



# ISSUE Insights



BROUGHT TO YOU BY THE CALIFORNIA APARTMENT ASSOCIATION

## California Carbon Monoxide Poisoning Prevention Act of 2010

California's Carbon Monoxide Poisoning Prevention Act of 2010 requires that all residential property be equipped with a carbon monoxide detector when the property has a "fossil fuel" burning heater or appliance, fireplace, or an attached garage. The law provides that,

- All single-family homes, including individually-owned condominiums, (owner or tenant occupied) must be equipped with a detector on or before July 1, 2011.
- All other residential units must be equipped with a detector on or before January 1, 2013.

A carbon monoxide detector may be battery powered, a plug-in device with battery backup, or hard-wired into the dwelling unit with a battery backup.

"Fossil fuel" is defined as coal, kerosene, oil, wood, fuel gases, and other petroleum or hydrocarbon products, which emit carbon monoxide as a byproduct of combustion.

### Installation and Maintenance

The carbon monoxide detector must be operable at the time the tenant takes possession. A tenant is responsible for notifying the owner or owner's agent if the tenant becomes aware of an inoperable or deficient carbon monoxide detector within his or her unit. The owner or owner's agent must correct any reported deficiencies in the carbon monoxide detector and will not be in violation of this section for a deficient or inoperable carbon monoxide detector when he or she has not received notice of the deficiency or inoperability.

The law provides that an owner shall install the devices in a manner consistent with building standards applicable to new construction for the relevant type of occupancy or with the manufacturer's instructions, if it is technically feasible to do so.

The Consumer Product Safety Commission (CPSC) and Underwriters Laboratories (UL) recommend that every home have at least one carbon monoxide detector for each floor of the home and within hearing range of each sleeping area.



## Manufacturer's Instructions

With carbon monoxide detectors are owner's instructions that typically include the following language:

"For minimum security, a CO Alarm should be centrally located outside of each separate sleeping area in the immediate vicinity of the bedrooms. The Alarm should be located at least 6 inches (152mm) from all exterior walls and at least 3 feet (0.9 meters) from supply or return vents.

Do not place the alarm in the following areas:

- Outside the building.
- In or below a cupboard.
- In a damp or humid area.
- Directly above a sink or stove/oven.
- Next to a door or window or anywhere that would be affected by drafts.
- Where the air flow to the alarm would be obstructed by curtains or furniture.
- Where dirt or dust could collect and block the sensor, and stop it from functioning.
- In an area where the temperature could drop below 40°F (4.4°C) or rise to above 100°F (37.8°C).
- Where it could be easily knocked, damaged, or where it could be inadvertently removed.
- Within 5 feet (1.5m) of any cooking appliance.

## Inspections

An owner or the owner's agent may enter any dwelling unit (with sufficient notice as required by existing law) for the purpose of installing, repairing, testing, and maintaining carbon monoxide detectors.

## Penalties

While there is a penalty for failure to comply with installation, local governments must provide a property owner with a 30-day notice to correct before any penalty can be assessed, which penalty is capped at \$200 per occurrence.

## Delayed Implementation

If the State Department of Housing and Community Development (HCD), in consultation with the State Fire Marshal, determines that a sufficient amount of tested and approved carbon monoxide detectors are not available to property owners to meet the requirements of this law, the Department may suspend enforcement of the requirements of the law.

For more information about carbon monoxide detectors, go to CAA's Website at [www.caanet.org](http://www.caanet.org) and/or see the following references.

## References:

- SB 183 (Lowenthal), Ch. 19, Stats. 2010
- Civil Code Sections 1102.6 and 1102.6d
- Health and Safety Code Sections 13260 and 17926
- <http://www.cpsc.gov/cpscpub/pubs/466.html>
- <http://www.epa.gov/iaq/pubs/coftsht.html#Carbon%20Monoxide%20Can%20Be%20Deadly>

