



To: Rep. Carson, Rhode Island

From: Matt Wicks, NCSL

Date: May 30<sup>th</sup>, 2024

Re: Smoke Detectors in Rentals

## BACKGROUND

It appears that 28 states and Washington, D.C. have specific legislation on smoke detector requirements in dwelling units. Dwelling units is a broad term that has slightly different definitions state-to-state. However, this typically includes apartments, homes and other properties. Please find a list of state statutes on smoke detector requirements starting on Page 2. Please note that this list of state statutes is not absolute, and it is possible there are additional statutes not listed here that also cover smoke detectors in rentals.

Regarding short-term rentals (e.g., hotels, condominiums, townhouses, motels, breakfast and beds, trailers, etc.) specifically, 13 states—California, Georgia, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New York, Tennessee, Virginia and Wisconsin—explicitly cite hotels, motels and other forms of short-term rentals as examples of spaces where smoke detectors appear to be required.

The explicit use of the term “rented” places, or “rental” property appears in 11 state statutes—Indiana, Iowa, Michigan, Montana, Nevada, New York, North Carolina, North Dakota, Oregon, South Carolina and Texas. While the exact terms related to rented or rental properties do not appear in all state laws, it is possible that it is implied that smoke detector installation is required in any dwelling regardless of it being private or rented.

It appears that nine states—Indiana, Maine, Nebraska, Nevada, Oregon, South Carolina, Tennessee, West Virginia and Wisconsin—in addition to Washington, D.C. explicitly place the responsibility on owners of rented properties to install smoke detectors and ensure that they are functional between tenants. Generally, renters or occupants are responsible for ensuring that the smoke detectors are functioning properly for the duration of their stay.

***Please note that NCSL takes no position on state legislation or laws mentioned in linked material, nor does NCSL endorse any third-party publications; resources are cited for informational purposes only.***

State & Statute	Description
Alaska ( <a href="#">§18.70.095</a> )	<ul style="list-style-type: none"> <li>Smoke detection devices shall be installed and maintained in all dwelling units in the state, and carbon monoxide detection devices shall be installed and maintained in all qualifying dwelling units in the state.</li> </ul>
Arizona ( <a href="#">§36-1637</a> )	<ul style="list-style-type: none"> <li>An approved smoke detector shall be installed during construction in each new residential housing unit in this state. An approved smoke detector shall be installed in each existing residential housing unit in this state which does not comply with the requirements of this section if a sleeping area is remodeled and if this remodeling requires a permit from the local political subdivision.</li> </ul>
California ( <a href="#">§13113.7</a> )	<ul style="list-style-type: none"> <li>Except as otherwise provided in this section, smoke alarms, approved and listed by the State Fire Marshal pursuant to Section 13114 at the time of installation, shall be installed, in accordance with the manufacturer's instructions in each dwelling intended for human occupancy.</li> <li>"Dwelling units intended for human occupancy," as used in this section, includes a one- or two-unit dwelling, lodging house, apartment complex, hotel, motel, condominium, stock cooperative, time-share project, or dwelling unit of a multiple-unit dwelling complex, or factory-built housing</li> </ul>
Washington D.C. ( <a href="#">§ 6-751.02</a> )	<ul style="list-style-type: none"> <li>The owner of each new and existing occupied dwelling unit shall be responsible for installing smoke detectors and carbon monoxide detectors in accordance with the Construction Codes.</li> </ul>
Georgia ( <a href="#">§25-2-40</a> )	<ul style="list-style-type: none"> <li>On and after July 1, 1987, every new dwelling and every new dwelling unit within an apartment, house, condominium, and townhouse and every motel, hotel, and dormitory shall be provided with an approved listed smoke detector installed in accordance with the manufacturer's recommendations and listing.</li> </ul>
Illinois ( <a href="#">425 ILCS 60/2</a> )	<ul style="list-style-type: none"> <li>Every dwelling unit or hotel shall be equipped with at least one approved smoke detector in an operating condition within 15 feet of every room used for sleeping purposes. The detector</li> </ul>

