

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed Emergency After Notice

Rule making related to carbon monoxide alarms

The State Fire Marshal in the Department of Public Safety hereby adopts new Chapter 211, “Carbon Monoxide Alarms,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 100.35 and 2016 Iowa Acts, Senate File 2219.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 100.35 and 2016 Iowa Acts, Senate File 2219.

Purpose and Summary

2016 Iowa Acts, Senate File 2219, which requires the installation of carbon monoxide alarms in certain single-family dwellings and single- and multiple-unit residential buildings and which provides for enforcement and penalties, was enacted by the General Assembly during its regular session in 2016. The legislation requires the State Fire Marshal to promulgate administrative rules to require the installation of carbon monoxide alarms in existing single-family dwellings and existing single-family rental units and multiple-unit residential buildings that have a fuel-fired heater or appliance, a fireplace, or an attached garage and to require the installation of carbon monoxide alarms in single-family dwellings and single-family rental units and multiple-unit residential buildings that have a fuel-fired heater or appliance, a fireplace, or an attached garage and for which construction is authorized or is started on or after July 1, 2018. The legislation also requires the State Fire Marshal to promulgate administrative rules for the enforcement of these requirements, including the placement of carbon monoxide alarms and the use of approved carbon monoxide alarms, and authorizes the State Fire Marshal to implement a program of inspections limited to the placement, repair, and operability of carbon monoxide alarms to monitor compliance and to provide for the notification of the owner or manager of any noncompliance. The legislation authorizes the State Fire Marshal to contract with any political subdivision for the performance of the inspections and notifications without any fee assessed to either the State Fire Marshal or the political subdivision. The legislation will become effective on July 1, 2018.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 3, 2018, as **ARC 3545C**. A public hearing was held on January 23, 2018. There were no written or oral comments submitted by the public. The State Fire Marshal had two meetings with interested stakeholders to receive input and comments before the Notice of Intended Action was submitted. No changes from the Notice have been made.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the State Fire Marshal finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on February 7, 2018, because the rule confers a benefit on the public or some segment thereof. The legislation is effective as of July 1, 2018, and homeowners and landlords will benefit from

the State Fire Marshal's expediting the effective date of the rules so that homeowners and landlords can work toward being in compliance by July 1, 2018.

Adoption of Rule Making

This rule making was adopted by the State Fire Marshal on February 7, 2018.

Fiscal Impact

The fiscal impact is expected to be minimal and less than \$100,000. The State Fire Marshal intends to coordinate and work closely with local building code officials and inspectors to fulfill the requirements of the legislation. There will be a fiscal impact to the property owners for the cost of providing or installing carbon monoxide alarms as required.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. The installation of carbon monoxide alarms will promote the safety of persons living in single- or multifamily dwelling units.

Waivers

Pursuant to the provisions of rule 661—10.222(17A), the State Fire Marshal does not have authority to waive requirements established by statute. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Fire Marshal for a waiver of the discretionary provisions, if any, pursuant to rules 661—200.2(100) and 661—10.222(17A). Pursuant to the provisions of rules 661—200.2(100) and 661—10.222(17A), the State Fire Marshal has the authority to grant waivers from the rules.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making became effective on February 7, 2018.

The following rule-making action is adopted:

Adopt the following **new** 661—Chapter 211:

CHAPTER 211
CARBON MONOXIDE ALARMS

661—211.1(86GA,SF2219) Scope. The provisions of this chapter apply to new and existing single-family residences, single-family rental units, and multiple-unit residential buildings. The provisions of this chapter do not apply to nonresidential occupancies including but not limited to Group I and Group E occupancies.

661—211.2 to 211.9 Reserved.

661—211.10(86GA,SF2219) Definitions. The following definitions apply to this chapter.

“*Building*” means a combination of materials, whether portable or fixed, to form a structure affording facilities or shelter for persons, animals or property. The term “building” includes any part of a building or an addition to a building.

“*Carbon monoxide alarm*” means one or more devices, including but not limited to combination carbon monoxide alarm/smoke alarms, which detect carbon monoxide gas for the purpose of alerting occupants by a distinct audible signal, which incorporate a sensor, control components, and an alarm notification appliance in a single unit operated from a power source either in the unit or obtained at the point of installation, and which meet the standards established by the Underwriters Laboratories (UL). All carbon monoxide alarms shall meet the requirements of the National Fire Protection Association (NFPA) Standard 720, 2013 edition, and be UL listed in accordance with UL 2034.

“*Carbon monoxide detection system*” means a system or portion of a combination system which consists of a control unit, components, and circuits arranged to monitor and annunciate the status of carbon monoxide alarm initiating devices and to initiate the appropriate response to those signals, and which meets the standards established by the Underwriters Laboratories (UL). All carbon monoxide detection systems shall meet the requirements of the National Fire Protection Association (NFPA) Standard 720, 2013 edition, shall display a label or other identification issued by an approved testing agency, and shall be UL listed in accordance with UL 2075.

