

Who Provides Smoke and Carbon Monoxide Detectors in North Carolina

The short answer is usually you, the landlord do.

SMOKE DETECTORS

The statute on landlord responsibilities [NCGS 42-42](#) .

North Carolina

SECTION 1. G.S. 42-42 Landlord to provide fit premises reads as rewritten:

"§ 42-42. Landlord to provide fit premises.

(a) The landlord shall:

(5) Provide operable smoke detectors, alarms, either battery-operated or electrical, having an Underwriters' Laboratories, Inc., listing or other equivalent national testing laboratory approval, and install the smoke detectors alarms in accordance with either the standards of the National Fire Protection Association or the minimum protection designated in the manufacturer's instructions, which the landlord shall retain or provide as proof of compliance. The landlord shall replace or repair the smoke detectors alarms within 15 days of receipt of notification if the landlord is notified of needed replacement or repairs in writing by the tenant. The landlord shall ensure that a smoke detector alarm is operable and in good repair at the beginning of each tenancy. Unless the landlord and the tenant have a written agreement to the contrary, the landlord shall place new batteries in a battery-operated smoke detector alarm at the beginning of a tenancy and the tenant shall replace the batteries as needed during the tenancy. Tenancy, except where the smoke alarm is a tamper-resistant, 10-year lithium battery smoke alarm as required by subdivision (5a) of this subsection. Failure of the tenant to replace the batteries as needed shall not be considered as negligence on the part of the tenant or the landlord.

(5a) After December 31, 2012, when installing a new smoke alarm or replacing an existing smoke alarm, install a tamper-resistant, 10-year lithium battery smoke alarm. However, the landlord shall not be required to install a tamper-resistant, 10-year lithium battery smoke alarm as required by this subdivision in either of the following circumstances:

- a. The dwelling unit is equipped with a hardwired smoke alarm with a battery backup.
- b. The dwelling unit is equipped with a smoke alarm combined with a carbon monoxide alarm that meets the requirements provided in subdivision (7) of this section.

(7) Provide a minimum of one operable carbon monoxide detector alarm per rental unit per level, either battery-operated or electrical, that is listed by a nationally recognized testing laboratory that is OSHA-approved to test and certify to American National Standards Institute/Underwriters Laboratories Standards ANSI/UL2034 or ANSI/UL2075, and install the carbon monoxide detectors alarms in accordance with either the standards of the National Fire Protection Association or the minimum protection designated in the manufacturer's instructions, which the landlord shall retain or provide as proof of compliance. A landlord that installs one carbon monoxide detector alarm per rental unit per level shall be deemed to be in compliance with standards under this subdivision covering the location and number of detectors, alarms. The landlord shall replace or repair the carbon monoxide detectors alarms within 15 days of receipt of notification if the landlord is notified of needed replacement or repairs in writing by the tenant. The landlord shall ensure that a carbon monoxide detector alarm is operable and in good repair at the beginning of each tenancy.

Unless the landlord and the tenant have a written agreement to the contrary, the landlord shall place new batteries in a battery-operated carbon monoxide detector alarm at the beginning of a tenancy, and the tenant shall replace the batteries as needed during the tenancy. Failure of the tenant to replace the batteries as needed shall not be considered as negligence on the part of the tenant or the landlord. A carbon monoxide detector alarm may be combined with smoke detectors alarms if the combined detector alarm does both of the following: (i) complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide alarms and ANSI/UL217 for smoke detectors; alarms; and (ii) emits an alarm in a manner that clearly differentiates between detecting the presence of carbon monoxide and the presence of smoke. This subdivision applies only to dwelling units having a fossil-fuel burning heater, appliance, or fireplace, and in any dwelling unit having an attached garage. Any operable carbon monoxide detector installed before January 1, 2010, shall be deemed to be in compliance with this subdivision....."

What are the Tenant's responsibilities?

The General Assembly of North Carolina enacts:

SECTION 2. G.S. 42-43 Tenant to maintain dwelling unit reads as rewritten:

"§ 42-43. Tenant to maintain dwelling unit.

(a) The tenant shall:

(4) Not deliberately or negligently destroy, deface, damage, or remove any part of the premises, nor render inoperable the smoke detector alarm or carbon monoxide detector alarm provided by the landlord, or knowingly permit any person to do so.

(7) Notify the landlord, in writing, of the need for replacement of or repairs to a smoke detector alarm or carbon monoxide detector, alarm. The landlord shall ensure that a smoke detector alarm and carbon monoxide detector alarm are operable and in good repair at the beginning of each tenancy. Unless the landlord and the tenant have a written agreement to the contrary, the landlord shall place new batteries in a battery-operated smoke detector alarm and battery-operated carbon monoxide detector alarm at the beginning of a tenancy and the tenant shall replace the batteries as needed during the tenancy, except where the smoke alarm is a tamper-resistant, 10-year lithium battery smoke alarm as required by G.S. 42-42(a)(5a). Failure of the tenant to replace the batteries as needed shall not be considered as negligence on the part of the tenant or the landlord....."

SECTION 3. G.S. 42-44 General remedies, penalties, and limitations reads as rewritten:

"§ 42-44. General remedies, penalties, and limitations.

