

PA13-272

HB6160

House	6264-6363	100
Public Safety	485-488, 523-527, 578-589	21
Senate	5280-5296	17
		138

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take a tally. The Clerk will announce the tally.

THE CLERK:

Yes Madam Speaker, in concurrence with the Senate, substitute Senate Bill number 366 as amended by Senate Amendment A.

Total Number Voting	140
Necessary for Adoption	71
Those voting aye	105
Those voting nay	35
Absent and not voting	10

DEPUTY SPEAKER SAYERS:

The bill as amended passes in concurrence with the Senate. Will the Clerk call -- please call Calendar number 268.

THE CLERK:

Yes, Madam Speaker, on page 44 of the Calendar today, Calendar number 268, favorable report of the joint standing Committee on Insurance and Real Estate, substitute for House Bill 6160, AN ACT REQUIRING WORKING SMOKE AND CARBON MONOXIDE DETECTORS IN ALL RESIDENTIAL BUILDINGS AT THE TIME TITLE IS TRANSFERRED.

DEPUTY SPEAKER SAYERS:

Representative Fox of the 148th.

REP. FOX (148th):

Good evening, Madam Speaker. Madam Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER SAYERS:

The question is on acceptance of the joint committee's favorable report and passage of the bill. Representative Fox, you have the floor, Sir.

REP. FOX (148th):

Thank you, Madam Speaker. Madam Speaker, the legislation proposes that upon transfer of title of residential buildings the residential property be equipped with smoke and carbon monoxide detection equipment. Madam Speaker, the Clerk is in possession of an amendment, LCO 7594. I ask the Clerk call the amendment and I be given leave of the Chamber to summarize.

DEPUTY SPEAKER SAYERS:

Will the Clerk please call LCO number 7594 which will be designated House Amendment Schedule A.

THE CLERK:

Madam Clerk, LCO number 7594 as designated House A offered by Representatives Fox et al.

DEPUTY SPEAKER SAYERS:

The Representative seeks leave of the Chamber to summarize the amendment. Is there any objection to summarization? Is there any objection? Hearing none, Representative Fox, you may proceed with summarization.

REP FOX (148th):

Thank you, Madam Speaker. Madam Speaker, the amendment before us is a strike all amendment. The intent of the legislation is that there be smoke and carbon monoxide detection equipment present in homes upon the transfer of title. The legislation addresses residential buildings designed to be occupied by one or two families.

There are two particular dates included within the legislation those being October 1, 1985 and October 1, 2005. Homes built on or after October 1, 1985 for which a building permit was issued are equipped with hard wire smoke detection equipment. Homes built on or after October 1, 2005 for which a building permit was issued are equipped with both hard wire smoke detection equipment and hard wire carbon monoxide detection equipment.

The underlying legislation Madam Speaker, does not affect homes built on or after October 1, 2005 for

which a building permit was issued as those residential homes are already equipped with both hard wire smoke detection equipment and hard wire carbon monoxide detection equipment. For all -- for all -- for all other homes upon the transfer of title, Madam Speaker, the seller shall present to the buyer an affidavit continuing two sections.

The first section addressing smoke detection equipment, the second section addressing carbon monoxide detection equipment. Concerning the first section, the seller shall affirm either that a building permit for new occupancy was issued on or after October 1, 1985 thereby affirming the presence of smoke detection equipment. Or on the contrary, if the home was built prior to October 1, 1985 the seller must affirm that the residential building is equipped with smoke detection equipment complying with section -- section C of the legislation.

Concerning the second section of the affidavit, Madam Speaker, the seller will represent that the residential building is equipped with CO2 carbon monoxide detection equipment complying with section D of this legislation or on the contrary that the home is not required to have such detection equipment as it

does not contain a fuel burning appliance, fireplace or detached -- or attached garage. Excuse me.

Should a transferor wish not to provide such an affidavit to the transferee upon the title of -- transfer of title, the transferor shall credit the transferee with a credit of \$250 at the closing. Madam Speaker, section C and D first -- section C and D list the characteristics of both the smoke detection equipment as well as the carbon monoxide detection equipment.

Section E of the legislation identifies eight types of transfers that are exempt from this legislation for example transfer from one co-owner to another co-owner, transfer from parent to child, when an owner refinances or obtains a second mortgage along with some other exemptions.

Madam Speaker, I rule that this legislation -- will this legislation potentially place a person a burden upon a seller of the transfer of title of their residential real property? Yes it will. But I believe this legislation will also save lives. And I believe this legislation will also spare families in our State the unfortunate experience of having to bury one of their own as a result of a residential home

fire. Madam Speaker, I move adoption.

DEPUTY SPEAKER SAYERS:

The question before the Chamber is adoption of House Amendment Schedule A. Will you remark on the amendment? Representative Sampson of the 80th.

REP. SAMPSON (80th):

Thank you, Madam Speaker. I rise in opposition to this amendment. And of course it's a strike all amendment so it will become the bill. And it goes without saying that the -- the bill has similar language and I would be opposed to that even if this amendment does fail.

On the surface I think there's some support for this measure because it kind of feels good. As the proponent mentioned, it's something that seems simple enough that if we require folks that are selling their homes to have smoke detectors and carbon monoxide detectors in place then there is a greater likelihood that they will be in place and functioning for the new owner and hopefully prevent any potential tragedy from occurring.

The problem is that in the real world things are much more complicated than this. The first thing is that there are lots of types of transactions. It's

not so simple all the time that you would be selling a perfectly good home to another -- to another buyer.

Sometimes you're talking about homes that are in need of repair. Sometimes they are in need of such repair that the new owner has no intention of living in the house or even trying to repair it. They might even be knocking it down. So it -- this creates some problems on a number of different levels.

There's also transactions between different types of buyers and sellers whether they are folks that are having financial distress before their sale. There are transactions where the parties know very little about the property because maybe it was a family member who passed the property.

Maybe it's a bank involved and they've never even seen the place. I have some questions but before I do I want to just kind of frame this to let people know what the concerns are. I think there are two major concerns. The first one is that to me this is a simple example of what some people would call big government.

It's a situation where we are getting involved in a private transaction between private individuals or possibly corporations that are transferring a piece of

real property.

And to me I don't see any reason why we need to be involved in that other than some level of consumer protection but I don't think that this is it. And the second issue I have is that I think it fundamentally changes real estate transactions forever. Currently when you sell your house to someone and you hand them the keys, once they become the owner that house is their responsibility.

And all of the checks and balances to determine what was being bought and what the condition of the property have already been determined and the liability of the seller ends on that day. Of course there might be some liability that might extend if the seller did something overtly wrong. They purposely tried to hide something or they misrepresented something in some of the documents at the time of the transaction.

But outside of that they're not going to be liable for the condition of the property. And this changes that. Because now we're going to be telling sellers that you are going to swear to an affidavit that you have working smoke detectors and working carbon monoxide detectors in the home.

And it seems to me that you've created a liability at that point that never goes away. The new buyer moves into the house and maybe a day goes by or a week or a year or five years but if something happens, there is a fire or god forbid there's a tragic death because of carbon monoxide poisoning, the fact is that previous seller is going to be sued. And I think that it would be very difficult for them to be able genuinely prove that they were not liable for the situation.

I mean the fact is that homeowners by and large are not experts about how fire -- smoke detectors rather and or carbon monoxide detectors are to be installed and whether or not they're working. I think most people I mean have no idea whether they're carbon monoxide system works or not really other than they're going over to push the button. But I don't think that guarantees anything really.

And even if that seller hired someone prior to the sale to come and verify that these things are working, I don't think that eliminates the liability either. It may transfer to the person that ultimately did that verification but I still think that the liability extends beyond the transfer of the property

and one person handing the keys to the other. And I think that's a big concern. Because I think that we live in a society that is used to a certain way of doing business in real estate and that is that it's the buyers responsibility to make sure to know what they're getting.

And I see that year after year we keep transferring more and more responsibility to the seller. Now I don't know if a lot of people in here are very familiar with something called the residential property condition disclosure report but this is a document that is required for every seller when they sell a home in our State to present to a buyer. And there's numerous questions on there.

And just last year we actually added questions about these exact issues. There is a question on there that asks if there are any known problems with the smoke detectors in the house and or the carbon monoxide detectors. And that's a real -- a legitimate question to ask a sell I think and it's something that you could go back to them if they were overtly lying about the condition of these -- this situation.

But to get them to swear that it's working at the time of sale and that it's up to code and that sort of

thing I think is a bit of a stretch.

And it seems to me that as we keep adding things to this disclosure we are asking the seller to warrant more and more the condition of the house and I think while their proponents of this type of legislation would say that we're making the world safer I think what's happening is you're actually doing the opposite because you have people that are less inclined to actually do what they should do as a buyer and that is get a home inspection from an independent contractor that's specialized in that field who is going to tell them the exact condition of the property so that they can make the proper decisions on whether to make the purchase or it could be negotiated to whether or not repairs would be made.

I have a few questions through the Speaker if you would to the proponent of the bill.

DEPUTY SPEAKER SAYERS:

Please frame your question, Sir.

REP. SAMPSON (80th):

Thank you, Madam Speaker. As I said from the outset there are a lot of types of transactions so I would just like to ask the proponent if there any types of transactions outside of what's listed in

section E that are exempt from this particular bill?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (148th):

Yes. Thank you, Madam Speaker. And I thank the Representative for his question and in addition for his commentary and insight and our conversations over the past few days. Knowing full well of his expertise and profession, the job he holds outside of this Chamber I appreciate his insight into this issue and perspective.

There are a number of -- of -- of transfers that are exempt from the underlying statute. As indicated in my introductory remarks first any -- any home for which a building permit was issued on or after October 1, 2005 through the present date and moving forward. Those -- transfers involving those particular pieces of residential real property are exempt.

In addition the exemptions as outlined in subsection E of the statute are -- the eight exemptions listed there are also exempt. So the -- the underlying statute pertains to as I said residential building designed to be occupied by one or

two families. All other buildings are exempt and anything from October 1, 2005 forward is exempt as well as the subsection -- the final subsection of the statute. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker. And I thank the Gentleman for his answers. I want to get to some of the exemptions that are included in that section in just a minute. But I want to know first and foremost whether there is any exemptions that have anything to do with the condition of the property, whether it has a certificate of occupancy, whether it is a building that's condemned or it's in major need of repair.

Are there any exceptions made in any way for that concern, that basically the condition of the property. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And I -- I -- if the Gentleman could clarify the -- he's asking if -- if there are -- is there an exemption for a building that

has a certificate of occupancy? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker. What I'm driving at is -- is in the real world real property is sold in varying conditions. Of course you know I think that the bill makes sense if you look at it from a perspective of we're only talking about homes that are complete and move in ready.

But there are other types of real property for sale. There are homes that could not be lived in because they need entire you know rehabilitation. There are homes that will never be lived in because the new buyer intends to knock it down and start over or -- or maybe use the property for something else.

And then there are homes that are under construction and have yet to even be completed to the point where there might be a way to install carbon monoxide detectors or smoke detectors because there's just a foundation for instance. Through you, Madam Speaker. Any at all exception for condition or state of construction? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. Homes that are currently under construction are exempt. They will -- they will fall under the category of homes being built after on or after October 1, 2005 forward. Beyond that -- and I understand the example the Representative is providing. If in fact there was a -- lack of a better word abandoned property that was being transferred to a new buyer, would that home be exempt?

Unless it was built on or after -- or unless the building permit for new occupancy was issued on or after October 1, 2005 forward or unless one of the -- unless the residential home falls under one of the subsections contained within subsection the answer I think to the Representative's question is no.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker. And again thank you to the Gentleman for those answers. I think that's just one indication of a problem we have is that there are

going to be some circumstances where it just doesn't make sense for a seller to you know install smoke detectors or carbon monoxide detectors and the buyer has no desire for them either.

And I think they would both be in agreement on that subject yet this law is going to come between them and require them to do something beyond that. The point I'm trying to make is that people that are buying and selling homes and conducting all sorts of business in our society for -- for the most part they're big boys and girls. And in a real estate transaction there are other folks involved.

You have real estate professionals to guide those individuals to make sure that they are protected in some respects. There are home inspectors that are there to protect buyers to make sure that they're not buying a home that might be a risk to them. And of course they have legal representation in virtually every case to make sure that the contract is written correctly and that some of the same things are already looked after. Through you, Madam Speaker.

In section B this is where we talk about if someone is not going to comply they have the option of transferring this credit to the buyer in the amount of

\$250. So through you, Madam Speaker. I'm wondering if the good Gentleman would tell me where the number \$250 came from. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Yes. Thank you, Madam Speaker. And I thank the Representative for the question. It is indeed a very good one. That figure was reached at -- again that figure will be for individuals who must install battery operated smoke detection equipment in their homes.

The figure is based on a estimate reached at after conversations with realtors and fire marshals throughout the State that \$250 would be sufficient to cover the cost involved with installing smoke -- battery operated smoke detectors and carbon monoxide detectors in your home pursuant to this statute. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker. And again, thank you to the Gentleman for that answer. I think that would

depend a great deal on the size of the home. I mean if it's a one bedroom house that might require two battery operated smoke detectors maybe it would cost them 40 to -- 40 bucks to buy a couple of them at Walmart but this law makes no distinction for the size of a home. So I -- or the size of the real property at all so it could be considerably more than that \$250 as well.

But I think the larger point is that I think the \$250 should not be measured against the cost of making the repair but what it's truly doing is eliminating the liability of the seller which could be infinitesimal. So it seems to me that as a realtor if I was in a situation where I was working with a seller and I had to instruct them on their best practices in this particular case and they were being asked to swear that they had the proper equipment installed based on this legislation, I would tell them that the safest bet is to just pay the \$250.

Because I think even if they went through the effort of hiring someone to come out to the house and verify that it's in working order, there is nothing to say that some tragedy might happen at some point in the future and they could be sued for it. Whereas the

simple \$250 charge eliminates that. Would that be correct? Through you, Mr. Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Yes. Thank you, Madam Speaker. And I again thank the Representative for the question. The idea with the \$250 fee, the ultimate goal of the underlying statute is we want to encourage if we can the affidavit. We want to encourage the installation of smoke detection equipment and carbon monoxide detection equipment in the home.

The hope is that should a fee be -- with the fee being required should they choose to go that way, and I will say to the Representative that there was conversations as these negotiations continued on over the past several weeks that that figure be much higher than \$250 again with the hope being of encouraging the affidavit and the installation of these -- this detection equipment in the home.

