

# Smoke Alarm Requirements

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Nov. 26, 2013 (revised)

## Introduction

California law requires smoke alarms (previously referred to as “smoke detectors” in the law) to be installed in every "dwelling intended for human occupancy." 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 municipalities may enact more stringent requirements. For example, some municipalities may require hard-wired smoke alarms. For that reason, it is imperative to check with the local department of building and safety to determine if there any local requirements which may be more stringent than the state law.

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

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

**A** California law requires that every "dwelling intended for human occupancy" have smoke alarms. (Cal. Health and Safety Code section 13113.7). There is no exception for single family properties. These smoke alarms must be approved and listed by the State Fire Marshal and installed in accordance with the State Fire Marshal's regulations at the time of installation. (Cal. Health & Safety Code sections 13113.7 and 13113.8.)

Prior to August 14, 1992 the smoke alarms only had to be centrally located outside each sleeping area. For example, a two-story home with bedrooms upstairs and downstairs would need two smoke alarms, one in the hallway outside the bedrooms(s) upstairs and one in the hallway outside the bedroom(s) downstairs.

After August 14, 1992, California law required that the smoke alarms be placed in each bedroom in addition to placing them outside each sleeping area. Presently the California State Building Code requires that smoke alarms be located in 1) the hallway outside the bedrooms 2) in each bedroom and 3) on every floor regardless of whether there is a bedroom on that floor. The California State Building Code has required this at least since 2007.

Furthermore, for any new construction or any additions, alterations, or repairs after August 14, 1992 that exceed \$1,000 in cost and for which a permit is required, a smoke alarm must be installed in each bedroom in addition to being centrally located in the corridor or area outside the bedroom. Commencing January 1, 2014, this law will require that for all dwelling units intended for human occupancy for which a building permit is issued for alterations, repairs, or additions for more than \$1,000, the issuer of the building permit will not sign off on the completion of work unless the owner demonstrates that all smoke alarms required for the dwelling unit are devices approved by the State Fire Marshal. For new construction commencing August 14, 1992 only, the smoke alarm must be hardwired with a battery backup. For all other homes, the smoke alarm 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. *What are the State Fire Marshall specifications for the type of smoke alarm and when do they come into force?***

**A** Commencing July 1st, 2014, the State Fire Marshal will require battery operated smoke alarms to contain a non-replaceable, non-removable battery capable of powering the smoke alarm for at least 10 years. There are some exceptions to this rule for smoke alarms in existing inventory, but only until July 1, 2015 (Cal Health & Safety Code §13114). These requirements will impact any newly installed battery operated smoke alarms (H&S Code §13113.7(a)(4). In other words, unless, local laws state differently, any smoke alarm that was approved at the time of installation may remain, but any newly installed smoke alarm will have to comply with the State Fire Marshall's stricter requirements.

Additionally, where any alterations, repairs, or additions exceeding \$1000 for which a permit is required, the smoke alarms must meet the State Fire Marshall standards for the type of smoke alarm (H&S Code §13113.7(a)(2)).

Additionally, starting January 1, 2015, the State Fire Marshall will require battery operated smoke alarms to 1) display the date of manufacture on the device 2) provide a place on the device to insert the date of installation and 3) incorporate a hush feature. Again, these requirements will impact newly installed battery operated smoke alarms.

(A "hush" feature will momentarily silence the alarm to allow whatever set off the alarm, such as smoke from the kitchen, a chance to dissipate. A "hush" feature, however, does not turn off the smoke alarm, and after a few minutes, the alarm will return if the smoky conditions persist.)

**Q 3. *Does the owner of a single family home, two-unit dwelling, or factory-built home have any special disclosure requirements when transferring or selling the home?***

**A** Unless exempt (see Question 4 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 alarms.

Use of C.A.R. Form WHSD will satisfy this requirement. However, if the transaction calls for a TDS or MHTDS, then the smoke alarm certification is included in both of those forms. The Department of Housing and Community Development ("The HCD") may also require use of the [HCD Declaration](#) for used manufactured homes and used mobilehomes. See Questions 9 and 10 below.

