

# Frequently Asked Questions about the Changes to the Smoke and Carbon Monoxide Detector Law

**Question: Are mobile homes, condo and co-op units exempt?**

*Answer: No. These are all considered single-family residences even if the condo or co-op is a townhouse-style or apartment style unit.*

**Question: What about rental properties? Is an affidavit required for leases?**

*Answer: The Smoke and Carbon Monoxide Detector Law does not require an affidavit in the case of rentals. However, local ordinances may impose an obligation on the landlord with regard to smoke and carbon monoxide detectors, and landlords should be directed to their local health department or health district for Information.*

**Question: What if the seller is uncomfortable providing an affidavit or the seller's attorney advises the seller not to provide the affidavit. Is there a penalty?**

*Answer: Similar to the Property Condition Disclosure law, a seller who does not provide the affidavit must provide the purchaser with a \$250 credit at closing. There is no penalty if the closing does not take place.*

**Questions: Are persons holding power of attorney exempt?**

*Answer: No.*

**Question: Are executors, administrators, conservators and trustees exempt?**

*Answer: Yes.*

**Question: The seller has never occupied the property. Must the seller provide an affidavit?**

*Answer: Yes, there is no exemption for non-owner occupied or investment properties.*

**Question: What if the detectors aren't working a week after closing?**

*Answer: The affidavit states they are working as of the closing. A buyer could test them as*

*part of their walk through process prior to closing along with other equipment.*

Question: **How does a seller know the detectors are working or are installed correctly?**

Answer: *The manufacturer's instructions include details about testing, maintaining and locating detectors. Those often can be found online using any Internet search engine. There is no obligation under the law to have detectors professionally tested nor is there any obligation on the agent to become a smoke and carbon monoxide detector expert. Some home inspectors may inspect or note the condition of detectors as part of their reports.*

Question: **What if the seller cannot afford detectors?**

Answer: *Contact your town or local fire department to see if the town or the local fire department has a program to provide detectors. The alternative is to wait until closing and credit the buyer with \$250 at that time.*