

Carbon Monoxide Detectors

Carbon monoxide is a gas produced whenever any fuel, such as gasoline, oil, kerosene, wood, or charcoal, is burned. Humans cannot see or smell carbon monoxide, but it is an extremely dangerous gas that can result in serious health complications and even death.

What is the law relating to carbon monoxide detectors?

The Carbon Monoxide Poisoning Prevention Act of 2010 (Cal. Health & Safety Code §§ 13260 et seq.) requires carbon monoxide detectors to be installed in every “dwelling unit intended for human occupancy.”

Under the law, every owner of residential property must install an approved carbon monoxide detector in each existing dwelling unit that has a fossil fuel burning heater or appliance, fireplace, or an attached garage. In general, the law requires the owner “to 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.” If an owner receives a 30-day notice to correct a violation of this law and fails to correct the problem within the 30-day period, then the owner may be assessed a \$200 fine.

What are a seller’s obligations?

The C.A.R. purchase agreements generally require a seller to install carbon monoxide detectors when selling the property. Paragraph 10B(1) of the RPA states that the seller will install carbon monoxide detectors if “required by law.” Since carbon monoxide detectors are required by law, installation becomes a contractual obligation for the seller. Even if installation was not required by the RPA, lenders will often require installation as a condition of funding and closing. Furthermore, the law states that a buyer may have remedies against a seller for failure to install carbon monoxide detectors. Under the law, a buyer may be entitled to an award of actual damages not to exceed \$100 plus court costs and attorney’s fees.

A seller does not have any special carbon monoxide disclosure obligations. The only carbon monoxide disclosure obligations are satisfied when providing a buyer with the Transfer Disclosure Statement (TDS) or the Manufactured Housing TDS. If the seller is exempt from giving a TDS, the law doesn’t require any specific disclosures regarding carbon monoxide detectors. However, The Water-Conserving Plumbing Fixtures and Carbon Monoxide Detector Notice (C.A.R. Form WCMD) may be used to provide additional information about carbon monoxide detectors.

What are a landlord’s obligations?

All landlords of dwelling units must install carbon monoxide detectors as required by law. The law gives a landlord authority to enter the dwelling unit for purpose of installing, repairing, testing, and maintaining carbon monoxide detectors, subject to the landlord’s access rights under California Civil Code §1954. The carbon monoxide detector must be operable at the time that a tenant takes possession. However, the tenant has the responsibility of notifying the owner or owner’s agent if the carbon monoxide detector becomes inoperable or otherwise deficient. The landlord is not in violation of the law if he or she has not received notice of the problem from the tenant.