With the \$250 at that -- the very least, we think it's an appropriate fee that will be commiserate with -- with the cost associated with installing the smoke detection equipment as well as providing an

opportunity for the smoke detection equipment and the installment thereof being part of a conversation at the point of transaction when title is being transferred. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker. And thank you to the good Gentleman for his answers. Although I would say that my question was not really answered. What I was trying to determine whether -- is whether or not there is liability created for the seller through this legislation and whether or not it continues beyond the transfer of the title and the keys and if the \$250 negates that liability at some point assuming the -- that that point might be the -- the date of the transfer. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Yes. Thank you, Madam Speaker. If -- if a transferor decides to provide the \$250 credit to the transferee at the transfer -- at the transfer of title then the transfer is not affirming anything. So in

essence they will not be affirming the presence of smoke detection equipment in the house. So the -- the short answer to the second part of your question are we negating liability or removing liability, yes.

There would be an opportunity for the transferor to not affirm anything and instead provide -- provide the -- the credit in its place. The first part of the question I believe Madam Speaker, had to do with the exposure and the liability and potential risk of liability or continued liability placed upon the transferor should that individual choose to -- to file the affidavit.

The answer to that question, Madam Speaker, is that in filing the affidavit the transferor will be affirming that upon transfer of title the premises has present and working smoke detection and carbon monoxide equipment. The transferor is not affirming as to that equipment beyond the date of transfer of title. The affirmation is -- is specifically geared toward the time of transfer of title. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker. There's a number of attorneys in the room and I hope that when we get done having our conversation that maybe they might explore the concept of what liability is created by this affidavit being part of the transaction and what the likelihood of a lawsuit in the event of a tragedy that happens after the sale might be.

Because I'm -- I'm quite certain that that's exactly what this does and for the life of me I think that that's not really an argument because otherwise it wouldn't exist. I mean the reason for this is to basically force a seller to comply rather than encourage as was described by the proponent through the threat that they might be liable for some type of an action. A couple more questions.

In section C it's -- I think it's curious that we've asked that the smoke detection and warning equipment be installed and then on line 21 it says in accordance with a manufacturer's instructions. And through you, Madam Speaker. I'm wondering why we are choosing to do it and require it through accordance with the manufacturer's instructions versus what the building code might be. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And through you, to the Representative with the question. we've comply -- the -- the -- subsection two of section C pertains to the manufacturer's instructions, that section pertains to battery operated smoke detection equipment.

As such the -- the smoke detection equipment as provided will be contained in -- presumably in a box including instructions as to its installation as opposed to the -- the building code.

So the smoke detection equipment installed pursuant to subsection C will be battery operated and as such will be installed pursuant to the manufacturer's instructions. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker. And thanks to the Gentleman for his answer. Again I think you just described what the bill says. But I would suggest that in accordance with the manufacturer's instructions I something that is significantly less

than the building code. After all we won't know what the instructions would say for the many, many different brands of smoke detectors and carbon monoxide detectors that exist in the marketplace. They could come with no instructions whatsoever.

So in that case it -- you could make the argument that maybe the seller complied no matter what they did. In section E there are a number of folks that are exempt from this requirement.

And we already described I think that ones that might have had the best argument for being exempt, those folks that -- who would agree that these detectors not be installed because they have no need for them because of the condition or state of the property are not listed. But there are some other situations that are indicated.

And I noticed that there are transfers by the federal government are indicated. And I'm wondering, through you, Madam Speaker, why is it we are excusing the government from being able to transfer property and not have this obligation? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And I thank the Representative for his question. The exemptions for the most part were taken from the exemption -- exemptions other -- seen in other various places in statute. The federal government was exempted because it was contained in other areas of statute under the exemptions.

I think the practical matter of the fact is that -- that it will be -- often be rare when the federal government will in fact own a piece of residential real property for one or two family homes and thereafter transfer it. But I understand the Gentleman's questions and can only respond by saying that these exemptions are elsewhere in statute and for that reason were contained therein. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker. And thanks to the Gentleman again for his answer. And again I -- forgive me for putting you on the spot there. I know that's not the best question to answer in the world is

why the government would see -- seek to excuse themselves from a situation that they would require for the -- the rest of the population. And I think it's the kind of thing that upsets people on the street on a daily basis that the government tends to make its own rules but doesn't necessarily live by the same rules that they make for everyone else.

And again I point out that those are federal government is that we're talking about. So it's -- it's not us this time. I think I'm done with my questions so I'll let the good Gentleman sit down but I just want to wrap up briefly and reiterate some of the concerns that I have.

From the beginning I think I started by saying that the concern here is whether or not the government should have any say in a private transaction, a contract between two willing parties or more for the sale or real property. And I don't think that they should. And I think that most people on the street if asked they would also agree that the government's only role is to protect the parties in case one of them does not comply with the requirements of their agreement, not to be involved in the agreement in the first place.

And the second thing is that I think that we are doing something very dangerous by altering the way real estate transactions are made. As I described I think we are weakening the entire transaction process which normally relies on a -- a real estate agent representing a buyer, encouraging that buyer to do their due diligence to make sure that they are fully aware of the property that they're buying by hiring a home inspector and being sure that that house has been inspected and they are fully informed on what they're getting and also from a standpoint of being able to negotiate the sale properly.

As we continue to make that disclosure that is required of sellers more and more all-encompassing there is less and less likelihood that buyers are going to feel the need to get an inspection. We're feeling that the seller's already warranted so many things are in good repair. And that goes to the heart of this matter. And that is why are we stopping here.

I mean if we're going to say there is a genuine danger that someone might be hurt in a fire or by smoke damage or by carbon monoxide so much so that we're going to require a seller to say that these things are updated and are in working order at the

time of the sale. Why are we stopping here? Why are we not saying oh gee, the electric system in the house has to be up to snuff too?

Certainly people are -- suffer tragedies because of electrical fires and homes that are miswired yet we're not making any requirement the seller you know swears an affidavit that their electric system in their home has been wired properly or for that matter the heating system. And that's another concern that I have is that I think that when you start talking about carbon monoxide the heating system in a part and component part of that system.

So for someone to swear an affidavit that the system is working properly and not producing carbon monoxide they're not only saying that the carbon monoxide system is working properly but also that their heating system is not generating carbon monoxide. We have gone -- I really wish I knew where the origins of the way you know these private transactions came from.

I would love to be able to say gee you know its British common law for you know 1,000 years or something like that. And we came over here or something. I don't really know. But the fact of the

matter is that people on the street realize that when you have a private transaction that it's the buyers responsibility to protect themselves.

And this is the way real estate certainly has been conducted since this country began and people know that they need to protect themselves by getting a home inspector and making sure the house is properly inspected. They know that they need to get an attorney to make sure that they're buying the right piece of property and that the property lines are where they expect them to be and that there are no encumbrances or you know liens on the property that they don't expect.

So I think we're changing things by putting something extra on the seller that was not there before. And to me it's the start of something much larger. And for those reasons, Madam Speaker, I can't in good conscience even though this bill on the surface feels good.

It's like oh yes we're going to help prevent a catastrophe at some point in the future. I don't believe we are. I think that the system works the way it is. I know tragedies have occurred. But tragedies will occur in our society. Because we are taking this

extra step I don't think we're protecting anyone.

In fact we're leaving the buyer with less of a desire to protect themselves and they are ultimately who's responsible for themselves. Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative LeGeyt of the 17th.

REP. LeGEYT (17th):

Thank you, Madam Speaker. Good evening. I have a comment and then probably some questions for the proponent of the bill and -- and perhaps a comment to close.

DEPUTY SPEAKER SAYERS:

Please proceed, Sir.

REP. LeGEYT (17th):

Have been waiting for this legislation to come before us. I understand the need for homes to be protected from subsequent owners. There -- that's the essence of our building code. We want to protect homes in case other public service employees, fire, police, EMS need to enter the house.

There are more people to be protected than simply the owners and therefore some of the laws that were exclusive to owners and the right to have and hold

their property as they saw fit have had to been -- have had to be modified to protect those people who might come into the home to provide services. I was looking at this bill -- the amendment I mean and comparing it to the bill that it's replacing and I have some questions if I may.

DEPUTY SPEAKER SAYERS:

Please frame your question, Sir.

REP. LeGEYT (17th):

Thank you, Madam Speaker. To the proponent of the amendment, the original bill appears to have no timeframe in its first section and yet the amendment sets out a period of between 1985 and 2005 for the -- for this bill to be involved. No building permit -- no new occupancy after 2005 October 1 and no new occupancy before 1985. And I guess I can imagine why that scope was narrowed.

But I'm of the opinion that structures that were given certificates of occupancy before 1985 might well on the average and in the aggregate be more problematic with regard to fire, smoke, and carbon monoxide than buildings newer than 1985 or buildings for which they've gotten a building permit with regard to older furnace systems and a whole variety of

mechanicals that may well simply by virtue of their age be more -- there's a greater possibility that things could go wrong. So my question is why was the timeframe limited to after 1985? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And I thank the Representative for his question. The timeframe as outlined per the October 1, 1985 as of October 1 -- any -- any building -- residential building for which a building permit for new occupancy was issued on or after October 1, 1985, in order to receive that building permit a requirement thereof was to have hard wired smoke detection equipment.

So homes built -- or for residential homes for which a building permit for new occupancy was issued on or after October 1, 1985 forward there's a presence of smoke detection equipment in those homes. So that date was somewhat the base level, the starting point I guess you could say.

Homes before that -- and I agree with the fine Representative -- the homes before the October 1, 1985

for which the building codes were slightly different perhaps less stringent, those homes in fact were built with materials that are much more fire -- much less fire resistant. Those homes were built in a different way. They're older.

And I agree with the Representative in his description of all of those homes which is why when you move on through the statute to the affidavit section, the first section of the affidavit the individual must one either A affirm that the home was built on or after October 1, 1985. If they can do that we know that there's some smoke detection equipment present in the home.

If they can't do that they then have to take the affirmative action and install that smoke detection equipment if it's not there. So the October 1, 1985 date was put somewhat a -- a base level. We know from that date forward there is some form of smoke detection equipment present in the home. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you very much, Madam Speaker. And so just

to -- so that I understand the -- the fact that a home was -- had its certificate of occupancy issued before October 1, 1985 is indicative that that home has more potential for fire, smoke or carbon monoxide and yet the threshold was still established and perhaps I didn't understand the Representative's answer but it sounded like he was saying that after October 1, 1985 there's a greater expectation that the home is somehow protected from those dangers.

But I couldn't understand if he said something about before 1985 that made that threshold acceptable. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Yes. Thank you, Madam Speaker. And I will clarify for the Representative. The building code that went into effect as of October 1, 1985 the building code pertaining to residential buildings. In order to receive a certificate of occupancy per that building code one of the things that had to be -- one of the requirements of that residential building is that there be hard wire smoke detection equipment present.

If you received your building permit for new occupancy for a building built on October 1, 1984, the requirement and component of obtaining that building - - of obtaining that permit was not being able to show that there was -- there was smoke detection equipment present. That was not a requirement to obtain that building code.

When the building code was revised and updated and put in place as of October 1, 1985 a requirement thereof was that smoke detection equipment had to be present in some shape or form and it was different in terms of location and size of the house and things of that nature. So through you, Madam Speaker, I hope that clarification is sufficient. If not I can expand. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker. And so my conclusion to draw then is that this bill -- amendment which will become the bill does not speak to homes for which the certificate of occupancy was gained prior to 1985 even though there's an increased concern and perhaps danger that systems in those homes are more likely to result

in something for which smoke, fire, carbon monoxide detection equipment would be a benefit. Is that a conclusion I can draw? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And perhaps to clarify my -- my comments earlier. Homes built -- this legislation does in fact address homes built for which a certificate of occupancy was issued prior to October 1, 1985. The manner by which it does address those homes is that it requires those -- the individuals transferring those homes to take the affirmative step and install battery operated smoke detection equipment in those homes. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker. And I appreciate the clarification from the good Representative. I'm looking at -- I'm looking at the amendment now which will become the bill, section C and D talking about the installation of those -- installation of that detection equipment and I don't see -- is the

Representative helping me to understand that somewhere in the bill it references a timeframe for before 1985 and puts an increased requirement on the owner to have the smoke, fire and carbon monoxide detection equipment in the home? Through you.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And to the fine -- fine Representative. First off obviously underlying our back and forth is the portion of the statute subsection B whereby any individual transferring a home is exempt from providing an affidavit. So just -- I want to be sure the Representative has that in mind as -- as we continue our discussion.

In lines -- lines eight -- eight through 11, the first section of the affidavit should the transfer of real property in fact decide to pursue the affidavit as opposed to the \$250 credit the individual may -- must make the affirmation in line eight either that such building permit for new occupancy was issued on or after October 1, 1985.

In making such an affirmation the individual will be affirming that as a result of being issued a

building permit on or after that date the home has a presence of smoke detection equipment. If the individual cannot affirm that information the individual must then affirm that such a residential building is equipped with smoke detection and warning equipment complying with this section.

Lines nine through ten pertain to all residential buildings for which a smoke -- for which a building permit was issued on or before October 1, 1985 as opposed to the first part of that affidavit which pertains to homes built on or -- on or after October 1, 1985. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you very much, Madam Speaker. I appreciate the good Representative's patience with me while I try to understand just what this bill sets out. I'd like to move on to the statement in section -- in lines 16 through 18 about the requirement for \$250 payment at closing if the -- if the seller can't demonstrate that the home has fire, smoke or carbon monoxide detection equipment and I am making my comments in line with the comments that Representative -- Representative Sampson

made just prior to my taking the floor with regard to the liability that that does not or not set up on behalf of or benefit of the seller.

If the -- if the good Representative is seeming to indicate that establishing the requirement for this sum to be paid at closing sets us some liability I -- I am wondering absent any affirmative language about liability it appears to me that the -- that section could simply be trying to make the buyer whole for the lack of equipment in the home as opposed to establishing any liability at all on the part of the -- to protect the seller if something occurred. Am I -- am I correct in my assumptions there? Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146):

Through you, Madam Speaker. And -- and to clarify the Representative's question I believe it to have been -- it is the \$250 credit looking to excuse -- Madam Speaker, through you may -- may the Representative just please clarify his question.

DEPUTY SPEAKER SAYERS:

Representative LeGeyst, could you reframe your

question please?

