

# Kimball, Tirey & St. John LLP

## Carbon Monoxide Detectors for California Residential Landlords

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The Carbon Monoxide Poisoning Prevention Act of 2010, also known as SB 183, requires that a residential unit be equipped with carbon monoxide devices when the unit has:

- a heater, appliance or fireplace that burns fossil fuel (coal, kerosene, oil, wood, fuel gasses and other petroleum or hydrocarbon products that emit carbon monoxide as a byproduct of combustion); or
- an attached garage. An open parking garage (as defined in the California Building Code), or an enclosed parking garage ventilated in accordance with the California Mechanical Code, is not an “attached garage”.

AB 2753 established the following deadlines for compliance:

- Single family residences by July 1, 2011;
- Hotel and motels by January 1, 2017; and
- All other dwelling units by January 1, 2013

Carbon monoxide devices must be installed:

- in each “sleeping room” (i.e. bedroom);
- outside each sleeping area in the immediate vicinity of the bedrooms, and
- on each additional story of the dwelling, including basements and habitable attics, but not including crawl spaces and uninhabitable attics. In homes with split levels and without a door between the adjacent levels, a carbon monoxide device installed on the upper level is adequate, if the lower level is less than one full story below the upper level.

If a residential unit does not have an attached garage, or a fossil fuel heater, appliance or fireplace, but if the building in which the unit is located has either, carbon monoxide devices may be required in the residential unit unless:

- The unit is located more than one story above or below any story that contains a fuel-burning appliance or an attached garage; and
- The unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and
- The building is equipped to a common area carbon monoxide alarm system that includes all enclosed common area spaces.

At the beginning of each new tenancy, the property owner must ensure that carbon monoxide devices are operable. The tenant is responsible for notifying the manager or owner if the tenant becomes aware of a carbon monoxide device problem, and the property owner must make necessary repairs.

Carbon monoxide devices must be a type approved by the State Fire Marshal, and must be installed according to manufacturer’s instructions. A list of California State Fire Marshal Approved carbon monoxide devices and smoke alarms is available at [http://osfm.fire.ca.gov/strucfireengineer/pdf/bml/list\\_csfm\\_approved.pdf](http://osfm.fire.ca.gov/strucfireengineer/pdf/bml/list_csfm_approved.pdf).

When a device is a combined carbon monoxide and smoke detector, the device must comply with the requirements for both carbon monoxide detectors and smoke detectors, and the device must emit an alarm or voice warning that clearly differentiates between a carbon monoxide alarm warning and a smoke detector warning.

The information above describes California state law. Local laws may vary, and landlords or property owners with questions about carbon monoxide device requirements in their jurisdiction can check with their local city or county building department.

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