foreclosure or by foreclosure by sale.

Attachment 1

September 2023 State Fire Marshal's Office Model Form and Guide

(Taken from the Connecticut Association of Realtors [website](#).)



Office of State Fire Marshal



AFFIDAVIT OF COMPLIANCE at Time of Closing

With the Requirements of the Law for Smoke and Carbon Monoxide Detectors and Warning Equipment in Residential Buildings Designed to be Occupied by 1 or 2 Families

This form shall be used for all dwellings that are sold or transferred on or after October 1, 2023.

State Law requires that all properties have operable smoke and carbon monoxide detection and warning equipment. This law is to save lives – your life, and the lives of your family and your pets -- as well as protect your property.

Date: _____ Date of Closing: _____	See reverse or next page for types of detectors applicable to age of property.
Physical Location: (9-1-1 Address) _____ Street Number and Name _____ City/Town, State, Zip Code _____	
Name of Seller(s): _____	
Name of Buyer(s): _____	

SMOKE ALARMS	CARBON MONOXIDE ALARMS	OPERATIONAL	INTERCONNECTED
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Smoke detection and warning equipment is installed in or in the immediate vicinity of each bedroom. <input type="checkbox"/> Battery <input type="checkbox"/> Hard-wired	Carbon monoxide detection and warning equipment is installed in the building. <input type="checkbox"/> Not required because the building does not contain a fuel-burning appliance, fireplace or attached garage. <input type="checkbox"/> Battery <input type="checkbox"/> Hard-wired	The smoke and carbon monoxide detection and warning equipment, as applicable, produced an audible alarm when checked on _____ Date _____	The smoke detection and warning equipment is interconnected in such a manner so that the activation of the alarm on one piece of equipment causes the alarm on all smoke detection and warning equipment to activate. <input type="checkbox"/> Not required because the building was constructed before January 1, 1990.

AFFIDAVIT FROM THE SELLER

I/We, the above Seller(s) of the above-described dwelling, swear that the statements above regarding smoke and carbon monoxide detection and warning equipment in the dwelling are true to the best of my/our knowledge.

 Signature of Seller or legal representative Date Signature of Seller or legal representative Date

Subscribed and sworn to before me this ____ day of _____, 20__.

 Notary Public/Commissioner of the Superior Court

ACKNOWLEDGEMENT OF RECEIPT OF THE AFFIDAVIT

I/We have received a copy of this affidavit.

 Buyer or legal representative Date Buyer or legal representative Date Buyer or legal representative Date

Attachment 1 (continued)



Office of State Fire Marshal



Residential Single Station Smoke Alarm (Detector) Installation Guidelines			
	Timeframe	Required Power Supply	Required Locations
1	Prior to 10/1/1985	Battery power required. A/C hardwired acceptable.	In the immediate vicinity of sleeping rooms and on all floor levels including the basement.
2	10/1/1985 to 1/1/1990	Hardwired into the building electric system with battery backup.	In the immediate vicinity of sleeping rooms and on all floor levels including the basement.
3	1/1/1990 to 5/1/1999	Hardwired into the building electric system with battery backup. All smoke alarms shall be interconnected**.	In the immediate vicinity of sleeping rooms and on all floor levels including the basement.
4	5/1/1999 to present	Hardwired into the building electric system with battery backup. All smoke alarms shall be interconnected.	All floor levels including the basement, outside sleeping areas, and inside all sleeping areas.

Carbon Monoxide Alarm Installation Guidelines			
	Timeframe	Required Power Supply	Required Locations****
1	Prior to 1/1/2006	Battery power required. A/C hardwired acceptable.	In the immediate vicinity of sleeping rooms.
2	1/1/2006 to present	Hardwired into the building electric system with battery backup.	In the immediate vicinity of sleeping rooms and on all floor levels including the basement.

* For purposes of this affidavit, the "timeframe" refers to when the residential building was constructed. For example, the year built noted in the municipal assessor's card for the property can be used to determine whether the building was constructed before January 1, 1990.

** If the test button is depressed and all the alarms in the residence go off, then they are "interconnected". If only that alarm that is being tested goes off, then they are not interconnected.

*** Minimum requirements require at least one smoke alarm on each level and in the immediate vicinity of each bedroom.

**** Carbon Monoxide Alarm not required if the building does not contain a fuel-burning appliance, fireplace, or attached garage.

***** Combination Smoke / Carbon Monoxide alarms shall be permitted to be used in lieu of carbon monoxide alarm.

NOTE: Unless otherwise provided by the manufacturer's instructions, smoke alarms shall not remain in service longer than 10 years from the date of manufacture. Combination smoke/carbon monoxide alarms shall be replaced when the end-of-life signal activates or 10 years from the date of manufacture, whichever comes first, unless otherwise provided by the manufacturer's instructions.

(Rev 9/2023)