REP. LeGEYT (17th):

Yes, Madam -- Madam Speaker, I'd be glad to. Does the \$250 payment by the seller at closing if there is no detection equipment in the home does that -- is that intended more to make the buyer whole or is it intended to establish some liability to protect the seller and if -- if -- if it's the latter then why is there not any more affirmative language in that section referring to a -- a protection of liability for the seller? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. Subsection B of the legislation does not provide any level of liability towards the seller. In fact that subsection provides an opportunity for the seller to make a payment in place of the affidavit.

If the seller were to choose to do that they would -- they would not be filing an affidavit with the transferee and -- and as a result they would be affirming the presence or lack thereof smoke detection or carbon monoxide detection equipment. So that

section does create any sense of liability on the seller.

What that section can do and I think to speak to the other part of the Representative's question in terms of does it make the buyer whole. I think to a certain extent the answer may yes, the idea being that -- that if that affirmation is not made by the seller of real property, if the payment is instead placed -- if the payment is instead made in place of that affirmation, that payment hopefully, ideally in perfect world will be used to be put towards smoke and carbon monoxide detection equipment that the buyer then can install in their home. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker. And I think the question and answer are important for legislative intent such that subsequent buyers and sellers in real estate transactions can rely on what that -- what that section really intends to set out. In section C and D I -- I think I heard the good Representative when he was explaining the amendment talk about hard wired

equipment and yet in section C -- C and D it references that -- there's no such reference to hard wiring. It -- it allows the equipment to be operated using batteries.

I did look back into the prior bill that this amendment would replace and there was some reference to hard wiring. Am I correct that hard wiring is not part of the amendment that's before us even though it was part of the underlying bill prior to this amendment and if the good Representative could share why that change was made? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And the sections C and D pertain only to battery operated smoke detection or carbon monoxide detection systems because that in fact is exactly what those two sections pertain to. Should an individual have to comply with sections C and D of this legislation that individual will in fact not have hard wire smoke detection equipment present in their homes.

Instead that individual will have to install batter operated smoke detection or carbon monoxide

detection systems in their home thereby complying with sections C and D of the legislation thereby using battery operated smoke detection equipment. The reference to hard wire smoke detection and carbon monoxide detection equipment I guess one could say perhaps is implied to the reference of the -- the two dates contained in this statute, October 1, 1985 and October 1 2005.

As of October 1, 1985 forward any building -- residential building for which a building for new occupancy was issued will have hard wire smoke detection equipment in it. Any building -- residential building for which a building for new occupancy was issued on or after October 1, 2005 will have both hard wire smoke detection equipment and hard wire carbon monoxide detection equipment. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker. I appreciate that. And that -- that is clarifying for me. In sections C and D we're talking about where those -- that detection equipment might be installed. And in

section C it talks about in the immediate vicinity of each bedroom.

And in section D for carbon monoxide detection I don't see any reference to where the equipment needs to be installed so beginning with section C in the immediate vicinity of each bedroom would the good Representative confirm that that reference does not require that the detection equipment for smoke will be -- have to be in each bedroom and also that it doesn't mandate one piece of equipment for each bedroom. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you very much, Madam Speaker. And I thank the Representative for the question. Indeed it is a good one and he is correct with his interpretation of -- of that language. Section C2 does not in fact require that a smoke detection equipment be placed in each bedroom. It instead requires that it be placed in the immediate vicinity of each bedroom.

And for further clarification to the fine Representative that phrase is interpreted and defined as being in a location whereas if that smoke detection

is sounded or if the alarm does in fact go off the noise can be heard. It's close enough to the bedroom that the noise could be heard through the bedroom door. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Rep. LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker. and therefore if -- if that's the case then for two bedrooms that are in the same hallway one piece of equipment in the hallway halfway between them as long as the noise can be heard through the doors would be sufficient. Is that true? Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Yes, Madam Speaker. That's correct.

DEPUTY SPEAKER SAYERS:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you very much, Madam Speaker. And in section D with regard to location am I -- am I not reading between the lines to distill from the section where the carbon monoxide detection warning equipment

should be placed? Through you -- through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And the Gentleman is correct and I will say prior drafts of this legislation section D mirrored section C. And through our conversations with various parties we came to realize that in fact the location for carbon monoxide detection equipment often is quite different than the location of smoke detection equipment.

In fact carbon monoxide detection equipment primarily needs to be placed in the close proximity to either a fuel burning appliance, fireplace, attached garage and as such if -- if we in fact required that carbon monoxide detection equipment be placed in the immediate vicinity of each bedroom and mirror the language in subsection C we might be going above and beyond the requirements that are actually necessary -- the standards that are necessary for carbon monoxide detection equipment.

So so far as subsection D is concerned we would hope that we would rely instead on the language be

installed in accordance with the manufacturer's instructions and -- and place such detection equipment in or near the approximate area fuel burning appliance, fireplace or attached garage. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you very much, Madam Speaker. And I asked that question and appreciate the answer and hope that it provides some legislative intent for purposes of discerning just where the carbon monoxide detection warning equipment should go. In section E the various exemptions situations, I'm curious about one of them, lines 42 and 43.

Any transfer of title incident to the refinancing of an existing debt secured by a mortgage. Does that assume that there is a transfer of title from one person to another not necessarily part of the exemptions that are in number two above that? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And I thank the Representative for the question. Lines 42 through 43 section six of subsection E of this piece of legislation speak to the circumstances in which for instance my wife and I own a condominium. We have a mortgage on that condominium.

If we in fact go out and refinance we are exempt from this legislation, will not need to make -- or actually I shouldn't say condominium. If we owned a residential home with a mortgage on it we wouldn't have to refinance that mortgage we would not need to provide an affirmation to ourselves. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you very much, Madam Speaker. I appreciate that answer. And in the circumstance where the good Representative is refinancing a mortgage on a condominium that he owns with his wife, if that refinance occurs with a different lending institution does the exemption still apply? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Through you, Madam Speaker. It does and again just to clarify the Representative's question I misspoke earlier making reference to condominium. This legislation is in fact concerning residential buildings designed to be occupied by one or two families.

But to -- to directly answer the Representative's question yes it would. The exemption would apply so long as the -- you're refinancing an existing debt secured by a mortgage. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you very much, Madam Speaker. Lines 46 and 47 were transfers made by executors, administrators, trustees or conservators. If the transfer is made through an estate pursuant to a will and the transfer is made from one beneficiary to another I can understand where that might be qualified under exemption number two on lines 38 and 39.

But if the transfer from an estate, executor, administrator, trustee or conservator is to a third

party would it not then take on the auspices of a real estate transaction much described in an earlier part of the bill where buyer and seller are not related, connected and therefore affidavits would need to be made or sums would need to be transferred or representations would need to be made about this detection equipment? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. I thank the Representative for the question. I understand his fine point. As proposed this amendment provides an exemption so long as the transferor is an executor. And in the example that the Representative provides so long as the transferor is the executor the receiving party is irrelevant so long as the transferor is the executor that -- that -- that transfer is exempt from this legislation. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker. and therefore for purposes of legislative intent section eight, lines 46

and 47 does refer to transfers where the transferor is the executor, administrator, trustee or conservator and the -- the recipient the transferee is a relative. Is that -- is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

No, it is not, Madam Speaker. Through you. Section eight pertains simply to the exemptions -- apply to transfers made by executors, administrators, trustees or conservators. The transferee is irrelevant. This again is a responsibility put upon the transferor of the residential real property as such any transfer made by the executor, administrator, trustee or conservator, whether it be to a -- a relative, a beneficiary, a son or a daughter doesn't -- does not matter so long as the transfer is made by the executor, an administrator or trustee or a conservator then that transfer is exempt from this legislation. Through you Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative LeGeyt

REP. LeGEYT (17th):

Thank you very much, Madam Speaker. And therefore -- this is my last question. Why is that transfer protected if it could be from one of those four fiduciaries to a third party not connected to the estate, to the real estate, to the -- to the transaction at all except by virtue of being a willing participant? Through you.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And to -- for one moment to harp back to the prior line of questioning in terms of when the -- the fine Representative prior to Representative LeGeyt inquired as to the basis for subsection E. These exemptions are based in other areas of the statute.

For example this -- this exemption section A to subsection E is included in the group of parties that are exempt from filling the residential -- filling out and providing the residential disclosure condition report at the time of closing. And so the -- the burden -- the burden that will result from this legislation the intent is that it be placed upon the transfer of property as such it is the transferring

party that has the responsibility. The transferring party has no responsibility and assumes none. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you very much, Madam Speaker. And that last -- that last response was significant for me and I understand just where -- just how this -- how that applies to the amendment here. Madam Speaker, thank you. I -- I have no further questions. Thank you, Madam Speaker. I -- I -- I'm -- I'm intending to support this bill. Thank you.

DEPUTY SPEAKER SAYERS:

Thank you, Representative. Representative Smith of the 108th.

REP. SMITH (108th):

Thank you, Madam Speaker. Good evening.

DEPUTY SPEAKER SAYERS:

Good evening to you, Sir.

REP SMITH (108th):

Now I think it's -- Madam Speaker, this is one of those bills that you know there's a genuine good purpose behind it. You know the idea of trying to save

lives is always a good idea and I think this is one of those bills that's a good idea, in practice it may be a little bit different.

And I think there's some unintended consequences that may result as a result of some of the language in the bill. And because of that I think I need to ask - - ask a few questions to the proponent if I may.

DEPUTY SPEAKER SAYERS:

Please frame your question, Sir.

REP. SMITH (108th):

Thank you, Madam Speaker. Typically what we see in a real estate transition is the buyer and seller would negotiate various terms of a contract, what's in the sale. What's being repaired? What the purchase price is. It goes on and on and on.

And what this bill in my mind is doing is taking a piece of that negotiation out -- out of the realm of the parties and basically putting a mandate on the seller saying seller unless you do this such as make sure by signing an affidavit that the smoke detector is working and the CO or the carbon monoxide detector is working then you'll either pay a \$250 fine or you'll install them.

And I think that's a interference with the

private contractual rights of the parties which is somewhat concerning to me. I'm looking at lines eight -- basically seven and eight. It talks about the seller having to fill out or sign an affidavit that such building permit or new occupancy was issued on or after October 1, 1985.

And my question to the good Gentleman is the building permit that we're talking about, would that now also be available in the town hall either in the building department or the zoning department? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Yes. Through you, Madam Speaker. And first off I want to thank the Representative not only for his question but for his time over the past several weeks in discussing this piece of legislation knowing of his experience in the field of residential real estate. He's been quite a resource over the past few weeks so I thank him for that.

The short answer to his question is yes. Building permits I presume depending upon the town or the municipalities' manner by which they file and

store those building permits, yes, the building permits for new occupancy issued on or after October 1, 1985 presumably again dependent upon the town's files and record keeping that building permit would in fact be available. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

And thank you, Madam Speaker. And thank Representative Fox for his kind words. I do appreciate that. I'm always happy to be a lending ear to any type of legislation and make it a better bill if I can so I appreciate his kind words. The fact that the building permit is potentially or in my experience is on file unless you go way, way back to the 1900s generally the building permit is on file in the town hall.

Should it not be the duty of the buyer to take a look at the town hall records to see whether there is or is not a building permit and if so especially from 1985 forward, thereby learning the answer to the question of whether it was built or remodeled after 1985 satisfying the conditions of this bill? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And I thank the Representative for his question. The lines six through eight or six through nine to which the Representative refers require of the transferor that they make the affirmation that the home was built on or after a building permit was issued on or after October 1, 1985 and not that that permit actually be supplied to the transferee. And again to -- to get back to the underlying intent of the legislation.

The idea here is that the responsibility be placed upon the transferor to proclaim or affirm that the residential real property is equipped with smoke detection equipment. As such in pursuit of that the idea being that the transferor must affirm that the permit was in fact issued. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker. And I think therein lies the rub really between the difference in you know

where I think this bill might -- ought to be and where the purpose of the bill as indicated by Representative Fox should be. It seems now that we're putting on the seller to make representations to the buyer that the system is working or if it's not working we'll fix it or if we're not going to fix it we'll pay \$250.

The past history has been as far as I know since practice in real estate from 1983 forward is that the duty and onus has always been typically on the buyer to do an inspection of the home to determine what's working, what's not working and then to negotiate those items with the seller.

And what this does is it takes that negotiating -- negotiation out of the equation. It simply tells the seller you have to do this or this is the consequence. So I think there's a policy shift that's taken place here that in doing so I'm not -- you know we're trying to remediate potential to people who buy homes and have fires and perhaps die of carbon monoxide. I understand all that.

But while we're protecting those people we're changing the way that we practice real estate as far as I can tell in the State of Connecticut by putting the onus now on the seller as opposed to the buyer.

For instance, it's not unusual throughout the State of Connecticut in my experience that when a buyer and a seller engage into a transaction there is a contract that is executed.

In the contract there is -- there are several terms and several representations. The seller will represent that the septic is fine, the well is working, the plumbing is in good order, the electrical system works, so on and so on and so on.

All the contracts that I have dealt with typically will have a clause in there that those representations do not survive the closing of title. And my question through you, Madam Speaker, is will the affidavit that's referred to in line number seven will that affidavit survive the closing of a title or will it not? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And I thank the Representative for his question. That affidavit -- the question being will that affidavit survive the closing of title.

The information being affirmed in that affidavit

is that upon -- upon the transfer of title the smoke detection -- again, assuming that the transferor did not opt for the \$250 exemption or things of that nature.

That affidavit will -- will require the transferor to affirm that upon the transfer of title the smoke detection equipment and carbon monoxide detection equipment in the home again if they weren't -- assuming they weren't exempt in the home were in compliance with subsection C and subsection D of this legislation.

So will it survive the closing of title? I guess to the extent that the affirmation that it was working as of that day and upon the transfer of title then to that extent I believe so. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

And there's the biggest concern that I think have with the bill, Madam Speaker, is that if in fact the affidavit survives the closing of title what that is telling you and me and any seller or buyer is that upon -- once the sale is consummated we close the title, buyer gets the deed, the seller gets the money,

the seller takes a trip to Florida buys a new home. A year later, two years later, three years later there's a fire in the house or there's a carbon monoxide poisoning in the house.

Now because the affidavit survived the closing of title what now means and what now happens is that the seller is now potentially liable or on the hook because the smoke detectors malfunctioned or the carbon monoxide system wasn't working and if it's traced back to the time of the closing when the seller knew or should have known it wasn't working or made an affirmative representation that they were working then now have exposure to liability.

