

House Bill 09-1091

On March 25, 2009, Governor Bill Ritter signed into law Colorado House Bill 1091 requiring the installation of carbon monoxide alarms in residential properties. This bill is called the Lofgren and Johnson Families Carbon Monoxide Safety Act.

### **Frequently Asked Questions - House Bill 09-1091- Concerning a requirement that Carbon Monoxide Alarm Be Installed in Residential Properties**

#### **Why is this new law required?**

To provide the immediate preservation of the public peace, health, and safety in residential properties. The act is named after Parker, Caroline, Owen, and Sophie Lofgren and Lauren Johnson, all of whom died as a result of carbon monoxide poisoning. The full text of the law can be found at:

[http://www.leg.state.co.us/clics/clics2009a/csl.nsf/fsbillcont3/8CA7AA87F3BED22D8725753700718548?open&file=1091\\_enr.pdf](http://www.leg.state.co.us/clics/clics2009a/csl.nsf/fsbillcont3/8CA7AA87F3BED22D8725753700718548?open&file=1091_enr.pdf). More information about the health effects of carbon monoxide can be found at:

<http://www.cdphe.state.co.us/dc/ehs/index.html>

#### **When does this law take effect?**

This law will take effect on July 1, 2009.

#### **What does this new law do? – A Summary**

- This law requires homeowners and owners of rental property to install carbon monoxide alarms near the bedrooms (or other room lawfully used for sleeping purposes) in every home that is heated with fossil fuel, has a fuel-fired appliance, has a fireplace, or has an attached garage.
- This requirement applies to every home that is sold, remodeled, repaired, or leased to a new tenant after July 1, 2009.
- This law also protects a property owner, an authorized agent of a property owner, or anyone who installs a carbon monoxide detector from any potential future liability (or damages) resulting from the operation, maintenance, or effectiveness of the detector, so long as the detector was installed according to the manufacturer's instructions and in accordance with this law.
- This law also protects persons holding real estate licenses pursuant to Article 61 of Title 12, C.R.S from any damages, claimed by a purchaser, and related to the operation, maintenance, or effectiveness of a carbon monoxide alarm if such licensed person complies with the rules set forth in this law.
- This law does not limit a municipality, city, home rule city and county, or other local government entity from adopting or enforcing any requirements regarding carbon monoxide alarms that are more stringent (or protective) than the requirements of this law

#### **What type of home does this law apply to?**

- This law applies to:
  - o Single-family homes: Property used or intended to be used as a residence that contains one dwelling unit
  - o Multi-family homes (including condominiums and cooperatives): Property used or intended to be used as a residence that contains more than one dwelling unit
  - o Homes that are owned by the residents, and
  - o Homes used for rental purposes, AND
- This law applies to homes that have either
  - o A fuel-fired heater or appliance (fuel includes coal, kerosene, oil, gas, and wood),
  - o A fireplace, or
  - o An attached garage

#### **Does this law apply to commercial buildings?**

No, this law does not apply to commercial buildings.

**What is a carbon monoxide alarm?**

Carbon monoxide alarm may be similar in size and shape to a smoke detector. A carbon monoxide alarm constantly samples the air, monitors for the presence of carbon monoxide, and sounds an alarm when carbon monoxide is detected at dangerous levels.

**How should carbon monoxide alarms be installed?**

According to this law, carbon monoxide alarms must be installed in one of the following ways:

- Wired directly into the home's electrical system
- Directly plugged into an electrical outlet (does not require a switch other than a circuit breaker)
- Any battery powered alarm can be attached to the wall or ceiling of the home.
  - Alarms installed in this manner must comply with the National Fire Protection Association standard 720, or any successor standard for the operation and installation of carbon monoxide alarms.

**Where should carbon monoxide alarms be installed?**

This law requires that an operational carbon monoxide alarm be installed within 15 feet of the entrance to each bedroom (or other room lawfully used for sleeping purposes), or in any location otherwise specified by a state or local building code.

