

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **H.B. 476** DATE: **April 24, 2008**
 STATUS: **As Introduced** SPONSOR: **Rep. Reinhard**
 LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal cost**
 CONTENTS: **Requires owners or single-family and multifamily dwellings that use fossil fuels to install carbon monoxide alarms**

State Fiscal Highlights

| STATE FUND | FY 2009 | FY 2010 | FUTURE YEARS |
|---|---------------------------|---------------------------|---------------------------|
| General Revenue Fund | | | |
| Revenues | Potential negligible gain | Potential negligible gain | Potential negligible gain |
| Expenditures | - 0 - | - 0 - | - 0 - |
| Victims of Crime/Reparations Fund (Fund 4020) – Attorney General | | | |
| Revenues | Potential negligible gain | Potential negligible gain | Potential negligible gain |
| Expenditures | - 0 - | - 0 - | - 0 - |

Note: The state fiscal year is July 1 through June 30. For example, FY 2009 is July 1, 2008 – June 30, 2009.

- **State court cost revenue.** The bill includes a prohibition, enforceable by a penalty in current law, against removing batteries from, or otherwise rendering inoperable, a carbon monoxide (CO) alarm unless the alarm is being repaired, replaced, or maintained. If the bill leads to a higher number of such convictions, the GRF and the Victims of Crime/Reparations Fund (Fund 4020) may gain a negligible amount of state court cost revenue.

Local Fiscal Highlights

| LOCAL GOVERNMENT | FY 2008 | FY 2009 | FUTURE YEARS |
|------------------------------------|--------------------|--------------------|--------------------|
| Counties and Municipalities | | | |
| Revenues | Potential gain | Potential gain | Potential gain |
| Expenditures | Potential increase | Potential increase | Potential increase |

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- **New inspection costs – residential building departments.** Adding CO detectors to a county or municipal building inspector's routine would not result in additional costs if done in conjunction with existing inspections. However, building departments may charge fees in cases where inspections take longer or separate special inspections are needed.



- **New penalty.** The bill prohibits any person from removing batteries from, or in any way rendering inoperable, an approved CO alarm, except to inspect, repair, or replace the alarm or its batteries. As a result, there may be additional criminal cases for local criminal justice systems to adjudicate, although they are unlikely to result in any measurable costs or fine/court cost revenue to local courts.
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Detailed Fiscal Analysis

Overview

This bill would require every owner of a single-family or multifamily dwelling that has a fossil-fuel burning heater or appliance, fireplace, or an attached garage to have an operational, approved carbon monoxide (CO) alarm installed within 10 feet of each room regularly used for sleeping purposes. The bill contains an exception to this requirement for multifamily dwellings that have operational, approved CO alarms installed between 10 and 25 feet away from each CO-producing central fixture or equipment.

Inspections

It appears that the requirement would have little to no effect on local certified residential building departments. Regarding new construction, an official with the city of Columbus's Building Services Division noted that inspections of self-contained CO detectors would not result in additional costs if the units could be examined in conjunction with existing inspections. However, if a hard-wired model was used and the proper operation of the unit would need to be verified, the inspections could take longer or a separate special inspection may be needed. In the latter two cases, an additional fee would be charged to cover actual staff time.

While commercial and public structures are regularly inspected for fire and building code compliance, usually by local fire departments, residential structures are not. As such, it is uncertain how the requirement regarding residential units having the equipment installed and operational would be enforced. However, it appears that many local fire departments offer fire and life safety inspections to occupants of residential structures upon request.

Possible penalties

Current law contains criminal penalties for violating laws or rules enforced by the Board of Building Standards that relate to the construction, alteration, or repair of any building, the severity of the penalty depending on whether the violation is detrimental to the health, safety, or welfare of any person or not. If so, the penalty is a misdemeanor, punishable by a fine of up to \$150 that would be collected by the county. Otherwise, the penalty is a \$100 fine.

The bill prohibits any person from removing batteries from, or in any way rendering inoperable, an approved CO alarm except as part of a process to inspect, maintain, repair, or replace the CO alarm or batteries. As a result, there may be a few additional criminal cases for local criminal justice systems to adjudicate. These cases are unlikely to result in any appreciable

costs or fine/court cost revenue for local courts. Because a few additional criminal cases are possible, the state may gain a negligible amount of state court cost revenue. For misdemeanors, the GRF receives \$15 per case while the Victims of Crime/Reparations Fund (Fund 4020) receives \$9 per case.

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