And this is very, very, very different than the real estate world as we live in today. If I make a representation to you, Madam Speaker, that the septic is working and I close title to the property, two weeks later the septic fails I have no exposure to you. I have no liability to you because the closing has already taken place unless I committed some type of fraud or fraudulent misrepresentation.

So in that situation my representation does not survive the closing of title. In this situation the affidavit survives the closing of title exposing the

seller to liability for years to come. It creates a whole new process of law that we have not dealt with her in Connecticut.

So I think it's an issue that concerns me. I think an issue that would concern the real estate world. I think it's an issue that will concern the real estate attorneys because going forward I cannot imagine representing a client saying here seller sign this affidavit confirming that your smoke detectors work.

Because quite honestly, Madam Speaker, they may not know if the smoke detectors work or not. They may not know if the carbon monoxide system works or not. They may think they're working. They hope they're working. But they may not be working. And if we have the seller sign this affidavit confirming that they do work they're now exposing themselves to potential liability for years to come.

So that is my biggest issue with this bill. So I -- I throw that out there I know as more of a commentary but if the good Representative has a response to that I'd love to hear it. If not, I'll ask some other questions. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Yes. Thank you, Madam Speaker. And I apologize to the Representative because I believe I may have misspoke when responding to his prior question. I understand his concern. And -- and he and I although I think it's probably different from what I've stated earlier.

He and I are -- are in agreement on this very issue. The representation that is being made upon the transfer of title is that there's a certification of the presence of working smoke and carbon monoxide detectors at the time the property is transferred. The individual making that representation is not affirming as to the working order of either of those detectors six days after closing, six weeks after closing or six months after closing.

That individual is -- is making the representation that those detectors are working at the closing of title and not beyond that. So I apologize for misspeaking if I in fact I did so earlier. The presentation being made by the transferor, they're affirming that smoke detectors and carbon monoxide detectors are present and working in the property at

the time the property is transferred and at no point beyond. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

Well Madam Speaker, just I guess for the record we'll have to disregard everything I just said for the last ten minutes. So I apologize to the good Representative for going on in that fashion but I guess for legislative intent purposes though it is important that we clarify this issue.

So I understood Representative Fox's representation to me that the affidavit will not survive the closing of title and for legislative intent I just want to verify I'm accurate. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

The Representative is accurate and -- and I appreciate his patience. Thank you, Madam Speaker. through you.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker. And I want to thank the Representative for first of all putting up and listening to that dialogue when he -- I guess he did not need to and clarifying the answer. Just a few more questions.

I know most of them have been asked and answered so if this one was I did not hear it. But if -- if the house is being sold as is, in other words the parties have a contract that says the house is being sold as is. Take it or leave it. This is how it is. I'm unwilling to make any repairs. I'm unwilling to give any credits. Here's the deal. Do you like it? Yes. If not, I'll sell it to someone else.

When you have an as is transaction would the seller still be obligated under the bill as being proposed here today to either sign the affidavit or pay the \$250 fee assuming they are not otherwise exempt? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Through you, Madam Speaker. Yes, so long as the home does not qualify for one of the exemptions

contained in subsection E of the statute so long as the home was not issued a building permit for new occupancy on or after October 1, 2005, the short answer to the Representative's question is yes. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

And Madam Speaker, thank you. And I thank the Gentleman for his answers. He's been very clear and kind in terms of responding to my questions. I think this is a policy shift nonetheless. I think it adds another cost to the transaction at a time when sellers can ill afford another cost to be added even though it's only \$250 because the cost is real.

Either they fail to sign the affidavit or they install the smoke detectors and carbon monoxide detectors which approximately cost \$250 based on what I think I've already heard. So this is another cost to a seller in a depressed market at a time when sellers are losing money on their homes.

This may be a bill for a better day. I don't think it's a bill for today. So for that reason and the reasons I've stated, Madam Speaker, I don't think

I can support it but I do thank the Gentleman. Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative. Representative Ackert of the 8th.

REP. ACKERT (8th):

Thank you, Madam Speaker. I rise for a couple questions regarding section C and D, through you, Madam Speaker, of the amendment.

DEPUTY SPEAKER SAYERS:

Please frame your question, Sir.

REP. ACKERT (8th):

Thank you, Madam Speaker. This is an area that I'm a little bit more familiar with rather than some transactional pieces. I will have a question on that part. But typical -- at -- right now, homes built and the dates that you have are -- are accurate in terms of some of the basic installation codes for smoke detectors.

Pre-85 there really wasn't anything after 85, it was one per floor level for smoke detectors. Since that time codes have updated and now it's one per floor level and in each bedroom. So the -- the component on line 25 -- 22 where it says in the

immediate vicinity of each bedroom under smoke detectors isn't in any of the installation manufacturing pieces in terms of the manufacturer's suggestions by the way and rather than should be. Where -- where did that line originate from? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And I thank the Representative for his question. He and I had an opportunity to work on legislation somewhat in the same field our last legislative session so I thank him for his insight. That language concerning the immediate vicinity of each bedroom was I think if I heard the Representative correctly he was correct in - - in that it's a suggested placement.

There are battery operated smoke detectors. The placement of hard wire smoke detection equipment per the building code that's in place today is -- is different and much more expansive. This legislation would require the installation in accordance with the manufacturer's instructions and in the immediate vicinity of each bedroom.

The manufacturer's instructions typically, not all the time but the suggestion is that they be located in the immediate vicinity of each bedroom. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Madam Speaker. And thank you to the good Gentleman. And yet this -- this is a laudable piece of legislation and I -- and it was one that you know we truly want to get -- get right in terms of the installation requirements. I think the area that we really want to make sure that if we're going to do this and -- and add protection then let's put it where they're supposed to be.

So in terms of smoke detection it's one per floor level and in each bedroom. And that is suggested in the manufacturer's instructions but not required. So somebody could be saying well I only need to do you know by my thoughts of how I read a manufacturer's instructions may be different than what we truly need to have for the correct protection.

Would it be -- under this -- if somebody had a installed fire alarm with seal protection, a -- and I

hate to use the terms of corporate aid but everybody can say -- think of ADT. Would that meet this requirement? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Would an ADT smoke and carbon monoxide meet the requirements of this legislation? Is that the question? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ackert, will you please frame your question.

REP. ACKERT (8th):

Correct. If that -- that alarm was for smoke and CO detection. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And so long -- and I -- and I -- I'm not entirely familiar with the ADT system. I believe although I could be incorrect. I believe it is a hard wire smoke detection system. Is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Madam Speaker. And that is correct. typically a hardwire and some are radio frequencies but I'm just making sure that if somebody had that extent of an alarm system in that they would not also have to provide a credit possibly or then put in batteries. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And through to the Representative I -- I -- I believe the answer to the Representative if they had to comply with the legislation if the home was built prior to October 1, 1985 and the -- the transferor could not affirm that it was built after that date thereby having hardwire smoke detection equipment.

If the home was built prior to October 1, 1985, had an ADT smoke detection equipment the transferor would be unable to comply with this legislation and in order to comply with this legislation would either have to install battery operated smoke detection equipment assuming the ADT equipment was not also

battery operated and compliant with this section or provide the credit of \$250. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ackert.

REP. ACKERT (8th):

Okay. And I'll just try to make sure I understood that. So if somebody has a whatever name company home fire alarm system, you know many complex in many cases. They're burglar and fire alarm. Not typically battery. They are hardwired.

Pre-1985 then from what I thought I heard is that they would also need to either provide an affidavit stating that they don't have that and the \$250 credit. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. That is correct. If they had such a system they'd be unable to -- they'd be unable to affirm by way of the affidavit that the building is equipped with smoke detection and warning equipment complying with this section and as result would either have to install smoke detection equipment

law/gbr
HOUSE OF REPRESENTATIVES

277
May 23, 2013

complying with this section or provide the credit of \$250 to the transferee. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Madam Speaker. And then in the -- from 27 through 34 we discuss a carbon monoxide detection and warning equipment and by our codes now -- and it does state where they -- where they recommend installations not require in manufacturer's installations. Primarily manufacturer's installations don't tell you where because they'll state a code that you maybe should address.

But in other words can't be in an area that's -- doesn't have any air movement, how it should be actually attached to the -- to the sheetrock. Things like that. And in that area the smoke detection -- the CO section should be per outside and that's where the line that we look at on 22 and 23, that line probably should have been in section 27 to 34 because that is actually the verbiage out of our State building code for the immediate vicinity of each bedroom is where CO detection.

And that's why I had to question earlier through

the proponent of the amendment in terms of where that language came from. That primarily deals with carbon monoxide detection rather than smoke detection. I guess that's more of a comment. But in that -- would it be -- if somebody had a wall plug in CO detection, many of those were the way we used to buy them, would that suffice to cover sections 25 through 34 and that is they are electric with battery backup I believe for the ones that plug in through the receptacles.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. Yes. Yes. To the Representative the answer is yes so long as that battery backup system complies with the other components of the -- of subsection D.

A plugin CO detector would be sufficient as such line 34 indicates such equipment may be operated using batteries. So the short answer to the fine Representative is yes. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ackert.

REP. ACKERT (8th):

And I thank you to the good -- the good gentleman because that's another option. Typically COs can -- are better actually near the floor level because CO is heavier than oxygen. So the -- and then that fits the -- because you could also -- and I imagine this would fit if you had a combination CO smoke detector which is very traditional now, a little cost savings and they are battery operated that they would comply through that sections that deal with 19 through 34, through you, Madam Speaker, if they were a combination one.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. So long as it complies with the section then the answer is yes.

DEPUTY SPEAKER SAYERS:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Madam Speaker. And is there any requirement if by chance the -- at the time of sale that the -- they decide to turn the affidavit over, give the \$250 credit, is there any mandatory requirement that that dollars must be spent on smoke

or CO protection? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Through you, Madam Speaker. No.

REP. ACKERT (8th):

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Madam Speaker. Thank you to the good Gentleman. I have no further questions, just a comment. The overriding goal of this legislation we know what it is and that is to make sure that homes are better protected and we're doing it as -- and I don't -- I don't mean this in -- kind of as a big brother in saying that we want you to put smoke detectors in your home.

We had a bill that passed and I believe came out last year that said by October 21 of last year that we were going to start a campaign to encourage people to put smoke detectors. I had seen that started but it was mostly done by municipalities where they were literally handing out CO and smoke detectors at fairs

and things like that to help -- help and have an understanding.

You know it takes unfortunately a tragedy sometimes for us to see our -- our own safety in our own home lacking in terms of smoke detectors. But I would encourage everybody in this building to go home and actually see what your smoke detectors are like now and see if you have them by the current code in every bedroom, in every floor level, a CO detection outside.

And I -- I'm probably you know for someone that installs them as part of my profession probably don't meet the current codes because it -- it's -- we kind of sometimes don't think you know that it's going to happen to us ever.

My concern though with this is that some of the wording could be -- could have been tightened up and -- and -- but I think it's a start. The problem I think is that without a -- and I don't like requirements and I think of us like mandates or the term requirements, that everybody that's going to go and have a transfer -- and I'm not saying everybody but the majority is going to say, you know an attorney may say just give the \$250 credit.

Don't sign any affidavit saying approved -- approved smoke detection and CO detection. You're already giving a credit to fix the roof, to fix the septic. Why not throw in the \$250 credit and the buyer will think about this like they did on the roof or the septic system maybe or whatever else may be from the home inspector's report. And nothing will get done.

And so our -- our attempt is laudable here but I think it's going to be mostly in the majority a \$250 reduction in the sale of the house price. But I do thank the good Representative for his work. You know we're trying to help stop a situation down the road. I'm not sure if this gets there but I do thank the good Gentleman's efforts and his answers. Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative. Representative Alberts of the 50th.

REP. ALBERTS (50th):

Thank you, Madam Speaker. Good evening. I have a few questions to the proponent of the amendment that's before us if I may.

DEPUTY SPEAKER SAYERS:

Please frame your question, Sir.

REP. ALBERTS (50th):

Thank you, Madam Speaker. In looking at the -- the lines in section one per -- that make reference to residential building I -- I was thinking about a number of buildings that we have in the State that really are mixed use buildings where we have a commercial enterprise that may be -- maybe it's a store on the first level but there may be a one or two family apartment type situation above.

Those types of scenarios are very common in -- in many of our communities. Would those fall under the definition of one or two family unit buildings?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And I thank the individual for his question. I do not believe so. This legislation is geared towards buildings that are deemed residential buildings, designed to be occupied by one or two families. I think the building that the fine Representative is maybe a mixed use building.

And so I don't anticipate and don't believe the

intent of this legislation is that that building to be included under this legislation. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. And looking at another type of property, say for example a trailer that was on a permanent foundation either in a trailer park or stand alone. Would that be a property that would fall under this category? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And I thank the Representative for the question. It's -- it's an excellent question particularly for purposes of legislative intent. And again I think that type of home would be defined differently or is defined differently than a residential building designed to be occupied by one or two families.

So I don't believe that a -- a mobile home as -- as suggested by the fine Representative would be included within this legislation. Through you, Madam

Speaker.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. And I live in a condo complex that has a -- has a number of different types of units. The building that I live in right now has a three unit -- it's a three unit complex or a three unit building.

Individual unit holders in each of those buildings, I think there's maybe two buildings like that but there are other units in the condo complex that have two units that are side by side. Would there be a different standard because of that three unit building that I live in right now that this would not be applicable? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And again I thank the Representative for the question and the clarification. This legislation is -- is geared toward residential buildings designed to be occupied by one or two families. Those buildings -- the intent of this

legislation is to be geared toward homes -- residential homes to be occupied by one or two families.

And so I think the example provided by the Representative a condominium containing three separate units -- two separate units, again I believe those -- those types of homes are defined differently and identified differently than that of a residential building designed to be occupied by one or two families.

So the answer to the -- the short answer, my long -- my long answer to the short answer would be no. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. I do appreciate the answers however long they are. Looking at line 14 there's reference to a fuel burning appliance and of course the examples I -- I think of are maybe gas powered stoves or gas powered refrigerators, wood stoves.

What if there were -- was camping equipment? I see we have a number of boy scouts here. What if

someone had a grill that was operated by a propane tank, would that be considered a fuel burning appliance under this definition? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And I thank the Representative. And -- and my answer to his question would we know a fuel burning appliance, I believe that the code indicates that the fuel burning appliance are those that contained indoors.