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

**Q 4. *What are the exemptions for the seller of a single family home, two-unit dwelling 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 or subsequent transfers by a beneficiary after the foreclosure or trustee's sale are not exempt, 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 5. *How can the owner of a condominium, stock cooperative, time-share project, duplexes or multi-unit apartment complex comply with the smoke alarm law?***

**A** California law requires that every condominium, stock cooperative, time-share project, duplexes or apartment complex or dwelling unit in which one or more units is rented or leased shall have operable smoke alarms 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.) The location requirements and the type of the smoke detectors to be used are exactly the same as for single family homes as discussed in Question 1. However, in the case of apartment complexes and other multiple-dwelling complexes, a smoke detector shall be installed in the common stairwells.

**Q 6. *Is a written statement of compliance required for a condominium, stock cooperative, time-share project, or multi-unit apartment complex?***

**A** No, a written statement of compliance when selling these types of properties is not required.

**Q 7. *Can you summarize the new rules as they specifically affect landlords?***

**A** Yes. The location requirements and the type of the smoke alarms to be used are exactly the same as for single family homes as discussed in Question 1. However, after January 1, 2016, a landlord (that is, any person who rents a property) shall install additional smoke alarms, as needed, to ensure that the smoke alarms are located in compliance with current building standards. (H&S Code §13113.7(d)(3)). Presently, current building standards require a smoke alarm in 1) each bedroom, 2) centrally located outside each sleeping area and 3) on every floor including the basement regardless of whether there is a sleeping area on the floor, including the basement (California Building Code [F] 907.2.10.1.2). However, the law will not require the landlord to replace existing alarms unless they are inoperable. Then, of course, they must replace them with the newer ones approved by the State Fire Marshall. There is no requirement to upgrade to hard-wired if the alarms are presently battery operated

The landlord is responsible for testing and maintaining smoke alarms in all units and in the common stairwells of apartment complexes and other multiple dwelling complexes. Commencing on January 1, 2014, the landlord's obligation to test and maintain the smoke alarms extends to single-family dwellings as well. (H&S Code §13113.7(d)(2)) The landlord beginning January 1, 2014 cannot make the tenant responsible for testing and maintaining the smoke alarms even if it is a single family residence.

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

**Q 8. *Are there exceptions to these requirements?***

**A** Yes, in general a fire alarm system with smoke alarms, fire alarm devices that connect to a panel, or other devices that use a low-power radio frequency wireless communication signal may be installed in accordance with the State Fire Marshal's regulations in lieu of these requirements.

(Fire Alarm System defined: "A system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.")

**Q 9. *How can the seller or transferor of a used mobilehome or used manufactured home comply with the smoke alarm law?***

**A** Since January 1, 2009 California law requires that every used mobilehome or used manufactured home sold shall have a smoke alarm installed in each room designed for sleeping that is operable on the date of transfer of title (Cal. Health & Safety Code § 18029.6(a)).

The requirements are deemed satisfied if within 45 days prior to the date of transfer of title, the transferor signs a declaration stating that each smoke alarm in the manufactured home or mobilehome is operable on the date that the declaration is signed. (Cal. Health & Safety Code § 18029.6(b).) The HCD requires a certification to be completed and returned to the HCD on a specified form entitled "[Statement of Facts – Smoke Detector/Water Heater Bracing](#)."

If the transaction calls for a MHTDS, then the smoke alarm certification is also included in this form.

**Q 10. *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 article entitled Mobilehomes.

**Q 11. *Where can I find more information about this law?***

**A** This legal article 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 [car.org](http://car.org).

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The information contained herein is believed accurate as of November 26, 2013. It is intended to provide general answers to general questions and is not intended as a substitute for individual legal advice. Advice in specific situations may differ depending upon a wide variety of factors. Therefore, readers with specific legal questions should seek the advice of an attorney. Written by Sonia M. Younglove, Esq., revised by Robert Bloom, Esq.

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