	<p>shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.</p> <ul style="list-style-type: none"> <li>• Every structure which (1) contains more than one dwelling unit, or (2) contains at least one dwelling unit and is a mixed-use structure, shall contain at least one approved smoke detector at the uppermost ceiling of each interior stairwell. The detector shall be installed on the ceiling, at least 6 inches from the wall, or on a wall located between 4 and 6 inches from the ceiling.</li> </ul>
Indiana ( <a href="#">§22-11-18-3.5</a> )	<ul style="list-style-type: none"> <li>• A dwelling must have at least one (1) functional smoke detector installed as follows: <ul style="list-style-type: none"> <li>(1) According to the manufacturer's instructions.</li> <li>(2) Outside of each sleeping area in the immediate vicinity of the bedrooms.</li> <li>(3) On the ceiling or a wall not less than four (4) inches or more than twelve (12) inches from the ceiling. However, a smoke detector may not be recessed into a ceiling.</li> <li>(4) On each additional story of the dwelling, including basements, cellars, and habitable attics. Unless there is a door between levels in dwellings with split levels, a smoke detector must be installed only on the upper level if the lower level is less than one full story below the upper level. <ul style="list-style-type: none"> <li>(d) All smoke detectors must be: <ul style="list-style-type: none"> <li>(1) battery operated or hard wired into the dwelling's electrical system;</li> <li>(2) accessible for servicing and testing; and</li> <li>(3) maintained and at least one (1) time every six (6) months tested by the occupant to ensure that the smoke detector is in operational condition.</li> </ul> </li> <li>(e) Each owner or the manager or rental agent of the owner is responsible for: <ul style="list-style-type: none"> <li>(1) the installation of a required smoke detector; and</li> </ul> </li> </ul> </li> <li>• (2) the replacement and repair of a required smoke detector within seven (7) working days after the owner, manager, or rental agent is given written notification of the need to replace or repair the smoke detector.</li> </ul> </li></ul>
Iowa ( <a href="#">§10A.518</a> )	<ul style="list-style-type: none"> <li>• The rules shall require the installation of smoke detectors in existing single-family rental units and multiple-unit residential buildings.</li> </ul>

Maine ( <a href="#">§2464</a> )	The owner shall properly install, or cause to be properly installed, in accordance with the manufacturer's requirements at the time of installation, smoke detectors in: A single-family dwelling; each unit in a building of multifamily occupancy; An addition to or restoration of an existing single-family dwelling that adds at least one bedroom to the dwelling; a conversion of a building to a single-family dwelling completed.
Maryland ( <a href="#">§ 9-102</a> )	<ul style="list-style-type: none"> <li>An automatic smoke alarm shall be provided in each sleeping area within each residential occupancy, including one- and two-family dwellings, lodging or rooming houses, hotels, dormitories, and apartment buildings</li> </ul>
Massachusetts ( <a href="#">§148.26C</a> )	<ul style="list-style-type: none"> <li>Apartment houses containing six or more dwelling units, hotels, boarding or lodging houses, or family hotels shall be equipped with automatic smoke or heat detectors as provided by the rules and regulations of the board of fire prevention regulations.</li> </ul>
Michigan ( <a href="#">§125.1504c</a> )	<ul style="list-style-type: none"> <li>Each dwelling unit contained within a class "A" multiple dwelling shall be equipped with a single-station or multiple-station smoke alarm that complies with the standards set forth in the state construction code.</li> <li>For a single family dwelling, 1 or 2 family detached dwelling, or multiple family dwelling, a requirement for the installation of at least 1 single-station smoke alarm in each dwelling unit.</li> <li>Multiple family dwelling includes residential apartments and other living and renting structures.</li> </ul>
Minnesota ( <a href="#">§299F.362</a> )	<ul style="list-style-type: none"> <li>Every dwelling unit within an apartment house and every guest room in a lodging house or hotel used for sleeping purposes must be provided with a smoke alarm conforming to the requirements of the State Fire Code. In dwelling units, smoke alarms must be mounted in accordance with the rules regarding smoke alarm location adopted under subdivision 2. When actuated, the smoke alarm must provide an alarm in the dwelling unit or guest room.</li> </ul>
Montana ( <a href="#">§23.12.406</a> )	<ul style="list-style-type: none"> <li>either an approved smoke alarm or smoke detector, or both, shall be installed by the landlord in each dwelling unit rented to another person.</li> </ul>