**How does this law affect those who live in single-family homes after July 1, 2009?**

- *For any home offered for sale or transfer*, this law requires that an operational carbon monoxide alarm be installed within 15 feet of the entrance to each bedroom (or other room lawfully used for sleeping purposes), or in any location otherwise specified by a state or local building code. This requirement must be included in the listing contract
- *For any home where a building permit is required to address interior alterations, repairs, addition of bedrooms, or the addition or replacement of fuel-fired appliances*, this law requires that an operational carbon monoxide alarm be installed within 15 feet of the entrance to each bedroom (or other room lawfully used for sleeping purposes), or in any location otherwise specified by a state or local building code.
- No person shall remove batteries from, or render inoperable, a carbon monoxide alarm except as part of the inspection, maintenance, repair, or replacement process.

**How does this law affect those who live in multi-family homes after July 1, 2009?**

- *For every home within a multi-family dwelling offered for sale or transfer*, this law requires that an operational carbon monoxide alarm be installed within 15 feet of the entrance to each bedroom (or other room lawfully used for sleeping purposes), or in any location otherwise specified by a state or local building code. This requirement must be included in the listing contract
- *For every home where a building permit is required to address interior alterations, repairs, addition of bedrooms, or the addition or replacement of fuel-fired appliances*, this law requires that an operational carbon monoxide alarm be installed within 15 feet of the entrance to each bedroom (or other room lawfully used for sleeping purposes), or in any location otherwise specified by a state or local building code.
- No person shall remove batteries from, or render inoperable, a carbon monoxide alarm except as part of the inspection, maintenance, repair, or replacement process.

**How does this law affect owners of rental property after July 1, 2009?**

- *For any home, or single family unit in a multi-family dwelling, used for rental purposes*, this law requires that an operational carbon monoxide alarm be installed within 15 feet of the entrance to each bedroom (or other room lawfully used for sleeping purposes), or in any location otherwise specified by a state or local building code.

- **Exception** – so long as there is a centralized alarm system or other mechanism for a responsible person to hear the alarm at all times, a multi-family home may have carbon monoxide alarms installed within 25 feet of any fuel-fired heater or appliance, fireplace, garage, or in a location as specified in any state or local building code.
- *For all existing tenants and prior to the commencement of a new tenant, the owner is required to:*
  - Replace any carbon monoxide alarm that was stolen, removed, found missing, or is not operational prior to the new tenant moving in.
  - Ensure that any necessary batteries are provided to the new tenant at the beginning of his or her tenancy.
  - Replace any carbon monoxide alarm that has been stolen, removed, missing, or found non-operational during the tenant's occupancy so long as the tenant notifies the owner, or the owner's authorized agent, in writing.
  - Fix any deficiency in a carbon monoxide alarm so long as the tenant notifies the owner, or the owner's authorized agent, in writing.
  - Other than the above listed requirements, the owner is not responsible for the maintenance, repair, or replacement for the carbon monoxide alarm and/or required batteries.

**How does this law affect tenants after July 1, 2009?**

- The tenant is required to:
  - Keep, test, and maintain all carbon monoxide alarms in good repair
  - Notify the owner, or the owner's authorized agent, in writing if the batteries of any carbon monoxide alarm need to be replaced
  - Notify the owner, or the owner's authorized agent, in writing if any carbon monoxide alarm is stolen, removed, missing, or non-operational
  - Notify the owner, or the owner's authorized agent, in writing of any deficiency in any carbon monoxide alarm that the tenant cannot correct
- No person shall remove batteries from, or render inoperable, a carbon monoxide alarm except as part of the inspection, maintenance, repair, or replacement process.

**For more information about this bill or any questions about health effects that could be related to carbon monoxide, please contact Shannon Rossiter, MPH at 303-692-2617, or toll free at 1 (888) 569-1831, extension 2617.**