



Notice Concerning Smoke & Carbon Monoxide Alarms

Smoke Alarms and Carbon Monoxide Alarms are Seller Representations in OREF Real Estate Sale Agreements. All ionization smoke alarms in real property sold after January 1, 2002 must be in compliance with Oregon's smoke alarm law (ORS 479.255).

Ionization smoke alarms must meet the following criteria; photoelectric alarms are exempt:

1. If solely battery-powered, an ionization smoke alarm must have a 10-year battery.
2. The smoke alarm must have a hush feature. This includes hardwired alarms.
3. The dwelling must have the proper number of approved alarms located as by the State Fire Marshal. At a minimum, property alarms must be adjacent to sleeping areas and on each level of the home.
4. Smoke alarms need to be installed in accordance with the Oregon Building Code Oregon Administrative Rules.
5. Non-compliant hardwired alarms must be replaced with a compliant hardwired alarm, not a battery-operated alarm. All non-compliant alarms must be removed.

Carbon Monoxide Alarm Information

APRIL 1, 2011 – All rental dwelling units that have a carbon monoxide source or are located within a structure having a carbon monoxide source are required to have a carbon monoxide alarm. **New tenant contracts dated after July 1, 2010 are to have carbon monoxide detector(s) installed in dwelling.**

APRIL 1, 2011 – When conveying fee title or transferring possession under a land sale contract of a one and two family dwelling or multifamily housing that contains a carbon monoxide source, the dwelling or housing must have one or more properly-functioning carbon monoxide alarms installed in locations that provide carbon monoxide detection for all sleeping areas.

APRIL 1, 2011 – Carbon monoxide alarms are required in new construction or a structure that undergoes reconstruction, alteration or repair, for which a building permit is required.

Where do I install carbon monoxide alarms? – Per ORS 105.838, one on each level of your home with sleeping areas, in each bedroom, or within 15 feet of each sleeping area.

Please use this notice as a prompt to learn about these issues. For answers to frequently-asked questions regarding smoke alarms and smoke alarm rules and statutes, please visit the Oregon State Fire Marshal website: <https://www.oregon.gov/osp/SFM/Pages/CommedCOProg.aspx> For more information on Oregon's carbon monoxide law and rules, visit: <https://www.oregon.gov/osp/SFM/Pages/CommedCOProg.aspx>

I have read this notice and understand that neither my broker, nor (w)here, Inc., are responsible for compliance or acting on my behalf to comply with the applicable state laws.

Property Address: _____ Date _____
Client: _____ Date _____

Oregon law regarding smoke alarms - [ORS 479.250 to 479.300](#)

(This is a summary and not a substitute for reading the entire statute.)

Technical requirements for alarms

ORS 479.297

All ionization smoke alarms sold in Oregon

- 1) must have a hush feature enabling a person to silence the alarm for a period of not more than fifteen minutes; and,
- 2) if they are solely battery-powered, must be packaged and sold with a ten-year battery.

Smoke alarms exempt from hush feature and ten-year battery requirements

- 1) Photoelectric alarms (both single and hard-wired)
- 2) Multipurpose alarms such as combination smoke and fire/carbon monoxide alarms
- 3) Fire alarm systems tied to police, fire, private alarm company
- 4) Smoke alarms specifically designed for hearing impaired persons
- 5) A hard-wired ionization smoke alarm must have a hush feature but is not required to have a ten-year battery.

Note:

- Hard-wired systems cannot be replaced with solely battery-operated smoke alarms.
- Combination fire/burglar alarm systems meet the Oregon hush feature requirement if they can be silenced at a control panel.

Installation and location

OAR 837-045-0050

Minimum location requirements*

- 1) outside each sleeping area
- 2) in each sleeping room if required by state building code at the time of construction
- 3) on each level if dwelling is a multilevel home

Other considerations:

- **Recommended locations:** To ensure maximum protection, the Office of State Fire Marshal recommends installing smoke alarms in bedrooms.
- **Non-recommended locations:** Do not install alarms in kitchens, bathrooms, garages or unheated areas. Moisture, frost, cooking vapors and exhaust fumes could cause the unit to sound a false alarm.
- **Installation requirements:** Install on the ceiling at least four inches from the nearest wall, or on a wall, four to twelve inches from the ceiling.

*NOTE: Dwellings within Portland city limits fall under Portland's Ordinance #176381 which differs slightly from the rest of the state. Check with the city of Portland for details.

Maintenance

- 1) Monthly - test alarm and vacuum to remove dust and cobwebs.
- 2) Replace alarms ten years old or older because the sensor wears out. Look for the date stamp on the back of the alarm.

Sale/transfer of dwelling unit

ORS 479.260

Sale/transfer of a dwelling unit, lodging house:

Dwellings may not be sold/transferred without the required smoke alarms installed in accordance with the state building code in force at the time of construction and rules of the State Fire Marshal (see OAR 837-045-0050 at left for installation and location requirements). Smoke alarms in manufactured dwellings follow state building code or federal manufactured dwelling construction and safety standards under ORS 446.155.

Landlord/tenant requirements

ORS 479.270

Landlord responsibility for smoke alarms in rental dwelling units: The owner (or authorized agent) of a rental dwelling unit must supply, install and maintain smoke alarms or detectors approved for sale in Oregon and must provide tenants with written instructions for testing them ...

- 1) prior to the beginning of every new tenancy when the tenant first takes possession of the premises; and
- 2) upon written notice from the tenant of any deficiency. This does not include replacing dead batteries which is the tenant's responsibility (ORS 479.275).

ORS 479.285

Other landlord responsibility: When the smoke alarm is located in the common area of a lodging house, the owner (or authorized agent) must maintain it and test it every six months or less.

ORS 479.275

Tenant responsibility for smoke alarms in rental dwelling units: The tenant is responsible for testing the smoke alarm at intervals of six months or less, replacing dead batteries as needed*, and notifying, in writing, the owner (or authorized agent) of any deficiencies.

*Ionization alarms with ten-year batteries do not require annual battery replacement.

(over for handy wallet card)

A quick overview of ionization and photoelectric alarm requirements

Type	Hush	10-Year (lithium) Battery	Battery Back-up
Photo Electric (single)	Not Required	Not Required	Not Required
Photo Electric (hardwired)	Not Required	Not Required	Required
Ionization (single)	Required	Required	Not Required
Ionization (hardwired)	Required	Not Required	Required

Thanks to Tualatin Valley Fire and Rescue for this useful graphic.



This information has been provided by the Office of State Fire Marshal. For further clarification about smoke alarm requirements and technology, contact your local fire department.