Nebraska ( <a href="#">§ 81-5,142</a> & <a href="#">§81-5,144</a> )	<ul style="list-style-type: none"> <li>• Every dwelling unit within a dwelling or apartment house constructed or remodeled on or after January 1, 1982, every guest room in a lodging house or hotel constructed or remodeled on or after January 1, 1982, and every dormitory constructed or remodeled on or after January 1, 1982, shall be provided with one or more operating smoke detectors</li> <li>• the owner of every apartment house, dwelling, hotel, lodging house, dormitory, or mobile home or the owner's authorized agent shall be responsible for supplying, installing, maintaining, and testing the smoke detectors.</li> <li>• In the case of a dwelling unit, guest room, hotel room, or mobile home which is being occupied for one month or more by the same occupant, it shall be the responsibility of such occupant to perform the tests on the smoke detector as are recommended by the manufacturer's instructions and immediately notify, in writing, the owner or authorized agent of any deficiencies. The owner of the dwelling, apartment house, lodging house, hotel, or mobile home shall provide a notice to such occupant containing instructions for the testing of the device</li> </ul>
Nevada ( <a href="#">§477.140</a> )	<ul style="list-style-type: none"> <li>• The owner or operator of every hotel or motel which contains at least six guest rooms, or apartment building with at least three dwelling units, shall equip each room primarily used for sleeping in a hotel or motel and each dwelling unit in an apartment building with a smoke detector, the placement of which is approved by the authority.</li> </ul>
New Hampshire ( <a href="#">§153:10-a</a> )	<ul style="list-style-type: none"> <li>• Each multi-unit dwelling and rental unit shall be equipped with automatic fire warning devices</li> </ul>
New Jersey ( <a href="#">§5:70-4.9</a> )	<ul style="list-style-type: none"> <li>• In dwelling units or guestrooms, 10-year sealed battery-powered single station smoke alarms shall be installed.</li> <li>• All buildings including multiple dwellings and rooming houses with six or more occupants, shall have approved smoke detection systems located in all interior common areas.</li> <li>• In multiple dwellings six stories or more in height and having 30 or more dwelling units, in such systems.</li> </ul>
New York ( <a href="#">§378</a> )	<ul style="list-style-type: none"> <li>• Every one or two-family dwelling or any dwelling accommodation located in a building</li> </ul>

	<p>owned as a condominium or cooperative in the state used as a residence shall have installed an operable single station smoke detecting alarm device or devices, such device or devices shall be installed in an area so that it is clearly audible in each bedroom or other room used for sleeping purposes, with intervening doors closed, in accordance with rules to be promulgated by the council, such device or devices shall be in compliance with the uniform code, provided, however, that for purposes of this subdivision, battery operated devices shall be permitted.</p> <ul style="list-style-type: none"> <li>Multiple dwelling means a dwelling which is either rented, leased, let or hired out, to be occupied, or is occupied as the temporary or permanent residence or home of three or more families living independently of each other, including but not limited to the following: a tenement, flat house, maisonette apartment, apartment house, apartment hotel, tourist house, bachelor apartment, studio apartment, duplex apartment, kitchenette apartment, hotel, lodging house, rooming house, boarding house, boarding and nursery school, furnished room house, club, sorority house, fraternity house, college and school dormitory, convalescent, old age or nursing homes or residences.</li> </ul>
North Carolina ( <a href="#">§143-138</a> )	<ul style="list-style-type: none"> <li>North Carolina permits the Building Code and Residential Code Council to include the requirement of smoke detector installation in every dwelling unit used as rental property, regardless of the date of the construction of the rental property.</li> </ul>
North Dakota ( <a href="#">§23-13-15</a> )	<ul style="list-style-type: none"> <li>All residential rental property must be equipped with smoke detection systems or other approved alarm systems for the protection of occupants of the property.</li> <li>The landlord of a residential dwelling unit shall provide an approved visual smoke detection system or other visual alarm system for fire if requested in writing by a tenant who is deaf.</li> </ul>
Ohio ( <a href="#">§3781.104</a> )	<ul style="list-style-type: none"> <li>Every existing apartment and condominium building that exceeds seventy-five feet in height, as measured from ground level exclusive of any radio, television, or telephone transmission antennae, or other equipment,</li> </ul>