“*Communicating opening*” means a door, window, or any other opening which allows air to be exchanged between a fuel-burning appliance or garage and a sleeping unit or dwelling unit.

“*Dwelling unit*” means a room or suite of rooms used for human habitation which provide complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“*Existing*” means buildings, facilities or conditions that are already in existence, constructed or officially authorized prior to July 1, 2018.

“*Fuel*” means coal, kerosene, oil, fuel gases, or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a byproduct of combustion.

“*Fuel-burning*” or “*fuel-fired*” means an appliance, heater, furnace, or fireplace which uses and combusts fuel as part of its designed use.

“*Garage*” or “*attached garage*” means a building or portion of a building in which motor vehicles are stored or kept.

“*Listed*” means equipment, materials, products or services included in a list published by an organization acceptable to the state fire marshal or local fire code official and concerned with evaluation of products or services that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose. All carbon monoxide alarms, combination carbon monoxide alarm/smoke alarms, and carbon monoxide detection systems installed under these rules must be listed with the Underwriters Laboratories.

“*Multiple-unit residential building*” means a building that contains more than two dwelling units or sleeping units. “Multiple-unit residential building” includes but is not limited to condominiums; townhouses; co-ops; apartment houses or portions of a building or an apartment house; hotels; motels; dormitories; or rooming houses.

“*Open-ended corridor*” means an interior corridor that is open on each end and connects to an exterior stairway or ramp at each end with no intervening doors or separation from the corridor.

“*Single-family rental unit*” means a building that contains not more than two dwelling units or sleeping units that are rented or leased for living purposes.

“*Single-family residence*” or “*single-family dwelling*” means a building that contains not more than two dwelling units that are used, or intended or designed to be used, for living purposes.

“*Sleeping unit*” means a room or space in a building in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

661—211.11(86GA,SF2219) Carbon monoxide alarms—required. Carbon monoxide alarms are required in the following buildings if the building is served by a fuel-burning heater, fuel-burning furnace, fuel-burning appliance, fuel-burning fireplace, or has an attached garage.

211.11(1) *New construction.* Multiple-unit residential buildings and single-family residences for which construction is begun on or after July 1, 2018.

211.11(2) *Existing buildings.* Single-family rental units, single-family residences, and multiple-unit residential buildings.

661—211.12(86GA,SF2219) Installation and placement of carbon monoxide alarms.

211.12(1) *Location.* When required by rule 661—211.11(86GA,SF2219), a carbon monoxide alarm shall be installed in the following locations:

- a. In the immediate vicinity of every room used for sleeping purposes in each dwelling unit.
- b. In each bedroom where a fuel-burning heater or furnace, fuel-burning appliance, or fireplace is located within the bedroom or its attached bathroom.
- c. In each sleeping unit, if the sleeping unit or its attached bathroom contains a fuel-burning appliance, fuel-burning heater or furnace, or fireplace.
- d. In the immediate vicinity of each sleeping unit where the sleeping unit or its attached bathroom does not contain a fuel-burning appliance, fuel-burning heater, or fireplace and is not served by a forced-air furnace.

211.12(2) *Carbon monoxide alarm location—exceptions.* A carbon monoxide alarm shall not be required in the locations specified by subrule 211.12(1) when:

- a. There are no communicating openings between the fuel-burning heater or furnace, fuel-burning appliance, fireplace, or attached garage and a dwelling unit or sleeping unit.
- b. There are no communicating openings between the fuel-burning heater or furnace, fuel-burning appliance or fireplace and a dwelling unit or sleeping unit and when a dwelling unit or sleeping unit is located more than one story above or below an attached garage.
- c. There are no communicating openings between the fuel-burning heater or furnace, fuel-burning appliance, or fireplace and a sleeping unit or dwelling unit and the attached garage connects to the building through an open-ended corridor.
- d. A carbon monoxide alarm is located on the ceiling of the room containing the fuel-burning heater, fuel-burning appliance or fireplace, or in the first room or area between the fuel-burning heater, fuel-burning appliance or fireplace and the dwelling unit or sleeping unit.

211.12(3) *Forced-air furnace—exception.* A carbon monoxide alarm shall not be required in a dwelling unit or sleeping unit which is served by a fuel-burning forced-air furnace when a carbon monoxide alarm is located on the ceiling of the room containing the forced-air furnace or in the first room or area served by each main duct leaving the forced-air furnace and the carbon monoxide alarm signals are automatically transmitted to the occupants of each dwelling unit or sleeping unit served by the forced-air furnace.

661—211.13(86GA,SF2219) Carbon monoxide alarms—alternative systems.

211.13(1) *Carbon monoxide detection systems.* Commercially installed carbon monoxide detection systems which have the capability of notifying all occupants of dwelling units or sleeping units within a building shall be an acceptable alternative to the installation of carbon monoxide alarms and shall be deemed compliant with this chapter.