(a1) If a landlord fails to provide, install, replace, or repair a smoke detector alarm under the provisions of G.S. 42-42(a)(5) or a carbon monoxide detector alarm under the provisions of G.S. 42-42(a)(7) within 30 days of having received written notice from the tenant or any agent of State or local government of the landlord's failure to do so, the landlord shall be responsible for an infraction and shall be subject to a fine of not more than two hundred fifty dollars (\$250.00) for each violation. After December 31, 2012, if the landlord installs a new smoke alarm or replaces an existing smoke alarm, the smoke alarm shall be a tamper-resistant, 10-year lithium battery smoke alarm, except as provided in G.S. 42-42(a)(5a). The landlord may temporarily disconnect a smoke detector alarm or carbon monoxide detector alarm in a dwelling unit or common area for construction or rehabilitation activities when such activities are likely to activate the smoke detector alarm or carbon monoxide detector alarm or make it inactive.

(a2) If a smoke detector alarm or carbon monoxide detector alarm is disabled or damaged, other than through actions of the landlord, the landlord's agents, or acts of God, the tenant shall reimburse the landlord the reasonable and actual cost for repairing or replacing the smoke detector alarm or carbon monoxide detector alarm within 30 days of having received written notice from the landlord or any agent of State or local government of the need for the tenant to make such reimbursement. If the tenant fails to make reimbursement within 30 days, the tenant shall be responsible for an infraction and subject to a fine of not more than one hundred dollars (\$100.00) for each violation. The tenant may temporarily disconnect a smoke detector alarm or carbon monoxide detector alarm in a dwelling unit to replace the batteries or when it has been inadvertently activated....."

SECTION 4. Sections 1 through 3 of this act become effective December 31, 2012. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 21st day of June, 2012.

s/ Walter H. Dalton
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor
Approved 1:37 p.m. this 28th day of June, 2012

Carbon Monoxide Detectors:

Carbon Monoxide detector regulations only apply to a dwelling unit having a fossil-fuel burning heater or appliance, fireplace, or an attached garage. If any of these is present then:

- (1) At the beginning of each tenancy the landlord must provide a minimum of one operable carbon monoxide detector per rental unit per level, either battery-operated or electrical, that is listed by a nationally recognized testing laboratory that is OSHA-approved to test and certify to American National Standards Institute/Underwriters Laboratories Standards ANSI/UL2034 or ANSI/UL2075.
- (2) The landlord shall install the carbon monoxide detectors in accordance with either the standards of the National Fire Protection Association or the minimum protection designated in the manufacturer's instructions, which the landlord shall retain or provide as proof of compliance.

(3) The landlord shall replace or repair the carbon monoxide detectors within 15 days of receipt of notification if the landlord is notified of needed replacement or repairs in writing by the tenant.

(4) Unless the landlord and the tenant have a written agreement to the contrary, the landlord shall place new batteries in a battery-operated carbon monoxide detector at the beginning of a tenancy, and the tenant shall replace the batteries as needed during the tenancy. Failure of the tenant to replace the batteries as needed shall not be considered as negligence on the part of the tenant or the landlord.

(5) A carbon monoxide detector may be combined with smoke detectors if the combined detector does both of the following: (i) complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide alarms and ANSI/UL217 for smoke detectors; and (ii) emits an alarm in a manner that clearly differentiates between detecting the presence of carbon monoxide and the presence of smoke.

N. C. BUILDING CODE REQUIREMENTS FOR RESIDENTIAL SMOKE ALARM and CARBON MONOXIDE ALARMS FOR ALTERATIONS, REPAIRS AND ADDITIONS

SMOKE DETECTORS:

Section 314 of the 2012 NC Residential Building Code reflects new requirements for smoke detectors which will potentially affect portions of the existing house whenever additions, alterations or repairs to a single family house or duplex take place. Please read the following carefully in order to be aware of how this will affect this particular permit.

Section 314.3 requires smoke detectors in the following locations in single family and duplex homes:

- 1) In each sleeping room.
- 2) Outside each separate sleeping area in the immediate vicinity of the bedrooms.
- 3) On each additional story of the dwelling, including basements and habitable attics (finished) but not including crawl spaces, uninhabitable (unfinished) attics and uninhabitable (unfinished) attic- stories. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
- 4) Multiple smoke alarms are required to be electrically wired and interconnected .

For alterations, repairs and additions, section 314.3.1 allows two exceptions:

- 1) Work involving exterior surfaces only, such as the replacement of a roof or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck is exempt from the requirements of this section.
- 2) Installation, alteration or repairs of plumbing or mechanical equipment are exempt from the requirements of this section.

Also, per 314.4:

Interconnection and hard wiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of the interior wall or ceiling finishes. The location would be the same (as above) but may be battery powered and shall be designed to emit a recurring signal when batteries are low and need to be replaced.

CARBON MONOXIDE ALARMS:

Section 315.2 reflects requirements in existing dwellings where interior alterations or repairs to a single family or duplex take place. where interior alterations, repairs, fuel-fired appliance replacements, or additions requiring a permit occur, or where one or more sleeping rooms are added or created, carbon monoxide alarms shall be provided in accordance with section **315.1** “outside of each sleeping area in the immediate vicinity of the bedroom(s) as directed by the alarm manufacturer”. **Per Section 315.3**, the required carbon monoxide alarms shall be audible in all bedrooms over background noise levels with all intervening doors closed. Single station carbon monoxide alarms shall be listed as complying with UL 2034 and manufacturer’s installation instructions.