

## **NOTICE TO LANDLORD OF NEW LAWS AND CODE REQUIREMENTS:**

### **Dead Bolt Lock Requirements**

California Civil Code Section 1941.3(a) -- requires owners of rental property or their agents to install and maintain an operable deadbolt lock on each swinging entry door of a dwelling unit. If they don't comply and someone breaks in and either steals something or hurts someone, owners are open to a lawsuit. The deadbolt lock must be installed in conformance with the manufacturer's specifications and must comply with applicable state and local codes, including provisions for fire and safety and accessibility for the disabled.

When in the locked position, the bolt must extend at least thirteen-sixteenths of an inch beyond the strike edge of the door and protrude into the doorjamb. Main entry doors that currently have deadbolts of at least one-half inch in length will satisfy the new law. Also meeting the new law are existing locks with a thumb-turn deadbolt having a strike plate attached to the doorjamb and a latch bolt that is held in a vertical position by either a guard bolt, a plunger or an auxiliary mechanism.

Also acceptable are any existing lock or security device inspected and approved by an appropriate state or local government agency. However, all such deadbolts and/or locking devices must be replaced with the thirteen-sixteenths-inch throw deadbolts as soon as they require repair or replacement.

If an existing door cannot be equipped with the required deadbolt lock, the property owner or agent must install a metal strap horizontally across the midsection of the door. In that case, the doorjamb must also be modified to accommodate the 13/16-inch deadbolt.

Property owners must also install and maintain operable window security or locking devices for all windows that open with certain exceptions. Exempted are horizontal sliding doors (typically glass sliders), louvered or casement windows and all windows more than 12 feet vertically or 6 feet horizontally from the ground, a roof or any platform.

Tenants are now required to notify property owners or their agents of any deficiency in a locking device rather than leave it up to them to discover it. It is imperative that owners promptly respond to any notices of inoperable locks as well as make routine inspections of the common-area gates and doors. Owners or their agents also should thoroughly inspect all door and window locking mechanisms in unit interiors before new tenants move in.

### **Smoke Detector Requirements**

California law requires smoke detectors to be installed in all "dwelling units intended for human habitation." The specific requirements may vary depending on the type of property, the number of units and the number of stories of the property.

In addition, local climatic conditions give municipalities the opportunity to create more stringent requirements. For example, some municipalities accept battery-operated smoke detectors but others require hard-wired smoke detectors. For that reason, it is imperative to check with the local department of building and safety to determine the local requirements.

Summarized below are the California state law requirements and additional regulations promulgated by the State Fire Marshal.

## **Smoke Detector Questions and Answers:**

**Q: *How can the owner of a single family home or factory-built home comply with the smoke detector law?***

**A:** California law requires that every single-family dwelling and factory-built housing have operable smoke detectors that are approved and listed by the State Fire Marshal and installed in accordance with the State Fire Marshal's regulations. (Cal. Health & Safety Code § 13113.8.)

The smoke detectors must be centrally located outside each sleeping area. For example, a two-story home with bedrooms upstairs and downstairs would need two smoke detectors, one in the hallway outside the bedroom(s) upstairs and one in the hallway outside the bedroom(s) downstairs. Furthermore, for any new construction or any additions, alterations, repairs after August 14, 1992 that exceeds \$1,000 in cost and for which a permit is required, a smoke detector must be installed in each bedroom in addition to being centrally located in the corridor or area outside the bedroom.

For new construction only, the smoke detector must be hardwired with a battery backup. For all other homes, the smoke detector may be battery operated. (Cal. Health & Safety Code § 13113.7.) Owners must check with the local department of building and safety in which the home is located to determine any additional local requirements.

**Q: *How can the owner of a Condominium, Stock Cooperative, Time-Share Project, Duplex, or Multi-Unit Apartment Complex comply with the smoke detector law?***

**A:** California law requires that every condominium, stock cooperative, time-share project, duplex or apartment complex have operable smoke detectors that are approved and listed by the State Fire Marshal and installed in accordance with the State Fire Marshal's regulations. (Cal. Health & Safety Code § 13113.7.)

The tenant has a duty to notify the manager or owner if the tenant becomes aware of an inoperable smoke detector within his or her unit. The owner or authorized agent is not in violation for a deficient smoke detector if he or she has not received notice of the deficiency from the tenant. (Cal. Health & Safety Code § 13113.8(e).)

The location requirements and the type of the smoke detectors to be used is exactly the same as for single family homes as discussed in Question 1.

## **Carbon Monoxide Alarm Requirements**

On May 7, 2010 California passed a new law, SB 183, which requires the placement of carbon monoxide alarms in all California residences by **July 1, 2011**. The law requires the alarms to be installed outside in the immediate vicinity of each separate sleeping area (typically in the hallway) and on every level of the dwelling. Most properties will require multiple alarms.

**The information contained herein is believed accurate. It is intended to provide general information and is not intended as a substitute for individual legal advice. Advice in specific situations may differ depending upon a wide variety of factors. Therefore, Owners of rental properties with specific questions should seek the advice of an attorney.**