The grill to which the Representative makes reference to in my mind is something that is outside thereby the circulation surrounding that grill is sufficient. And so the answer to the Representative's question is no. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. I'm thinking of a different situation perhaps where you had a propane powered grill that wasn't something that was used for normal everyday use but might be brought out during

summer months for camping. Perhaps it's stored in a basement. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And I thank the Representative for his question. My -- my answer to him would be no. Again I think the item that the fine Representative is referring to is more of a recreation -- recreational item to be used in seasonal -- for various seasonal purposes.

This legislation is -- is -- hopes to identify and pertain to fuel burning appliances that of almost fixtures, stoves, refrigerators and then the similar items to which you referred to shortly -- shortly ago. Thank you, Madam Speaker. Through you.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. A number of years ago I had the opportunity to tour the Mashantucket Pequot Tribal Reservation. And as I'm going through this is there an exemption for tribal properties? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. The exemptions continued in subsection E do not appear to include an exemption for -- for travel entities. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. Can the proponent show me where that is. I'm looking at lines 40 through 41. Is that the reference transfers by the federal government or any other political subdivision thereof? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Through you, Madam Speaker. And I will repeat my -- my question. I apologize for having misspoke. I had indicated the exceptions contained in subsections E do not appear -- do not appear to include an exemption for tribal entities. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. There is reference here to the transfer of title incident to the refinancing of an existing debt. And I was thinking about a type of situation where folks often now as -- as they get older they contemplate reverse mortgages where it is a form of refinancing but there is a transfer of title upon the death. Would that be something that the proponent believes would fall under one of the exemption requirements? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And through you to the fine Representative. And to clarify his question I believe what he's asking is the example for which if an individual or a couple for that matter owned a residential home through the years were capable of paying off any debt to the point where the home no longer had a mortgage on it and for whatever reason after the fact needed to secure a -- whether it be a

reverse mortgage or a new mortgage for whatever purpose it may be and whether or not that instance would fall under one of these exemptions.

I guess what I would do is -- is perhaps direct the Gentleman should that transaction pertain to subsection one, perhaps the transfer from one or more co-owners solely to one or more of the other co-owners. That -- that may depending on the circumstances pertain to the example the Gentleman provides.

Other than that the subsection six I do not believe would be of assistance in the -- in the -- in the example provided by -- by the fine Representative so I think the answer would be if an older couple for example had no mortgage on the property and then had to get a new mortgage for one reason or the other they would not be refinancing an existing debt secured by a mortgage and as such they could not fall under subsection six. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. And I appreciate the detailed answer. In looking at item number seven in

the exemptions my hair started hurting trying to figure out what we were alluding to. And perhaps there's a plan English transaction that could be provided. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Is that a question, Representative Alberts.

REP. ALBERTS (50th):

It sure is, Madam Speaker.

DEPUTY SPEAKER SAYERS:

All right. Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And I again thank the Representative for the question. subsection seven of subsection E refers to the example if for instance my wife and I had a mortgage on a residential home that we owned and if a few years from now we had to go -- didn't have to or wanted to or for whatever reason wanted to obtain a second mortgage or a -- a line of credit or something of that nature. That example is one that would fall under subsection seven. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. And I appreciate the clarification. And then we make number of references in the subsection two in -- in subsection E that makes reference to transfers made to the spouse, mother, father, brother, sister, child.

When we make those references to mother, father, brother, sister, child, grandparent, grandchild where not consideration do -- for legislative intent are those also the same exceptions when step relatives are included? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

No, Madam Speaker. The legislation as written pertains solely to spouse, mother, father, brother, sister, child, grandparent or grandchild and does not appear to indicate any transfer made to a stepmother, stepfather, half-brother, half-sister or things of that nature. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. I do thank the proponent for his answers. I am intrigued by the

bill. I understand the origins of it. I'm somewhat skeptical about our need to regulate at the State level some things that I would hope that municipalities may better be able to do locally. But I do appreciate the intent of it and again I appreciate his responses. Thank you.

DEPUTY SPEAKER SAYERS:

Representative Bacchiochi of the 52nd.

REP. BACCHIOCHI (52nd):

Thank you, Madam Speaker. A question through you to the proponent of the amendment.

DEPUTY SPEAKER SAYERS:

Please frame your questions, Madam.

REP. BACCHIOCHI (52nd):

Thank you. The area that I have a question on is on the option of paying the \$250 in lieu of providing the affidavit. And I know in some of the real estate transactions that I've been part of in the property condition disclosure which is currently used between the buyer and seller the seller has an option to not complete the property condition disclosure and pay a fee.

But what often happens is the buyers presume that there's some -- possibly something wrong with the

property. And they get to the closing -- not often happens but I've seen it happen. They get to the closing and they find out that the sellers for whatever reason are choosing not to fill out the property condition disclosure.

And I've actually seen a situation where the buyers have asked to cancel the purchase because they felt so uncomfortable about that. So my question is if we get to the -- the point of purchase and the seller decides at that moment that they would like to pay the \$250 fee and the buyer determines there obviously is a problem here would that decision of paying the \$250 fee allow a buyer to legally get out of the contract to purchase? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. And I thank the Representative for the question. It is indeed a good one. And originates from a well versed individual in the field of real estate. And the answer is no. This does not provide a means by which an individual can cancel an otherwise valid contract. Through you,

Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

So I would just assume that even if the buyer was under the understanding that right up until the day of closing they were being told oh yes we're going to be installing the -- the necessary equipment. And the seller got to the closing and let's just say they had been busy that day and they just decided what the heck, I'm not going to deal with this. I'm going to just turn over the money.

Regardless of what they were told verbally prior to the transaction closing the seller still would be able to consider that deal solid. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

That's correct, Madam Speaker. Yes. This does not provide a means by which a otherwise valid contract can be done away with. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you. And I thank you for that clarification. And one other point was I heard you mention several times about the affidavit was really only making an affirm -- affirming that the equipment was installed was working property for that one day. So if any -- if anything happened the day after the closing there is no liability to the seller who made that affirmation that on that given day of closing they were working. The next day they're not working. There's no additional liability to the seller. That's the question. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. The individual assuming they decide to comply with the affidavit component of this piece of legislation is affirming that to the best knowledge and belief -- and to the best knowledge and belief the certification -- the presence of working smoke and carbon monoxide detectors at the time of the -- at the time the property is transferred.

So the -- the Representative is correct in her --
in her -- in her assumption. Through you, Madam
Speaker.

DEPUTY SPEAKER SAYERS:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Madam Speaker. It does lead me to
question though sort of what good is it if we're -- if
they're -- they're buying the house and the affidavit
is only stating that the installed equipment is good
for this one day.

It's kind of hard for me to get to the point
where I see how we have provided too much additional
comfort to a buyer who probably would want to either
replace it or make sure that it was working properly.
And my last question is just about in the field of
real estate I've worked with so many different
professionals.

And you know you have the realtor on both sides
so you generally have two realtors, you have the
buyer, the seller, a home inspector, the other
different vendors involved, the buyer's attorney and
the seller's attorney.

Who ultimately is responsible for letting the

seller know that they have this obligation and the buyer know that they should expect that? If none of the professionals ever tell the seller is it ultimately the seller's responsibility to know that they need to do that? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. Yes. This is a responsibility of the seller. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Bacchiochi.

REP BACCHIOCHI (52nd):

Okay. And also this affidavit is a separate document from the property condition disclosure. Will it be a uniform document that the seller or the realtor will obtain through the State of Connecticut? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. this indeed will be a separate and distinct document to be provided -- to be

provided again assuming they -- they -- they choose to -- to go by way of the affidavit. It is a separate and distinct. It is -- there is no uniform document currently that I'm aware of. And for the time being I don't anticipate there being created and distributed by the State of Connecticut a uniform document.

Thereafter I -- I would suppose should this legislation be passed by this Chamber and the other that perhaps local bar associations, professionals in the field may devise a -- a standard document that could be used and become commonplace in order to fulfill the requirements of this legislation. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Madam Speaker. And that's -- I have no further questions and I'm still struggling with where I stand on this bill because like the others before me that asked questions I completely understand the intent but I think it does change the process of real estate transactions and it does shift a burden that is normally negotiated between the buyer and seller onto the seller.

And I'm -- I'm not sure that that's some -- the best direction for us to move with our real estate transactions but I'll continue to listen carefully to the debate. Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Geigler of the 138th.

REP. GEIGLER (138th):

Thank you, Madam Speaker. And I want to thank Representative Fox for his patience in answering all these questions and it's very evident that you've been living and breathing this for the last couple weeks. As I know that he has worked very hard on this amendment.

The original bill that was the -- or the underlying bill that was before the Public Safety Committee there were some concerns and I -- the amendment has corrected those concerns for a number of individuals. The Connecticut Realtors Association has dropped their objections to this bill because of the amendment has corrected those concerns.

Another issue that was taken away was the ten day that an owner would have to be liable was also removed from the bill which caused many to support it. This -
- this amendment before us is really also a

culmination of even what occurred last year when we had the carbon monoxide and fire bill before us. And I understand that the Connecticut delegation this is a very important bill to them -- or I should say amendment which is now the bill before us.

So I would ask my colleagues to support the amendment that's before us that will ultimately become the bill and I urge their support. Thank you.

DEPUTY SPEAKER SAYERS:

Will you remark? Will you remark further on the amendment that is before you -- before us?

Representative Fox.

REP. FOX (146th):

Yes. Thank you, Madam Speaker. Madam Speaker, I ask that when the vote be taken it be taken by roll call. Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

The Representative has asked when the vote be taken that it be taken by roll call. All those in favor of a roll call vote please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER SAYERS:

The requisite 20 percent has been met. When the vote is taken it will be taken by roll call. Will you remark further? Will you remark further on the amendment that is before us? If not, will staff and guests please come to the well of the House. Will members take their seat and the machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber please. The House of Representatives is voting by roll call. Members to the Chamber please.

DEPUTY SPEAKER SAYERS:

Have all the members voted? Have all the members voted? Please check the board to see that your vote has been properly cast. If all the members have voted the machine will be locked and the Clerk will take a tally. The Clerk will announce the tally.

THE CLERK:

On House Amendment A.

Total Number Voting	135
Necessary for Adoption	68
Those voting aye	118
Those voting nay	17

Absent and not voting 15

DEPUTY SPEAKER SAYERS:

The amendment is adopted. Will you remark further on the bill as amended? Will you remark further on the bill as amended? If not, will staff and guests come to the well of the House. Will members take their seat and the machine will be opened.

Have all the members voted? Have all the members voted? Please check the board to see that your vote has been properly cast. If all the members have voted then the machine will be locked and the Clerk will take a tally. The Clerk will announce the tally.

THE CLERK:

House Bill 6160 as amended by House A.

Total Number Voting	136
Necessary for Adoption	69
Those voting aye	95
Those voting nay	41
Absent and not voting	14

DEPUTY SPEAKER SAYERS:

The bill as amended passes. Will the Clerk please call Calendar 377.

THE CLERK:

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VETO
SESSION**

**VOL. 56
PART 17
5161 - 5482**

On page 11, Calendar 661, Substitute for House Bill Number 6160, AN ACT REQUIRING WORKING SMOKE AND CARBON MONOXIDE DETECTORS IN CERTAIN RESIDENTIAL BUILDINGS AT THE TIME TITLE IS TRANSFERRED, favorable report of the Committee on Public Safety and Security.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Madam President, that item might be passed temporarily.

If we might stand at ease for just a moment.

THE CHAIR:

So ordered, sir.

(Chamber at ease.)

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if we might come back to order, and if the Clerk would call from Calendar page 11, Calendar 661, House Bill Number 6160.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 11, Calendar 661, Substitute for House Bill Number 6160, AN ACT REQUIRING WORKING SMOKE AND CARBON MONOXIDE DETECTORS IN CERTAIN RESIDENTIAL BUILDINGS AT

THE TIME TITLE IS TRANSFERRED, favorable report of the Committee on Public Safety and Security.

THE CHAIR:

Good afternoon, Senator Hartley.

SENATOR HARTLEY:

Good afternoon, Madam President.

I move acceptance of the joint committee's favorable report, Madam, and passage of the bill in concurrence with the House as amended by House "A," Madam.

THE CHAIR:

The motion is on acceptance and passage in concurrence.

Will you remark, ma'am?

SENATOR HARTLEY:

Yes, thank you, indeed I will, Madam President.

We know, Madam President and colleagues, that smoke detectors and carbon monoxide detectors save lives.

Carbon monoxide is the leading cause of accidental poisoning in the United States, injuring up to 20,000 a year and with deaths hovering near 500. We know that it's a silent killer, you can't see it, you can't smell it, you can't taste it.

Here in the State of Connecticut, we have tried to take steps towards protecting families from CO. In the recent storm -- and we've had this series of severe storms here in Connecticut, eight residents in the year 2011 succumbed to CO poisoning and hundreds were treated in our ERs, in emergency rooms, when they were using generators and alternate heating systems inappropriately. We, in 2005, required that carbon monoxide detectors be installed in one- and two-family dwellings from October 1st of that year, '05, forward.

The bill before us today, Madam Speaker, is another iteration of seeking to provide safety throughout this state. However, in -- also helping -- or the effort was to try to balance the initiative with what was a reasonable juncture or point in which the implementation of CO detectors for the outstanding universe of one- and two-family dwellings would be and that was identified to be a reasonable time to do this was at time of transfer.

And the bill, Madam President, requires, with some exceptions, that a seller before transferring title on a one- or two-family dwelling for which there is a building permit issued before the advent of our CO Bill, which was October 2005, that in that transfer the buyer give an affidavit -- excuse me -- that the seller give an affidavit to certify that the permit was issued on or after October 1, 1985, that the dwelling is equipped with a smoke detector or smoke detecting equipment, also that the affidavit certified that the building is equipped with a CO detector or CO warning equipment or that it doesn't pose the risk for CO poisoning by virtue of the fact that there is not a fuel-burning -- your appliance, fireplace or the like in the house or a attached garage.

In the event that the seller does not -- or the transferor does not choose to do the affidavit, there is an option to provide \$250 at the time of closing. House "A," Madam President, moves the date from October of this year to January of '14, and it replaces the requirement for the seller to bear the cost of the installation and simply gives us -- gives one the option for the \$250 fee for the failure to provide such an affidavit.

