

# HOUSE BILL REPORT

## ESHB 2886

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**As Passed House:**  
February 13, 2010

**Title:** An act relating to the adoption of rules by the building code council regarding carbon monoxide alarm installation.

**Brief Description:** Concerning the adoption of rules by the building code council regarding carbon monoxide alarm installation.

**Sponsors:** House Committee on Local Government & Housing (originally sponsored by Representatives Angel, Simpson and Wallace).

**Brief History:**

**Committee Activity:**

Local Government & Housing: 1/27/10, 2/1/10 [DPS].

**Floor Activity:**

Passed House: 2/13/10, 95-0.

**Brief Summary of Engrossed Substitute Bill**

- Requires the State Building Code Council to adopt rules requiring existing owner-occupied, single-family residences be equipped with a carbon monoxide alarm when permitted building activity occurs in the interior of the dwelling.
- Provides that any rules adopted requiring the installation of carbon monoxide alarms in existing multi-family residential occupancies do not take effect until January 1, 2013.
- Removes the statutory requirement for the installation of a carbon monoxide alarm when an owner-occupied, single-family residence is sold.
- Adds a question to the seller's real property transfer disclosure statement informing a prospective purchaser regarding whether the property is equipped with a carbon monoxide alarm.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan, Miloscia, Short, Springer, Upthegrove, White and Williams.

**Staff:** Becca Kenna-Schenk (786-7291) and Thamas Osborn (786-7129).

**Background:**

State Building Code Council.

The State Building Code Council (Council) provides analysis and advice to the Legislature and the Governor on state building code issues. The Council establishes the minimum building, mechanical, fire, plumbing, and energy code requirements by reviewing, developing, and modifying the code provisions that comprise the state building code.

Buildings Classified as Residential Occupancies.

Residential occupancies, as defined in the state building code, include the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group or Licensed Care Group. Residential occupancies include, but are not limited to, single-family residences, boarding houses, hotels, motels, dormitories, apartment buildings, townhouses, and vacation timeshare properties.

Carbon Monoxide Alarm Requirements.

In 2009 the Legislature enacted a requirement that the Council adopt rules requiring residential occupancies, subject to specified exceptions, be equipped with carbon monoxide alarms. These rules must require that:

- all newly constructed residential occupancies have carbon monoxide alarms beginning January 1, 2011; and
- all other residential occupancies have carbon monoxide alarms beginning January 1, 2013.

Owner-occupied, single-family residences legally occupied before July 26, 2009, are exempt from the requirement. However, the seller of an owner-occupied, single-family residence must install carbon monoxide alarms in accordance with the requirements of the state building code prior to the buyer or any other person occupying the residence following such sale. Residential tenants must maintain carbon monoxide alarms according to manufacturer specifications, including battery replacement.

Smoke Alarm Requirements for Existing Residences.

The state building code requires that when any alteration, repair, or addition requiring a building permit occurs in an existing residence, the dwelling must be equipped with a smoke alarm. Smoke alarms must be interconnected and hard wired unless the repair or alteration does not result in the removal of an interior wall or ceiling. If the building permit is obtained for work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition of a deck, a smoke alarm is not required.

Seller's Disclosures.

Sellers of residential real estate are required by law to provide prospective buyers with a completed form known as the seller's real property transfer disclosure statement. The statement must be in the format specified by statute and must include extensive disclosures regarding the condition of the property, utility systems, hazardous conditions, legal restrictions, etc.

**Summary of Engrossed Substitute Bill:**

By July 1, 2010, the Council is required to adopt rules requiring that existing owner-occupied, single-family residences be equipped with a carbon monoxide alarm when permitted building activity occurs. Exterior work, such as the replacement of roofing, the installation of a porch or deck, or the repair of plumbing or mechanical systems, is exempt from the requirement. Rules adopted that require the installation of carbon monoxide alarms in existing multi-family residential occupancies do not take effect until January 1, 2013. A statutory provision is removed that requires the installation of a carbon monoxide alarm after the sale of an owner-occupied, single-family residence.

A question is added to the seller's real property transfer disclosure statement informing a prospective purchaser regarding whether the property is equipped with a carbon monoxide alarm.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Last year the Legislature passed a bill requiring the installation of carbon monoxide alarms in homes that is similar to the requirement for smoke detectors. The Council recently adopted rules that moved the deadline for installation of the alarms to 2011. While this is a worthy goal to ensure safety in homes, it is not a feasible timeline for the rental housing community. The current law needs to be changed to restore the original deadline of 2013. The current law also requires that carbon monoxide alarms be installed in existing, single-family homes at the point of sale. It is difficult to enforce this aspect of the law, and there will likely be low compliance. It makes more sense to use the same guidelines that exist in the building code for smoke detectors, which require smoke detectors be installed in existing, single-family homes any time a building permit is obtained for interior remodeling or construction.

(In support with concerns) The rental housing industry wants to participate in the implementation of the carbon monoxide alarm requirement, but their compliance is impossible under the current timeline established in the building code. According to 2004 data from U.S. Census Bureau and the Department for Housing and Urban Development, there are at least 400,000 rental housing units in Washington. Under current law, each unit would need to be equipped with at least two carbon monoxide alarms, which would mean

that more than 800,000 carbon monoxide alarms would need to be installed (approximately 10,800 per week) before July 1, 2011. The rental housing community supported the legislation from last year that required alarm installation by 2013, but 2011 is too soon.

(With concerns) Carbon monoxide alarms should be incorporated into the existing housing inventory. The bill as currently written may be difficult to implement because it specifies that a carbon monoxide alarm must be installed if any permitted building activity occurs, and building officials are not always granted unfettered access to the interior of a house when conducting an inspection.

(Opposed) None.

**Persons Testifying:** (In support) Representative Angel, prime sponsor; and Bill Clarke, Washington Realtors.

(In support with concerns) John Woodring, Rental Housing Association; and Joe Puckett, Washington Multi-Family Housing Association.

(With concerns) Chris Newbry, Washington Association of Building Officials.

**Persons Signed In To Testify But Not Testifying:** None.