

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 860 Session of 2021

INTRODUCED BY POLINCHOCK, FARRY, BROOKS, CIRESI, NEILSON, O'MARA, SANCHEZ, SIMS, THOMAS, ZIMMERMAN, C. WILLIAMS AND WEBSTER, MARCH 11, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, NOVEMBER 16, 2021

AN ACT

1 Regulating certain smoke alarms; providing for dwelling unit
2 owner and tenant responsibilities; and prescribing penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Smoke Alarm
7 Responsibility Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Dwelling." A building that contains one or more dwelling
13 units that are or will be rented, leased, let or hired out for
14 living purposes. THE TERM DOES NOT INCLUDE A CARE FACILITY, AS <--
15 DEFINED IN SECTION 2 OF THE ACT OF JUNE 23, 2016 (P.L.357,
16 NO.48), KNOWN AS THE CARE FACILITY CARBON MONOXIDE ALARMS
17 STANDARDS ACT.

1 " Dwelling unit." A single unit in a dwelling providing
2 complete independent living facilities for at least one
3 individual, including permanent provisions for living, sleeping,
4 eating, cooking and sanitation.

5 "Smoke alarm." A smoke alarm that:

6 (1) Meets any of the following:

7 (i) is powered by a nonremovable, nonreplaceable
8 battery capable of powering the smoke alarm device for at
9 least 10 years;

10 (ii) is powered by an electrical system;

11 (iii) is part of a fire alarm system that operates
12 other smoke alarm devices; or

13 (iv) uses a low-power radio frequency wireless
14 communication signal.

15 (2) Is listed in accordance with UL 217 or in accordance
16 with UL 217 and UL 2034 for combination smoke and carbon
17 monoxide alarms.

18 Section 3. Dwelling units.

19 (a) Owner responsibilities.--Except as provided in section
20 7, the owner of a dwelling unit existing on the effective date
21 of this subsection shall:

22 (1) Equip, within 24 months of the effective date of
23 this section, the dwelling unit with a smoke alarm that is
24 installed in accordance with ~~required updates or changes~~ <--
25 ~~under section 108 of the act of November 10, 1999 (P.L.491,~~
26 ~~No.45), known as the Pennsylvania Construction Code Act. THE~~ <--
27 UNIFORM CONSTRUCTION CODE ADOPTED AT 34 PA. CODE § 403.21
28 (RELATING TO UNIFORM CONSTRUCTION CODE) UNDER THE AUTHORITY
29 GRANTED IN THE ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45),
30 KNOWN AS THE PENNSYLVANIA CONSTRUCTION CODE ACT.

1 (2) Replace, in accordance with this act, any smoke
2 alarm that has been stolen, removed, found missing or
3 rendered inoperable during a prior occupancy of the dwelling
4 unit and which has not been replaced by the prior tenant
5 before the commencement of a new occupancy of the dwelling
6 unit.

7 (3) Ensure that the smoke alarm is in operating
8 condition at the time the new tenant takes residence in the
9 dwelling unit.

10 (4) Notwithstanding any other provision of this act,
11 upon notification by the tenant in writing of any deficiency
12 relating to the smoke alarm under section 4(4), address the
13 deficiency and ensure the dwelling unit is equipped with a
14 smoke alarm in compliance with this act within 96 hours of
15 notification by the tenant.

16 (b) New construction, alterations, repairs or additions not
17 required.--The equipping and installation of smoke alarms shall
18 not require new construction, alterations, repairs or additions.

19 (c) Maintenance, repair or replacement.--Except as provided
20 under subsection (a) (4), the owner of a dwelling unit used for
21 rental purposes shall not be responsible for the maintenance
22 repair or replacement of a smoke alarm while the dwelling unit
23 is occupied. Responsibility for maintenance and repair of the
24 smoke alarm shall revert to the owner of the dwelling unit upon
25 the vacancy of the dwelling unit.

26 Section 4. Tenant responsibilities.

27 The tenant of a dwelling unit:

28 (1) Shall maintain the smoke alarm in the dwelling unit
29 in good repair.

30 (2) Shall ensure that the smoke alarm in the dwelling

1 unit is tested annually.

2 (3) May not remove or render the smoke alarm in the
3 dwelling unit inoperable.

4 (4) Shall notify the owner of the dwelling unit or its
5 authorized agent in writing of any deficiencies relating to
6 the smoke alarm.

7 Section 5. Modification.

8 Nothing in this act is intended to modify the authority and
9 responsibilities of the Department of Labor and Industry under
10 the act of November 10, 1999 (P.L.491, No.45), known as the
11 Pennsylvania Construction Code Act.

12 Section 6. Enforcement.

13 An individual who violates this act commits a summary offense
14 punishable by a fine of up to \$50.

15 Section 7. Exception.

16 Nothing in this act shall be construed as requiring an owner
17 of a dwelling unit to replace a working smoke alarm that is not
18 more than 10 years old.

19 Section 8. Effective date.

20 This act shall take effect in 120 days.