I would like to recognize the work, the significant work on this proposal over several years by the Stamford delegation and also many members of the Public Safety and Security Committee to come to a juncture where we were accomplishing something for the common good but in a reasonable manner without unreasonable and, in some instances, unenforceable mandates.

And I move passage, Madam.

THE CHAIR:

Thank you.

Senator Leone.

SENATOR LEONE:

Thank you, Madam President, and good afternoon.

THE CHAIR:

Good afternoon, sir.

SENATOR LEONE:

I rise in support of this legislation.

And I think it's, as Senator Hartley said, these -- these smoke detectors and carbon monoxide detectors quite simply save lives. And all too uncommon many of us, and in my community but other communities I'm sure, have had situations that if these were in the homes, disasters could have been averted, lives could have been saved.

And what we've done this -- we've done these kind of incidences for commercial buildings but we never really got down to the residential aspects of it, simply to -- for the fact that we didn't want to infringe on -- on the rights of homeowners. But as we were looking back to see -- to bring this back up to code, going forward, we realized that all homes should have these detectors in their homes to protect their loved ones and their valuable assets. The last thing any family member would want to say is "if only, if only I would've had that in this home we could have protected our valuables, we could've detected our loved ones."

And I want to thank Senator Hartley for all of her wise counsel and guidance on crafting this legislation. I know we've tried to do this earlier but there were still issues that she quite correctly brought to our attention that it required more work. And if it wasn't for her I don't think we could've gotten to this juncture. So I do want to say quite

simply thank you to her and to the rest of the Public Safety Committee.

But for our community who have suffered some serious loss due to the fact that these were not installed, I don't think this could've happened soon enough. So I would urge all my members to support this legislation.

Thank you.

THE CHAIR:

Thank you.

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President.

I appreciate that and I stand to thank Senator Hartley and all the others who were intimately involved in creating this bill. I know it's been around for a long time, and I know that there was a horrible incident in Stamford, very close to my district and in Senator Leone's district that caused things to accelerate, but not fast enough as far as I'm concerned.

And in the day of -- of very cost effectively produced smoke and CO detectors, it's inexcusable not to have these, at least the battery-powered ones, in your house. They're around 10 or 12 dollars apiece for smoke detectors, they have 10-year guarantee batteries, you can check them very easily, unlike the old days when you heard the beeps around your house and you spent an afternoon running around trying to figure out which smoke detector it was. They're very different these days. It's very easy to determine if the batteries are dead. So there's really no reason not to have these devices in one's house or one's condo or apartment.

And what this bill does is -- is require that they exist in a dwelling when it is sold. And it's a great bill, and I'm going to vote for it.

But just to make sure that we have as good a bill as we possibly can have, I do have a couple questions, through you, Madam President, of Senator Hartley.

THE CHAIR:

Please proceed, sir.

SENATOR FRANTZ:

Thank you, Madam President. I appreciate it.

Senator Hartley, I assume that battery-powered CO and smoke detectors are allowed within this -- within this bill.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Through you, Madam President to Senator Frantz, yes, yes, they are.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

And if we're looking at, through you, Madam President, lines 9 through -- 9 through 13, it says that residential buildings after October 1, 1985, that such residential building is equipped with carbon monoxide detection and warning equipment compliant with this section or does not pose a risk of carbon monoxide poisoning because such residential building does not contain a fuel-burning appliance, fireplace or attached garage. I'm trying to imagine, through you, Madam President, what sort of a building would not have a -- either fuel-burning appliance, fireplace or attached garage. Are we talking about a hunting cabin in the woods, or are we talking about more an older home?

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Through you, Madam President to Senator Franz, that is true. It is predominantly -- and us, particularly in New England, are predominately fuel based, but perhaps a house that is heated by solar or electricity.

Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

Through you, Madam President, I think Senator Hartley knows where I'm going with this. It excludes a lot of potential sources of combustion; however, it's not comprehensive in that someone may burn a candle in -- in a structure such as the ones that's described in this -- in this bill here in front of us, or if there is electricity. You don't have electricity unless you have some kind of an appliance, whether it's light bulb or a toaster for your, you know, for your toast in the morning; am I incorrect in -- in making that statement?

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Through you, Madam President, if I might ask for clarification, because I didn't hear a question in that to Senator Frantz. I may have missed it.

SENATOR FRANTZ:

Sure. Through you, Madam President, the question was am I incorrect in assuming that it's not comprehensive in terms of eliminating all of the potential sources for combustion in this kind of a -- of a structure?

And the reason why I ask the question is -- is because I want to make sure that for legislative intent that people do understand exactly what -- what you and -- and the committee wanted here because I think it's a great idea.

SENATOR HARTLEY:

Yeah, through you, Madam President to Senator Franz, yes, that is correct. It is not an exhausted list as you cite, sir.

Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President.

Thanks for that answer. And I would urge anybody who's watching or anybody who reads the transcript or watching the tapes that if you have such a building that despite the fact that you don't have to have the same requirements met, as is called for this bill, that you got to get one of these 10- or 12-dollar smoke detectors at least and consider getting a CO detector, as well.

Through you, Madam President, lines 14 to 16, it says any transferor who fails to comply with the provisions of subsection A of this section, shall credit the transferee with the sum of \$250 at closing.

Through you, Madam President, is that a sufficient fee to cause any sort of action or concern?

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Yes, and through you, Madam President, that is a fee that is, perhaps, very generous with respect to the process of purchasing a CO and smoke detector equipment which can be purchased in a regular retail operation for certainly under \$50. And of course, depending upon the number that are purchased, you might get to the number 250, but it seemed to be a number that was agreed upon by all of the parties, and I should mention that we had vetted this thoroughly, and as Senator Leone pointed out with really all -- all of the parties over a long period of time. So there's a lot of fingerprints on this proposal you see in front of you today.

Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President.

Thank you for that answer.

And I know how complicated the deliberations have been and nothing seems to be easy these days, even though the whole concept of simply putting in very cost-effective CO and smoke detectors into a structure should be the simplest thing in the world, but I do know all the innuendos because you and I have talked about it over the last year and a half, and I've talked to a lot of other people as well.

A final question, through you, Madam President to you, Senator Hartley, would be the issue of liability. I'm sure you had a lot of input from counsel on how this would be dealt with in the courts if there was the following kind of situation: Someone signs the affidavit, they say that they've got smoke detectors in there, maybe 20 or 30 percent of them are hardwired, others in another part of the house, a more

recent addition, may be battery-powered because they didn't want to run the lines through to those, and the day after or a week after the batteries go dead and there's a dispute over whether those smoke detectors and CO detectors were working.

Did you have those discussions and did the attorneys tell you anything about how that would sit in the courts?

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Through you, Madam President to Senator Frantz, yes, indeed. And for legislative intent, Senator Franz, this says "at time of closing."

Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

That answers that question.

I appreciate the answers and thanks again for your hard work on this bill.

And thank you, Madam President.

THE CHAIR:

Will you remark?

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

Madam President, some questions to the proponent,
through you, please.

THE CHAIR:

Please proceed, sir.

SENATOR CHAPIN:

Thank you, Madam President.

I believe in your description of the bill before us
you did indicate the significance of the dates in line
-- lines 4 and line 7, October 1, 2005, and October 1,
1985. Could you -- could you please tell me the
significance of those two dates?

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Thank you, Madam President.

Through you to Senator Chapin, 2005, we had passed
legislation which said that CO detectors would be in
new construction for single-family residences and two-
family homes, and -- I'm sorry, the second part of
that, please, sir?

THE CHAIR:

Senator Chapin, would you repeat that, please, sir?

SENATOR CHAPIN:

Thank you, Madam President.

Again, through you, in line 7, we have an October 1,
1985 date. The significance of that?

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Through you, Madam President to Senator Chapin, and by virtue of PA 85-321, we required smoke detection equipment in residential homes occupied by one or more families on or after October 1, '85.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

And again, through you, in line 20, we're saying that the smoke detectors would need to be installed in accordance with the manufacturer in the -- in the instruction and 'in the immediate vicinity of each bedroom. Would that be with -- inside the bedroom or outside the bedroom?

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Through you, Madam President to Senator Chapin, as we see the language is in the immediate vicinity, and so I would read that to be somewhere, perhaps, in a hallway.

Through you, Madam President.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

And I thank the chairlady for that answer.

The reason asked the question is when we debated a similar bill either last year or the year before and I was trying to understand the implications of the bill, I built my own home in 1988 that was the year I pulled the building permit and got the certificate of occupancy in 1989. At that time, the building code required smoke detectors be placed in the hall. But since then the code changed to require smoke detectors be placed inside each bedroom. So I guess I'm wondering then, based on your answer, if I had a newer home and the smoke detector was actually inside the bedroom, does it then not align with -- in the immediate vicinity, based on your answer?

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Yes, Madam President, through you to Senator Chapin. Yes, as we know, the interations of the code and the various changes, the intent in drafting the bill was one to try to make it as workable as possible for the ultimate purpose of providing additional safety to also be certain that there was not a fiscal note on it and that there was not a mandate that we were putting upon our fire departments in our municipalities, and also not to create a situation where anyone may be out of compliance or not in compliance with the law. So that -- that was where the goals as we went forward trying to draft this, recognizing the changes in the building code.

Through you, Madam President to Senator Chapin.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

And again, through you, so I certainly appreciate your efforts in making sure that it was broadly written. So am I -- to understand that in recognition of the changes of building code, somebody who may have built a house in more recent years where the smoke detector is in the bedroom, they would be in compliance with the law once this passes?

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Yes, Madam President, through you to Senator Chapin, that is correct, sir.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President, and I appreciate the answer.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

I think -- I noticed, Madam President, that in committee and in the House, this -- this bill didn't receive unanimous support. And I'm wondering, through you, Madam President, if the good Senator Hartley has

an understanding as to what the objections were to the bill from those members?

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Thank you, Madam President.

Through you to Senator Welch, I'm so sorry. I didn't get the beginning of the question but you were asking me the nature of the objection for those who did not vote in favor; is that correct?

Madam President, through you.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Yes, that -- that is correct, Madam President. But actually I'll withdraw that question, and I thank the Chamber for its time.

THE CHAIR:

Thank you.

Will you remark?

Senator McKinney.

Thank you, Senator Welch.

SENATOR MCKINNEY:

Thank you, Madam President.

Madam President, I just wanted to rise in support of the bill and catch my breath, perhaps, but --

THE CHAIR:

Take your time, sir.

SENATOR MCKINNEY:

-- thank Senator Frantz and Senator Leone and Senator Hartley for working so hard on this.

And just to stress how important this is, a little over two and half years ago, I bought a new condominium and in negotiating the price and having the work done on the inside, one of the things we determined was that the furnace was relatively new and did not need to be replaced. But what I didn't know is that the furnace hadn't been cleaned out in quite some time and so, as fall turned to winter, and it was the first time to turn on the furnace and the heating system, a lot of the dirt and rust from the system came through the vents in the house. And sometime around two o'clock in the morning as I was getting ready to go to bed, I heard the carbon monoxide detectors go off in the house with three young kids sleeping upstairs. These save lives and that's why this is such an important bill, and I appreciate all the work that people are doing on it. Thank you.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Hartley.

SENATOR HARTLEY:

Thank you, Madam President.

And I would urge passage. Thank you.

THE CHAIR:

Okay. Well, I guess we'll call for a roll call vote.

Mr. Clerk, will you call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the chamber. Immediate roll
call on has been ordered in the Senate.

THE CHAIR:

If all members have voted? All members have voted,
the machine will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

House Bill 6160

Total Number Voting	34
Those voting Yea	27
Those voting Nay	7
Those absent and not voting	2

THE CHAIR:

The bill has passes.

Mr. Clerk.

THE CLERK:

On page 13, Calendar 676, Substitute for House Bill
Number 6374, AN ACT CONCERNING COORDINATED LONG-TERM
DISASTER RELIEF AND RECOVERY, favorable report of the
Committee on Public Safety and Security.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Good afternoon, Madam President, again.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
SAFETY AND
SECURITY
PART 2
378 - 749**

2013

101

February 21, 2013

smj/rgd/gbr

PUBLIC SAFETY AND
SECURITY COMMITTEE

10:00 A.M.

end up incurring -- well, you incur liability, but also you can be incurring a lot of fiscal expense with regard to, you know, the use of this tool.

REP. BUTLER: Yes, I see where you're going.

SENATOR HARTLEY: Yeah.

REP. BUTLER: I would just add that most times this has been used has been in an urban area where a hospital is, is very nearby. So, we're not talking about, you know, out in the very rural areas where it may take you a half an hour. I mean, there's -- most often there's probably -- a hospital is only five minutes away. And in term of cost, I would say that the departments would be in a better standing if they took that person to the hospital to have medical attention than to not do it and then face legal challenges which could be a lot more costly in the long run.

SENATOR HARTLEY: Well, thank you so much for this detailed proposal, Representative Butler. We are in your debt. Thanks.

REP. BUTLER: Thank you.

REP. DARGAN: Thank you. Further questions?

Hearing none, thank you very much for your testimony.

REP. BUTLER: Thank you for hearing this.

REP. DARGAN: Next presenter is Neil Beup.

NEIL BEUP: Representative Dargan, Senator Hartley, and members of the Public Safety and Security Committee, thank you for the opportunity to comment on House Bill 6160. My name is Neil

Beup. I'm the manager of State Government Affairs for United Technologies Corporation. Kidde Fire Safety, a part of United Technologies Climate Control and Security Division headquartered in Farmington, Connecticut, is the leading innovator and manufacturer of residential fire safety products, including carbon monoxide and smoke alarms.

In 2005, the Connecticut General Assembly recognized the dangers of carbon monoxide and required that CO alarms be installed in all newly constructed homes. Today, 44 states have similar laws and 18 of these states have also required existing homes to have CO alarms. Kidde strongly supports extending Connecticut's protections against CO poisoning by requiring working CO alarms in existing homes at the time title is transferred as provided in House Bill 6160.

Kidde also supports the same requirement for working smoke alarms as provided in the legislation. Smoke alarms that are properly installed and maintained play a vital role in reducing fire deaths and injuries. We do know that power source issues are the leading reasons why smoke alarms fail to operate in home fires. According to the national fire protection association, between 2005 and 2009, 50 percent of battery-powered alarms failed to sound in home fires because the batteries were missing or disconnected. Another 23 percent of these alarms fail simply due to dead batteries.