	<p>chimneys, or equipment associated with the heating or air conditioning system of the building, which did not have an automatic smoke detection system or sprinkler system in conformity with the rules of the board of building standards adopted pursuant to section 3781.10 of the Revised Code, shall have installed and in operation an automatic smoke detection system as follows:</p> <ul style="list-style-type: none"> <li>• Each dwelling unit shall have smoke detector devices approved by the board and installed in the immediate vicinity but outside of all sleeping rooms.</li> </ul>
Oregon ( <a href="#">§479.270</a> )	<ul style="list-style-type: none"> <li>• The owner of any rental dwelling unit or the owner's authorized agent shall be responsible for supplying, installing and maintaining the required smoke alarms or smoke detectors and shall provide a written notice containing instructions for testing of the devices.</li> <li>• The duty of the owner or authorized agent of the owner to maintain the required smoke alarms or smoke detectors, including providing working batteries, arises only: <ol style="list-style-type: none"> <li>1. (a) Prior to the beginning of every new tenancy when the tenant first takes possession of the premises; and</li> <li>2. (b) During the tenancy upon written notice from the tenant of any deficiency, not including replacing dead batteries.</li> </ol> </li> <li>• If a rental dwelling unit is not equipped with the required smoke alarm or smoke detector, or if the smoke alarm or smoke detector is not operating properly and the owner or the owner's authorized agent has not installed a properly operating smoke alarm or smoke detector within 10 days after receiving written notice from the tenant of the deficiency, the tenant may file a complaint with the State Fire Marshal</li> </ul>
South Carolina ( <a href="#">§5-25-1330</a> )	<ul style="list-style-type: none"> <li>• The owner of a dwelling is responsible for supplying and installing the smoke detectors in rental dwellings and housing and shall provide the tenant at the time the tenant takes possession of the dwelling written or verbal instructions, or both, for testing the detectors and replacing batteries in battery-powered detectors.</li> </ul>

Tennessee ( <a href="#">§68-120-112</a> )	<ul style="list-style-type: none"> <li>• It is unlawful to: Own or operate a hotel without installing a smoke alarm in every room of the hotel that is ordinarily used for sleeping purposes; Own or operate an apartment building without installing a smoke alarm in every living unit within the apartment building. When activated, the smoke alarm shall initiate a warning sound that is audible in the sleeping rooms of the living unit.</li> <li>• Any smoke alarm required in an apartment building by this section shall be maintained by the tenant of the living unit where the smoke alarm is located in accordance with the manufacturer's instructions. However, upon termination of a tenancy in a living unit, the owner of the apartment building shall ensure that any required smoke alarm is operational prior to reoccupancy of the living unit.</li> <li>• The owner or manager of a hotel is responsible for performance of maintenance, repairs, and tests as are necessary to ensure that every smoke alarm and carbon monoxide alarm required in the hotel is operational at all times.</li> </ul>
Texas ( <a href="#">§766.002</a> )	<ul style="list-style-type: none"> <li>• Each one-family or two-family dwelling constructed in this state must have working smoke detectors installed in the dwelling in accordance with the smoke detector requirements of the building code in effect in the political subdivision in which the dwelling is located, including performance, location, and power source requirements.</li> <li>• “Dwelling” means one or more rooms rented for use as a permanent residence under a single lease to one or more tenants.</li> </ul>
Virginia ( <a href="#">§15.2-922</a> )	<ul style="list-style-type: none"> <li>• Permits any locality to require that smoke alarms be installed in the following structures or buildings if smoke alarms have not been installed in accordance with the Uniform Statewide Building Code: any building containing one or more dwelling units, any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons, and any rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.</li> </ul>
West Virginia ( <a href="#">§15A-10-12</a> )	<ul style="list-style-type: none"> <li>• An operational smoke detector shall be installed in the immediate vicinity of each</li> </ul>



	<p>sleeping area within all one- and two-family dwellings, including any “manufactured home”</p> <ul style="list-style-type: none"> <li>• The owner of each dwelling shall provide, install, and replace the operational smoke detectors required by this section. To assure that the smoke detector continues to be operational in each dwelling which is not occupied by the owner of the dwelling, the tenant in any dwelling shall perform routine maintenance on the smoke detectors within the dwelling.</li> </ul>
Wisconsin ( <a href="#">§101.145</a> )	<ul style="list-style-type: none"> <li>• The owner of a residential building shall install any smoke detector required under this section according to the directions and specifications of the manufacturer of the smoke detector.</li> </ul> <p>3. (b) The owner of a residential building shall maintain any such smoke detector that is located in a common area of that residential building.</p> <ul style="list-style-type: none"> <li>• The occupant of a unit in a residential building shall maintain any smoke detector in that unit, except that if an occupant who is not an owner, or a state, county, city, village or town officer, agent or employee charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property, gives written notice to the owner that a smoke detector in the unit is not functional the owner shall provide, within 5 days after receipt of that notice, any maintenance necessary to make that smoke detector functional.</li> <li>• Residential building" means any public building which is used for sleeping or lodging purposes and includes any apartment house, rooming house, hotel, children's home, community-based residential facility or dormitory.</li> </ul>