

Sellers face \$250 loss at closing if smoke and CO detectors are not in place



Closing Thoughts

By JIM YOUNG
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Approximately 400 people die each year from carbon monoxide poisoning. Carbon monoxide is a colorless, odorless gas which can arise from many sources found in homes. A new Connecticut law seeks to reduce the toll taken by this silent killer.



Buyers and sellers face a blizzard of documents at closings and Public Act 13-272, which went into effect on Jan. 1, 2014, adds one more. Sellers need to be aware of this new form before they get to the closing, or they may face a surprise \$250 adjustment against their interest. In some ways the new statute is similar to the law that concerns disclosure about the condition of the property.

Generally speaking, under Public Act 13-272, sellers of one and two family homes in Connecticut must either give a \$250 credit to the buyer or provide them with a sworn affidavit that the property is properly equipped with smoke detectors and carbon monoxide detectors, unless the transaction fits within a few exemptions (such as gifts between certain family members). The seller must swear that the equipment is in working order, was installed in accordance with the manufacturer's instructions, and is capable of providing an alarm suitable to warn occupants when such equipment is activated.

Statements that the property contains properly installed and working carbon monoxide detectors can be skipped if the seller swears the property does not contain any

fuel burning appliance, fireplace or attached garage. There is also an exemption for homes where a building permit for new occupancy was issued after Oct. 1, 2005, since these buildings are already required to have hard-wired smoke and carbon monoxide detectors in place. However, even if that exemption applies, the seller must provide the affidavit or be penalized \$250.

Even if the equipment is present, however, the seller must provide an affidavit swearing to its working condition.

A wise seller will review this matter with their attorney well in advance of closing and provide the affidavit only if they are certain the statements made in the affidavit are true, and if they can establish a record to support the affidavit. It may be prudent for those who cannot demonstrate they fit within the post-2005 new occupancy permit exemption, to get a professional installer to inspect the systems and provide the seller with a report containing certifications upon which the seller might rely when completing the affidavit. This might also make a good impression on prospective buyers.



Under a new Connecticut law, anyone selling a home must swear an affidavit that the residence has smoke and carbon monoxide detectors that are in good working order.

Photo by: **MetroCreative Connection**

Some sellers may find the \$250 credit to be a better option. But, when all is said and done, perhaps the smartest thing for us all, whether we are selling property or not, is to investigate these mechanical watchdogs for the safety of our families, and our peace of mind.

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