It is for these reasons that Kidde advancement in smoke alarm technology has led to development of tamper-resistant smoke alarms that can power an alarm for a minimum of 10 years in a cost-effective manner. As evidence of the importance of having working alarms, law makers across the U.S. have begun requiring the

replacement of traditional battery-powered smoke alarms with these tamper-resistant alarms. To date, five states have all passed laws requiring the use of 10-year tamper-resistant alarms, and five other states now have similar bills pending.

So, in closing, Kidde commends Representatives Jerry and Dan Fox and members of the Public Safety and Security Committee for your efforts to elevate fire and life safety matters, and for recognizing the need for homes to be properly protected from fire and carbon monoxide. Thank you for the opportunity to comment. I'm happy to take any questions.

REP. DARGAN: Thank you very much.

Representative gig letter.

REP. GIEGLER: Thank you. And thank you for coming before us today.

This issue we had last year as far as fire and smoke alarms, and one of the problems that we had is the enforcement of implementing these into each house and to go back, we're looking at some pretty old houses this would encompass. Now, is your product -- are you suggesting that they should be hard wired or are you saying that battery-operated smoke detectors are okay to use?

NEIL BEUP: Well, what we're saying is that they're okay to use as long as they're properly maintained and requires the homeowner or the occupant to make sure that the batteries are operating, that they're not disconnected, so on and so forth. So, we have a product that exists in the market today that actually is a tamper-resistant product. It's battery powered by a 10-year battery, which means that the battery is sealed in the unit and you can't

disconnect the battery and it will last for up to 10 years as standard.

So, this helps alleviate the concern of an occupant or a homeowner either not replacing the batteries or simply disconnecting the batteries. So, it's not hard wired either. That's another product as well that we have. Some houses have that. Older homes won't necessarily have the ability to have that hard wire retrofit. So, this helps to reduce that problem.

REP. GIEGLER: Now, are you the only company that has this smoke detector, or are there other companies that offer this same product?

NEIL BEUP: There are other companies that offer a similar product.

REP. DARGAN: Further questions? Seeing none, well, thank you very much.

NEIL BEUP: Thank you.

REP. DARGAN: Our Commissioner of consumer protection, William Rubenstein.

WILLIAM RUBENSTEIN: Senator Hartley, Representative Dargan, Representative Giegler, members of the Public Safety and Security Committee. I'm Bill Rubenstein, the Commissioner of Consumer Protection, and I want to thank you for the opportunity to provide testimony today in support of Governor Malloy's proposal House Bill 6374, An Act Concerning Coordinated Long-Term Disaster Relief and Recovery.

This bill would establish the Connecticut Coordinated Assistance and Recovery Endowment fund, to be known as the Connecticut CARE Fund. The fund is proposed for the purpose of accepting

ANDREW MATTHEWS: Yes ma'am.

SENATOR HARTLEY: In a timely way?

ANDREW MATTHEWS: Yes ma'am.

SENATOR HARTLEY: So we have everything.

ANDREW MATTHEWS: This week.

SENATOR HARTLEY: From this, thank you.

ANDREW MATTHEWS: Yes ma'am.

REP. DARGAN: Thank you once again Andrew. The next presenter is Senator Gary LeBeau. I do not see him here right now. The next presenter is Keven Kowalski.

KEVIN KOWALSKI: All right then. That was quick.

REP: DARGAN: You are the fire guy.

KEVIN KOWALSKI: Thank you very much Senator Hartley, Representative Dargan, and members of the Public Safety Subcommittee and Security Committee. I am Kevin Kowalski and I represent the CT Fire Marshals Association. I am here today to speak on Proposed House Bill 6160. We support the intent of the bill, assuring that there are smoke detectors and carbon monoxide detectors in every residential building, and I want to make sure that everyone understands that we do want to see this in every residential building.

HB 5541

We do, however, have two issues that we would like to further work on with the committee and we suggest requiring all residential buildings be required to have smoke detectors. Current statute requires smoke detectors only in those

residential building with a building permit issued after 1978. Homes built prior to 1978 are not required by law to have the detectors. Proposed House Bill 5541 would require all residential buildings to have both smoke and carbon monoxide detectors and under House Bill 5541, older homes would at least have the opportunity to have an inexpensive battery operated smoke detector installed or required.

Additionally, the question is often asked: who will verify that there is a working detector in this dwelling? In doing a brief review in the New England area; Vermont and Massachusetts for instance, have these requirements. In Vermont, the seller certifies to the buyer that the detectors are present on a form provided by the state. Once signed the sell -- seller and buyer it is sent to the Vermont State Division of Fire Safety. In our case perhaps it would got the local fire marshal. In Massachusetts, the local fire department inspects for compliance and issues a certificate.

The Connecticut Fire Marshals association is willing to work out the details with the Public Safety and Security Committee on this important legislation to help insure that all homes are protected with these in -- inexpensive lifesaving devices. I will take any questions that you may have on this.

REP. DARGAN: Thank you Kevin, is there any questions from committee members? Representative Hampton.

REP. HAMPTON: Good afternoon I just wanted to welcome you as a constituent. You do a great job as head of emergency preparedness in Simsbury and fire marshal. You have been integral in some major events in Simsbury and we have had the pleasure of serving you and -- and appreciate you work in

this capacity today and support your efforts relative to 6160. I am glad that you and your colleagues are here to testify so thank you for being here.

KEVIN KOWALSKI: Thank you, Representative. Thank you for the comments.

REP. DARGAN: Senator?

SENATOR OSTEN: I was just wondering would it be possible to -- when someone is -- is buying or selling a residence, could it not be that this would be part and partial of all of the other requirements in buying and selling of a residence?

KEVIN KOWALSKI: Yes Senator it could be. It could be part of it. In Vermont for instance -- and I have a form that I can provide for you.

SENATOR OSTEN: Yes.

KEVIN KOWALSKI: As part of the package if you would like, right after the meeting which is a certificate of compliance. It is in part of the real estate package that would be signed by the seller and the buyer certifying that -- that it is in fact done. But we all have to understand too that it is at the time that they sell it, you know --

SENATOR OSTEN: But, but --

KEVIN KOWALSKI: -- and a month later we cannot guarantee it but at least we have a start, certainly.

SENATOR OSTEN: Right, because I do not think legislation is saying that we are concerned with what happens in a private residence after the person takes occupancy --

KEVIN KOWALSKI: Correct.

SENATOR OSTEN: -- unless of course it is a renter,
and then that would be a building inspector
issue, generally would it not?

KEVIN KOWALSKI: Well actually if it -- this does not
enter into the rental agreements so a single one
or two family home that is rented would not be
involved in this at all. Maybe one of the things
that would slip buy unfortunately in this
particular piece of legislation and we could look
at it as a package when we look at the entire
situation with the 1978 rule.

SENATOR OSTEN: Okay, thank you.

KEVIN KOWALSKI: Certainly we would look at that,
thank you.

SENATOR OSTEN: Great, thanks.

REP DARGAN: I'm sorry, further questions? Kevin,
thank you very much I know that this --

KEVIN KOWALSKI: Thank you.

REP. DARGAN: -- this has been a difficult issue ever
since the Stamford fire

KEVIN KOWALSKI: Absolutely.

REP. DARGAN: -- and not related to the other issue we
are dealing with, with guns you know. I mean
people feel, you know -- it is their home and if
they do not want to have a smoke detector -- I
know we have done a lot of work on multi-family
homes and CO and public service announcements and
you know, it is always a struggle to try to
propose something on a single family home but

maybe one of these years we will be successful.
I do not know if even the other presenters want -
- any other questions from committee members?
Thank you very much Kevin.

KEVIN KOWALSKI: Thank you.

REP DARGAN: Next presenter is it Neil Johnson?

NEIL JOHNSON: Representative Dargan, Senator Hartley, distinguished members of the committee. I am here to support senate Bill 708 regarding the requirement of intumescent paint for use in residential and commercial premises.

We have just heard from prior presenters about smoke detectors and there is -- there are also presentations about sprinklers. Intumescent paint or basically fireproof paint as presented in Senate Bill 708, solves those problems. We have had fires at Christmas time that took the lives of children. We had a fire in Norwich that took that lives of children. None of that is necessary. Intumescent paint that is painted in the interiors of residential houses or commercial premises would simply snuff out fires, it does.

Combustible material would burn, it would reach the walls and it would simply not -- there is no more air for it to live and the fire goes out. In commercial applications; structural steel and concrete has a four hour burn through with intumescent paint. There are five suppliers of intumescent paint in America. In the great state of New York, in the city -- in the city of New York has since 9/11 a comprehensive fire protection program that requires the use of these paints along with cocking materials, smoke detectors and -- and other such items. Connecticut has no legislation whatsoever and that is why we still have houses burning down,

P16 L15



The Connecticut Fire Marshals Assoc.

Fire Marshal Kevin J Kowalski - Legislative rep.
kkowalski@simsburyfd.org 860-658-1971

Testimony on Proposed House Bill 6160 AA Requiring Working Smoke and Carbon Monoxide Detectors in all Residential Buildings and Private Dwellings at the Time Title is Transferred

Senator Hartley, Representative Dargan, Members of the Public Safety and Security Committee, I am Kevin Kowalski and I represent the CT Fire Marshals Association. I am here today to speak on Proposed House Bill 6160. We support the intent of this bill, assuring that there are smoke and carbon monoxide detectors in every residential building.

We do, however, have two issues that we would like to further work on with the Committee. We suggest requiring all residential buildings be required to have smoke detectors. Current statute requires smoke detectors only in those residential buildings with a building permit issued after 1978. Homes built prior to 1978 are not required to have smoke detectors. Proposed House Bill 5541 would require all residential buildings to have both smoke and carbon monoxide detectors. Under HB 5541, older homes would at least have inexpensive battery operated smoke detectors.

Additionally, the question is often asked, who will verify that there is a working detector in these dwellings? In doing a brief review in the New England area, Vermont and Massachusetts have these requirements. In Vermont, the seller certifies to the buyer that detectors are present on a form provided by the state. Once signed by the seller and buyer it is sent to the Vermont State Division of Fire Safety. In Massachusetts, the local fire department inspects for compliance and issues a certificate.



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The CT Fire Marshals Association is willing to work out the details with the Public Safety and Security Committee on this important legislation to help insure that all homes are protected with these inexpensive life saving devices.

Thank you.

SMOKE ALARM REQUIREMENTS

Photoelectric-only type of smoke alarms are required to be installed in the vicinity of any bedrooms and on each level of a dwelling, for all new dwellings and dwellings that are sold or transferred, beginning January 1, 2009.

The law allows the use of photoelectric and carbon monoxide combination alarms but it does not allow ionization /photoelectric combination alarms to be used for these specific locations.

Ionization smoke alarms are permitted to be used in supplemental locations for additional protection. Smoke alarms save lives, prevent injuries, and minimize property damage by alerting people to a fire when a fire is still small. Smoke alarms need to be properly installed, maintained and replaced when needed.

CARBON MONOXIDE (CO) ALARM REQUIREMENTS

CO alarms are required to be installed in the vicinity of any bedrooms for all new dwellings and dwellings that are sold or transferred, beginning July 1, 2005.

Heating appliances that are not working properly are the major cause of unintentional carbon monoxide poisoning in Vermont. Other common sources include emergency generators or space heaters and motor vehicles left running in attached garages.

It is very important to be aware of the early signs of CO poisoning. Exposure to CO can mimic flu systems - headaches, dizziness, disorientation, nausea and fatigue. Higher levels of exposure will result in disorientation and drowsiness, leading to unconsciousness and death. Often the symptoms will be less when the person exposed to carbon monoxide leaves the building, only to have the symptoms reoccur when the person re-enters the building.

POWER SUPPLY FOR ALARMS

Smoke alarms installed in a dwelling constructed after **January 1, 1994** and carbon monoxide alarms installed in a dwelling constructed after **July 1, 2005** must be directly wired to the building electrical service and have a battery back up.

Alarms that are hard-wired into the home electrical system should be installed by a qualified electrician.

INSTALLATION INFORMATION

Choose smoke and carbon monoxide alarms that bear the label of Underwriters Laboratories or another nationally recognized testing laboratory.

Read and follow the manufacturers' instructions that are supplied with each alarm.

Install photoelectric-only smoke alarms in the vicinity of any bedrooms and on each level of a dwelling including the basement.

Install smoke alarms in each bedroom for additional protection and interconnect smoke alarms together so if one sounds an alarm, they all sound an alarm, to make sure the alarm is heard.

Mount smoke alarms on flat ceilings no closer than 4" from the adjoining wall surface. Mount smoke alarms on walls no closer than 4", and not further than 12", from the adjoining ceiling surface. Do not install a smoke alarm within 36" of a ceiling suspended fan, a supply register or the door to the bathroom or kitchen.

ALARM MAINTENANCE

Clean alarms monthly by gently vacuuming to remove dust and cobwebs to allow proper air flow through all vents.

Install a new battery in all alarms that require changing the battery at least once a year. Immediately install a new battery if an alarm "chirps," warning the battery is low.

Smoke and CO alarms don't last forever. Replace smoke alarms when they are 10 years old and carbon monoxide alarms when indicated in the manufacture's instructions, or when indicated by a trouble alarm on the unit.

Test alarms each month, as indicated by the manufacturer's instructions.

OTHER FIRE SAFETY TIPS

Follow these simple safety rules to prevent hazardous situations in the home:

- 1) Use smoking materials properly. Never smoke in bed.
- 2) Keep matches or lighters away from children.
- 3) Store flammable materials in proper containers.
- 4) Keep electrical appliances in good condition and don't overload extension cords or electrical circuits.
- 5) Keep stoves, barbecue grills, fireplaces and chimneys grease- and debris-free.
- 6) Never leave anything cooking on the stove unattended.
- 7) Keep open flames, like candles, away from flammable materials.
- 8) Don't let rubbish accumulate.
- 9) Keep at least one working fire extinguisher on every floor.
- 10) Have an escape plan and make sure all family members know it.
- 11) Use generators or other fuel-powered machines outside the home. CO fumes are odorless and can quickly overwhelm you.
- 12) Inspect home heating equipment yearly and maintain them in good working order according to the manufacturer's instructions.



Vermont Division of Fire Safety

OFFICE OF THE STATE FIRE MARSHAL & STATE FIRE ACADEMY



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 REGULATION REVIEW COMMITTEE

*Testimony of Representative Daniel J. Fox of Stamford
 Before the Public Safety and Security Committee on House Bill 6160, An Act Requiring
 Working Smoke And Carbon Monoxide Detectors In All Residential Buildings And Private
 Dwellings At The Time Title Is Transferred*

Honorable Chairs Senator Hartley and Representative Dargan, Honorable Vice-Chairs Senator Ayala and Representative Verrengia, Honorable Ranking Members Senator Guglielmo and Representative Giegler and members of the Public Safety and Security Committee.