211.13(2) *Combination alarms.* The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of 661—Chapter 210 regarding smoke detectors and this chapter regarding carbon monoxide alarms or other reference standards and applicable codes. A combined carbon monoxide alarm/smoke alarm shall emit different alarm signals for carbon monoxide and for smoke. Combination carbon monoxide alarm/smoke alarms shall be an acceptable alternative to carbon monoxide alarms.

661—211.14(86GA,SF2219) Carbon monoxide alarms—power source.

211.14(1) *New construction—power source.* In buildings for which construction is begun on or after July 1, 2018, carbon monoxide alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than that required for overcurrent protection and shall be equipped with a battery backup.

211.14(2) *Wiring installation.* Any installation of wiring and equipment shall comply with 661—Chapter 504, Standards for Electrical Work, and requirements established by the manufacturer of the equipment serviced by the wiring.

211.14(3) *Existing buildings—power source.* New and replacement carbon monoxide alarms installed in existing buildings may be solely battery operated or may plug into an electrical socket and have a battery backup.

661—211.15 to 211.19 Reserved.

661—211.20(86GA,SF2219) Responsibility for installation and maintenance of carbon monoxide alarms.

211.20(1) *Owner, owner’s agent, or manager.* It is the responsibility of the owner, owner’s agent, or manager of a multiple-unit residential building, single-family residence, or single-family rental unit to install carbon monoxide alarms as required by this chapter. However, if a dwelling unit in a multiple-unit residential building qualifies for a homestead credit pursuant to Iowa Code chapter 425, then only the owner-occupant of the dwelling unit shall have the responsibility to install and maintain carbon monoxide alarms as required by this chapter.

211.20(2) *Maintenance of carbon monoxide alarms.*

a. It is the responsibility of the owner of a multiple-unit residential building, single-family rental unit, or dwelling unit to supply and install all required carbon monoxide alarms and to ensure that the batteries are in operating condition at the time the lessee, tenant, guest or roomer takes possession of the dwelling unit or sleeping unit. The owner is responsible for providing written information regarding carbon monoxide alarm testing and maintenance to one lessee, tenant, guest or roomer per dwelling unit or sleeping unit.

b. An owner or manager may require a lessee, tenant, guest, or roomer who has a residency longer than 30 days to be responsible for general maintenance, including but not limited to replacement of any required batteries of the carbon monoxide alarms in the lessee’s, tenant’s, guest’s, or roomer’s dwelling unit or sleeping unit, and for testing the carbon monoxide alarms within the lessee’s, tenant’s, guest’s, or roomer’s dwelling unit or sleeping unit. The lessee, tenant, guest or roomer is responsible for notifying the owner or manager in writing of any deficiencies that the lessee, tenant, guest or roomer cannot correct. The lessee, tenant, guest or roomer shall provide the owner or manager with access to the dwelling unit or sleeping unit to correct any deficiencies in the carbon monoxide alarm that have been reported in writing to the owner or manager.

211.20(3) *Hearing-impaired tenant.* An owner of a multiple-unit residential building or a single-family rental unit in which a carbon monoxide alarm is required, or the owner’s agent, shall, upon request of a tenant who has a hearing impairment, install light-emitting carbon monoxide alarms.

661—211.21(86GA,SF2219) Certification of installation required. A person who files for a homestead credit pursuant to Iowa Code chapter 425 shall certify that the dwelling unit that has a fuel-fired heater or furnace, a fuel-fired appliance, a fireplace, or an attached garage has carbon monoxide alarms installed in compliance with this chapter or that such alarms will be installed within 30 days of the date the filing for the credit is made.

661—211.22(86GA,SF2219) Inspections, notifications and remedies.

211.22(1) *Inspections authorized.* Inspections may be conducted by the state fire marshal or by the fire marshal’s subordinates, chiefs of local fire departments, state or local building inspectors, or other fire, building, or safety officials authorized by the state fire marshal. Any inspections authorized under

this rule are limited to the placement, repair, and operability of carbon monoxide alarms and carbon monoxide detection systems.

211.22(2) *Inoperable carbon monoxide alarms.* If a carbon monoxide alarm is found to be inoperable, the owner or manager of the multiple-unit residential building or single-family rental unit shall promptly provide for repair or replacement of the carbon monoxide alarm.

211.22(3) *Corrective action.* Upon receiving written notification by a tenant, guest, or roomer or by the state fire marshal, fire marshal's subordinates, a chief of a local fire department, a building inspector, or other fire, building or safety official that a carbon monoxide alarm is inoperable, the owner or manager of the multiple-unit residential building or single-family rental unit shall repair or replace the carbon monoxide alarm within 30 days.

211.22(4) *Remedies by tenant, guest, or roomer.* If the owner or manager of a multiple-unit residential building or single-family rental unit fails to correct the situation within the 30 days after receipt of written notice, the tenant, guest, or roomer may cause the carbon monoxide alarm to be repaired or may purchase and install a carbon monoxide alarm required under this chapter and may deduct the repair cost or purchase price from the next rental payment or payments made by the tenant, guest, or roomer.

These rules are intended to implement 2016 Iowa Acts, Senate File 2219.

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