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*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 476**

127th General Assembly  
(As Introduced)

**Reps. Reinhard, Flowers, J. McGregor, Ujvagi, Webster, Yuko**

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### **BILL SUMMARY**

- Requires owners of single- and multi-family dwellings that use fossil fuels for heating or other purposes to have carbon monoxide alarms installed in those dwellings.

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### **CONTENT AND OPERATION**

#### **Requirement for installation of carbon monoxide alarms in certain dwellings**

The bill requires the owner of every single- or multi-family dwelling that has a fossil-fuel burning heater or appliance, fireplace, or attached garage to have an operational, approved carbon monoxide alarm installed within ten feet of each room regularly used for sleeping purposes (R.C. 3781.106(B)). This requirement does not apply if a multi-family dwelling has operational, approved carbon monoxide alarms installed at not less than ten and not more than 25 feet away from each carbon monoxide producing central fixture or equipment located at that multi-family dwelling and has a centralized alarm system or other mechanism that enables occupants to hear the approved carbon monoxide alarm at all times (R.C. 3781.106(C)).

#### **Definitions**

"Approved carbon monoxide alarm" means a device that fulfills all the following requirements:

- The alarm detects carbon monoxide, produces a distinct audible alarm upon that detection, and is certified by a nationally recognized, independent, nonprofit product-safety testing and certification laboratory, including, but not limited to, the Underwriters Laboratories or Canadian Standard Association, to conform to the standards set forth by the Underwriters Laboratories in standard UL 2034;

- The alarm is battery powered, plug-in with battery back-up, or hard wired into the dwelling's alternating current power line with a secondary battery back-up;
- If the alarm is combined with a smoke detecting device, the combined device complies with laws applicable to both smoke detecting devices and carbon monoxide alarms and emits an alarm in a manner that clearly distinguishes between carbon monoxide and smoke hazards. (R.C. 3781.106(A)(1).)

The bill also defines the following terms:

- "Fossil fuel" means coal, kerosene, oil, wood, fuel gases, and other petroleum or hydrocarbon products that emit carbon dioxide as a by-product of combustion.
- "Installed" means that a carbon monoxide alarm is hard-wired into the electrical wiring; directly plugged into an electrical outlet without a switch, other than a circuit breaker; or, if the alarm is battery-powered, attached to the wall or ceiling of the dwelling in accordance with standards set forth by the National Fire Protection Association in standard NFPA 720.
- "Operational" means that a carbon monoxide alarm is working and in service in accordance with the manufacturer's instructions.
- "Single- or multi-family dwelling" means any building or structure that is wholly or partially used or intended to be used for living, sleeping, or lodging by human occupants. (R.C. 3781.106(A)(2) through (5).)

### **Duties of landlords to tenants**

The owner of a single- or multi-family dwelling that is leased to tenants must fulfill both of the following requirements:

- Replace any approved carbon monoxide alarm required by the bill that is stolen, removed, or rendered inoperable in a dwelling before any new occupant takes residence in the dwelling; and
- Ensure that batteries in an approved carbon monoxide alarm required by the bill are in operating condition at the time any new occupant takes residence in a dwelling. (R.C. 3781.106(D).)

The owner of a single- or multi-family dwelling that is leased to tenants is not responsible for the maintenance, repair, or replacement of an approved carbon monoxide alarm or for the care and replacement of batteries for an approved carbon monoxide alarm during the time a tenant occupies the dwelling (R.C. 3781.106(E)).

**Duties of a tenant with respect to an approved carbon monoxide alarm**

A tenant who is leasing a single- or multi-family dwelling must fulfill all the following requirements with respect to each approved carbon monoxide alarm installed in the dwelling that the tenant is leasing:

- Keep and maintain each alarm in good repair;
- Periodically test each alarm;
- Replace the batteries in each alarm as necessary to ensure that the alarm remains operational;
- Replace any alarm that is stolen, removed, or rendered inoperable during the time the tenant occupies the dwelling; and
- Notify the owner of the dwelling, or an authorized agent of the owner, in writing, of any deficiencies of any alarm that the tenant cannot correct. (R.C. 3781.106(F).)

**Prohibitions**

The bill prohibits any person from removing batteries from, or in any way rendering inoperable, an approved carbon monoxide alarm required by the bill, except as part of a process to inspect, maintain, repair, or replace the alarm or the batteries for an alarm (R.C. 3781.106(G)). A violation of the Building Standards Law, or a rule adopted or an order issued under it, that relates to the construction, alteration, or repair of any building is (1) a minor misdemeanor if the violation is detrimental to the health, safety, or welfare of any person or (2) subject to a \$100 fine if it is not detrimental in this way (R.C. 3781.99(B) and (C), not in the bill).

**Effective date of bill's requirements**

The bill's requirements take effect 90 days after the bill's effective date (Section 2).

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## **HISTORY**

ACTION

DATE

Introduced

02-12-08

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