My name is State Representative Daniel Fox and I would like to thank the committee for raising H.B. 6160, AN ACT REQUIRING WORKING SMOKE AND CARBON MONOXIDE DETECTORS IN ALL RESIDENTIAL BUILDINGS AND PRIVATE DWELLINGS AT THE TIME TITLE IS TRANSFERRED.

The proposed legislation would amend Connecticut General Statute 29-292 to provide that the owner of any residential real property be required to demonstrate that such property has working smoke and carbon monoxide detectors upon the transfer of title to the property.

Under current Connecticut law sellers of residential real property are not required to install smoke or carbon monoxide detectors. Connecticut General Statute § 29-292 currently provides that single family homes built on or after October 1, 1978 as well as multifamily homes are required to have smoke detectors. Many homes throughout Connecticut, specifically the older homes, are exempt from this requirement and C.G.S. § 29-292 does not address the obligation of a seller of residential real property.

As a result of Public Act 12-122, however, Connecticut law as of January 1, 2013, requires sellers of residential real property to disclose whether the home being sold is equipped with smoke detectors and if so, how many. The seller must also disclose or explain any problems with the installed smoke detectors.

It would seem that H.B. 6160 is the next logical step to ensuring that Connecticut residents are protected from the risk of fire and carbon monoxide poisoning.



American Red Cross
Statement to the Joint Committee on Public Safety and Security
of the Connecticut General Assembly in Support of HB 6160
An Act Requiring Working Smoke and Carbon Monoxide Detectors in All Residential
Buildings and Private Dwellings at the Time Title is Transferred

Paul D. Shipman, Chief Communication Officer
Connecticut and Rhode Island Region
February 21, 2013

To the Chairs and Members of the Committee:

Thank you for the opportunity to submit testimony in support of **HB 6160, An Act Requiring Working Smoke and Carbon Monoxide Detectors in All Residential Buildings and Private Dwellings at the Time Title is Transferred**. The American Red Cross is committed to increasing household safety and readiness. This legislation would help that cause.

Carbon monoxide (CO) is an odorless, colorless and tasteless gas, and the leading cause of accidental poisoning deaths in the United States. According to the Centers for Disease Control and Prevention, CO poisoning claims more than 400 lives a year, and sends more than 20,000 to the emergency room.

Carbon monoxide is a by-product of incomplete combustion. Potential sources include common gas-burning appliances such as a furnace, water heater, stove, oven or grill, as well as other fuel-burning devices like fireplaces, engines and generators. If such devices are improperly installed or used or malfunction, carbon monoxide can build up inside a dwelling, leading to illness or even death. Nearly every home in Connecticut – roughly 85% according to US Census data – uses some form of fossil-fuel based heating.

Because you can't see, smell or taste carbon monoxide, you may not even realize that you are being poisoned. Initial symptoms mimic the flu, and include headache and nausea. The **ONLY** safe way to detect this deadly gas is with a working carbon monoxide alarm.

Connecticut's legislature recognized the dangers of CO and in 2005 required CO alarms be installed in all newly constructed homes. Today, 36 states have similar laws, over half of which also require CO alarms retroactively in existing homes.

Connecticut has seen many CO poisoning deaths and hundreds of people treated for CO poisoning as a result of Tropical Storm Irene and the October snow storm in 2012 and because of the recent blizzard in 2013. Last year's storms caused massive power outages that led many of these CO victims to improperly use generators, charcoal grills and other fuel burning appliances to stay warm, cook food or power appliances. The blizzard of 2013 brought CO hazards caused by high and drifting snow blocking combustion venting and intake systems. While these storms have highlighted the issue, carbon monoxide poisoning is a year round problem, but these incidents can be prevented.

CO poisoning stories are reported on a regular basis. We know that CO alarms save lives. We support **HB 6160** and urge its passage to promote the safety of Connecticut residents. **HB 6160** will help ensure that smoke and CO alarms, where required, are present and properly installed in homes available for sale.

Thank you for allowing the Red Cross to register its support of this lifesaving legislation.



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MEMBER
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*Testimony of Representative Gerald Fox, III of Stamford
 Before the Public Safety and Security Committee on House Bill 6160, An Act Requiring
 Working Smoke And Carbon Monoxide Detectors In All Residential Buildings And Private
 Dwellings At The Time Title Is Transferred*

Senator Hartley, Representative Dargan and members of the Public Safety and Security Committee. For the record, my name is State Representative Gerald Fox, III. I would like to thank the committee for raising H.B. 6160, AN ACT REQUIRING WORKING SMOKE AND CARBON MONOXIDE DETECTORS IN ALL RESIDENTIAL BUILDINGS AND PRIVATE DWELLINGS AT THE TIME TITLE IS TRANSFERRED.

It has long been recognized that properly installed and maintained smoke detectors and carbon monoxide detectors save lives. Smoke alarms are designed to detect and warn the often silent, but deadly smoke in the air. Carbon monoxide is invisible and odorless, but is one the most toxic substances and leading causes of accidental poisoning. Whether we are asleep or awake, a working detector is constantly on alert, scanning the air for fire, smoke and carbon monoxide. The smoke and carbon monoxide detectors are invaluable because they give people a chance to get out of their homes before it is too late.

In 2005, the General Assembly recognized that detectors promote safety of the people of our state by passing P.A. 05-161. The Public Act required that carbon monoxide detectors and warning equipment be installed in new residential buildings. In 2012, the General Assembly addressed this issue again by passing P.A. 12-184. The Public Act required that battery-operated smoke detection and warning equipment be installed temporarily when a private residential dwelling designed to be occupied by one or two families is occupied during interior alterations or additions requiring a building permit. Furthermore, P.A. 12-122 required that information on whether a property has a smoke and carbon monoxide detectors be stated in the residential property condition disclosure report.

H.B. 6160 strengthens and builds upon the 2005 and the 2012 legislation. If passed, it would amend Section 29-292 of the General Statutes to provide that the owner of any residential building or private dwelling be required to demonstrate that such property has working smoke and carbon monoxide detectors prior to transferring of a title. It is important that buyers be

assured that there are working smoke detectors installed. If passed, the sellers would anticipate the smoke and carbon monoxide alarm requirements and make sure that their properties are properly equipped prior to marketing.

I thank the committee for raising this important legislation and your continued efforts to advance public safety. Thank you for the opportunity to present my testimony and I urge the committee's favorable report.



**HOME BUILDERS & REMODELERS ASSOCIATION
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*Your Home
Is Our
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February 7, 2013

To: Senator Joan Hartley, Co-Chairman
Representative Steve Dargan, Co-Chairman
Members of the Public Safety & Security Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **HB 6160, AA Requiring Working Smoke and Carbon Monoxide Detectors in All Residential Buildings and Private Dwellings at the Time Title is Transferred**

The HBRA of Connecticut is a professional trade association with about nine hundred (900) member firms statewide employing tens of thousands of CT's citizens. Our members, all small businesses, are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry and to consumers. While our membership has declined over the course of our seven-year Great Recession from its high of 1,500 members, we build between 70% to 80% of all new homes and apartments in the state each year and engage in countless home remodeling projects.

We support HB 6160 because it is a reasonable and rationale way of ensuring more homes have working smoke and carbon monoxide (CO) detectors. Respectfully, however, the proposed bill suggests amending the wrong statute.

We know from research studies and work over many years on fire safety issues in new home construction that smoke and CO detectors save lives. It is simply foolish for anyone to not have these relatively inexpensive yet life-saving devices in their home. Smoke and CO detectors are already required to be installed in new home construction. Since 1984, smoke detectors have been hard wired, with battery backup, in all new homes. CO detectors were required in 2005 in all new construction, with some common sense exceptions. In addition, smoke and CO detectors are required to be installed whenever home improvement work is done that requires a building permit be issued, again with some exceptions. The problem is, however, reaching additional existing homes to ensure they have these life safety devices.

The General Assembly addressed the issue last year, in part, through PA 12-184, which requires the installation of temporary smoke and CO detection during the performance of home improvement work. HB 6160 will reach additional homes that are being transferred to new owners. However, rather than amending sec. 29-292 (building code statute), the requirement should be added to our real estate laws and clarify that battery-operated, and combined smoke/CO detectors are permissible for compliance. Additionally, Rhode Island requires this when homes are transferred. I have recent personal experience as a purchaser of a RI home that was built in the 1970s and can relate to you it was not an issue.

Please support HB 6160 and thank you for the opportunity to express our views on this legislation.



**Testimony of Kidde Fire Safety
Before the Public Safety & Security Committee
Regarding House Bill 6160, An Act Requiring Working Smoke And Carbon Monoxide
Detectors In All Residential Buildings And Private Dwellings At The Time Title Is
Transferred.**

February 21, 2013

Kidde Fire Safety, part of UTC Climate Controls & Security headquartered in Farmington, Connecticut, appreciates the opportunity to offer the following comments in support of extending carbon monoxide poisoning protections to existing homes at the time the title is transferred as provided in HB 6160. Kidde Fire Safety is the leading innovator and manufacturer of residential fire safety products, including carbon monoxide and smoke alarms for both residential and commercial applications.

Carbon monoxide (CO) is an odorless, colorless and tasteless gas, and the leading cause of accidental poisoning deaths in the United States. According to the Centers for Disease Control and Prevention, CO poisoning claims more than 400 lives a year, and sends more than 20,000 to hospitals for emergency medical care.

Carbon monoxide is a by-product of incomplete combustion. Potential sources include common gas-burning appliances such as furnaces, water heaters, stoves, ovens and grills, as well as other fuel-burning devices like fireplaces, engines and generators. If any of these common appliances are installed improperly or malfunctions, carbon monoxide can build up inside a dwelling or other structure, leading to illness and death. Nearly every home in Connecticut – roughly 85% according to most recent U.S. Census data – uses some form of fossil-fuel based heating.

Because you can't see, smell or taste carbon monoxide, you may not even realize that you are being poisoned. Initial symptoms mimic the flu, and include headache and nausea. The ONLY safe way to detect this deadly gas is with a working carbon monoxide alarm.

Connecticut's legislature recognized the dangers of CO and in 2005 required that CO alarms be installed in all newly constructed homes. Today, 44 states have similar laws, and 18 of these states also require that existing homes have CO alarms which are readily available at local retailers.

Carbon monoxide poisoning has impacted the lives of Connecticut residents in recent years. Most notably, hundreds were treated and another eight died from CO poisoning during Tropical Storm Irene and the October snow storm in 2011. More recently fire departments and emergency rooms across Connecticut reported numerous cases of CO exposures during Hurricane Sandy and the blizzard of just a couple of weeks ago. During all these storms, thousands of homes were without power causing individuals

and families to employ generators, charcoal grills and other fuel burning appliances for household heating, cooking and to power appliances.

Unfortunately, carbon monoxide poisoning isn't limited to just emergency weather events – it can occur at any time. That is why it is so important that families in Connecticut have working CO alarms to save lives. We support the provisions of HB 6160 that extend requirements for CO alarms to existing homes at the time the title is transferred. We commend Rep. Fox for his leadership on this legislation that will save lives.

In addition to manufacturing CO alarms, Kidde also manufactures smoke alarms, which have been widely required in homes by states since the late 1970's, reducing fire deaths by half. Smoke alarms that are properly installed and maintained play a vital role in reducing fire deaths and injuries. Yet according to the latest research by the National Fire Protection Association (NFPA) most fire deaths today - over two-thirds - happen in homes where no smoke alarms or no working alarms are present.

Power source issues are the leading reasons why smoke alarms fail to operate in home fires. Sixty-five (65%) of US residents have [only] battery operated smoke alarms in their home, according to the latest American Housing Survey. NFPA has found that 50% of these battery alarms failed to sound in home fires between 2005-2009 because the batteries were missing or disconnected. Another 23% of these alarms failed due to dead batteries.

Advancements have led to smoke alarms that today prevent consumer tampering and can power the alarm for a minimum of 10 years. These 10-year, tamper resistant smoke alarms directly address the disablement and failed maintenance by consumers, and do so in a cost effective way.

By sealing the batteries into the unit's housing and circuitry, manufacturers are able to make these alarms tamper resistant. Further, the battery cells utilized in these alarms provide a minimum of 10 years of operation, which is consistent with the recommended service life of smoke alarms as well as NFPA 72 - the national smoke alarm guidance standard.

These 10-year, tamper-resistant smoke alarms are also very affordable. The average 10-year, tamper resistant smoke alarm costs between \$16-20 – roughly \$5 more than a traditional battery operated smoke alarm. But since the alarm's battery does not need to be replaced twice a year – around daylight savings time for example – homeowners can save between \$40-60 in battery replacement cost over the life of the alarm.

As these alarms have become more available and affordable, lawmakers across the US have begun requiring the replacement of existing battery-operated smoke alarms with these more maintenance-free alarms. To date, California, Louisiana, Michigan, North Carolina and Oregon have passed laws requiring the use of 10-year tamper-resistant battery smoke alarms, and since the beginning of 2013, five additional state legislatures now have bills pending.

Recent evidence suggests that the installation of 10-year, tamper-resistant smoke alarms is resulting in more working smoke alarms in homes. In 2010, the Centers for Disease Control and Prevention (CDC) completed a 10-year evaluation of its smoke

alarm installation program where alarms with long-life lithium batteries were installed in US homes. The CDC concluded that nearly 80% of the alarms with the original long-life lithium batteries were still functional. Further, Oregon State Fire Marshal data suggests a 37% decline in alarm failures due to dead or missing batteries since 1999 when the state began requiring that battery-operated smoke alarms be sold with 10-year batteries. And just last year, researchers from the Johns Hopkins Center for Injury Research and Policy concluded that more widespread use of the new 10-year lithium battery smoke alarms would make it easier for residents to keep their homes and families protected.

In closing, Kidde commends Rep. Fox and the members of the Public Safety Committee for your efforts to elevate fire and life safety matters, and for recognizing the need for homes to be properly protected from fire and carbon monoxide. We urge your support of HB 6160, as its implementation will ensure more of Connecticut's residents will be better protected. Thank you for the opportunity to address the committee on these important safety issues. We hope you will call on Kidde if we can be a resource to you in any way.