



MASSACHUSETTS NEW CARBON MONOXIDE LAW: WHAT LANDLORDS NEED TO KNOW

(Information is available for MA REALTORS® and homeowners at www.marealtor.com)

On March 31, 2006, all residential dwellings in the Commonwealth equipped with fuel burning equipment that produce carbon monoxide or which have enclosed parking (a garage) adjacent to living areas will be required to have Carbon Monoxide detectors installed. The law, and the regulations that implement it, apply to ALL residential units. *Landlords should review the statute and regulations and check with the local fire department to ensure ongoing compliance.* The statute and the regulations may be viewed in the legal section at www.marealtor.com. It is believed these requirements will be written into the sanitary code as well. Below are some frequently asked questions by landlords and property managers:

What is carbon monoxide (CO) and how is it produced in residential units?

Carbon monoxide (CO) is a colorless, odorless, poisonous gas. Appliances fueled with natural gas, liquefied petroleum (LP gas), oil, kerosene, coal, or wood may produce CO. The federal government estimates that over 500 people in the United States die unintentionally every year from CO. Thousands people go to hospital emergency rooms for treatment for CO poisoning.

As a landlord in the Commonwealth, what do I need to do to comply with this new law?

Prior to March 31, 2006 you must install a carbon monoxide detector on every level of the dwelling, excluding unfinished basements, attics and crawl spaces, unless you meet the requirements for what is called “alternative compliance” (explained below.) Detectors that are installed on levels of the dwelling which contain sleeping areas must be placed within ten feet of the bedroom door; therefore some units may require more than one detector on certain levels.

What kind of Carbon Monoxide Detectors must I install in my units & how should I install a Carbon Monoxide Detector?

The law provides a choice to landlords regarding compliance. The first option is installation of a single station CO detector, by March 31, 2006, which is either battery operated, plug-in with battery back-up, wireless detectors, a combination smoke/carbon monoxide detector, or hard-wired detectors. These detectors must be in compliance with Underwriter Laboratories (UL) standard 2034. The package the detector is sold in will indicate whether it meets this standard. CO alarms should be installed according to the manufacturer's instructions. *Note: There are specific requirements for combination alarms, before purchasing one please review the requirements of combination alarms with your local fire department.*

The second option is what is known as “alternative compliance.” This regulation will really only apply to large unit owners with central heating or cooling systems that restrict the flow of air (and CO) to the units. Specifically the regulations require the owner to install a sophisticated alarm system with specific monitoring and alarming transmission requirements which must accompany approval from the fire department. Owners wishing to utilize the second compliance option must notify the head of the local fire department by March 31, 2006 and will then be expected to complete the necessary installation by January 1, 2007 and allow the fire department inspection to verify compliance. Like its inspections for smoke detectors, the local fire department is required to inspect each dwelling for compliance with the carbon monoxide law before sale.

Are there additional responsibilities for landlords?

Yes. All landlords, owners, or property managers shall at a minimum, maintain, test, repair or replace, if necessary, every carbon monoxide detector upon renewal of any lease term for all units or on an annual basis, whichever is more frequent. Further, all CO detector batteries must be replaced on an annual basis by the landlord, owner or property manager.

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